

By Senator Bennett

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1 A bill to be entitled
2 An act relating to growth management; reenacting s. 1,
3 chapter 2009-96, Laws of Florida, relating to a short
4 title; reenacting s. 163.3164(29) and (34), F.S.,
5 relating to the definition of "urban service area" and
6 "dense urban land area" for purposes of the Local
7 Government Comprehensive Planning and Land Development
8 Regulation Act; reenacting s. 163.3177(3)(b) and (f),
9 (6)(h), and (12)(a) and (j), F.S., relating to certain
10 required and optional elements of a comprehensive
11 plan; reenacting s. 163.3180(5), (10), and (13)(b) and
12 (e), F.S., relating to concurrency requirements for
13 transportation facilities; reenacting s.
14 163.31801(3)(d), F.S., relating to a required notice
15 for a new or increased impact fee; reenacting s.
16 163.3184(1)(b) and (3)(e), F.S., relating to the
17 process for adopting a comprehensive plan or plan
18 amendment; reenacting s. 163.3187(1)(b), (f), and (q),
19 F.S., relating to amendments to a comprehensive plan;
20 reenacting s. 163.32465(2), F.S., relating to a pilot
21 program to provide an alternative to the state review
22 process for local comprehensive plans; reenacting s.
23 171.091, F.S., relating to the recording of any change
24 in municipal boundaries; reenacting s. 186.509, F.S.,
25 relating to a dispute resolution process for
26 reconciling differences concerning planning and growth
27 management issues; reenacting s. 380.06(7)(a), (24),
28 (28), and (29), F.S., relating to certain exemptions
29 from review provided for proposed developments of

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30 regional impact; reenacting ss. 13, 14, and 34 of
31 chapter 2009-96, Laws of Florida, relating to a study
32 and report concerning a mobility fee, the extension
33 and renewal of certain permits issued by the
34 Department of Environmental Protection or a water
35 management district, and a statement of important
36 state interest; providing a legislative finding of
37 important state interest; providing for retroactive
38 operation of the act with respect to provisions of law
39 amended or created by chapter 2009-96, Laws of
40 Florida; providing for an exception under specified
41 circumstances; providing an effective date.

42
43 WHEREAS, the Florida Legislature enacted Senate Bill 360 in
44 2009 for important public policy purposes, and

45 WHEREAS, litigation has called into question the
46 constitutional validity of this important piece of legislation,
47 and

48 WHEREAS, the Legislature wishes to protect those who relied
49 on the changes made by Senate Bill 360 and to preserve the
50 Florida Statutes intact and cure any alleged constitutional
51 violation, NOW, THEREFORE,

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Section 1 of chapter 2009-96, Laws of Florida,
56 is reenacted to read:

57 Section 1. This act may be cited as the "Community Renewal
58 Act."

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59 Section 2. Subsections (29) and (34) of section 163.3164,
60 Florida Statutes, are reenacted to read:

61 163.3164 Local Government Comprehensive Planning and Land
62 Development Regulation Act; definitions.—As used in this act:

63 (29) "Urban service area" means built-up areas where public
64 facilities and services, including, but not limited to, central
65 water and sewer capacity and roads, are already in place or are
66 committed in the first 3 years of the capital improvement
67 schedule. In addition, for counties that qualify as dense urban
68 land areas under subsection (34), the nonrural area of a county
69 which has adopted into the county charter a rural area
70 designation or areas identified in the comprehensive plan as
71 urban service areas or urban growth boundaries on or before July
72 1, 2009, are also urban service areas under this definition.

73 (34) "Dense urban land area" means:

74 (a) A municipality that has an average of at least 1,000
75 people per square mile of land area and a minimum total
76 population of at least 5,000;

77 (b) A county, including the municipalities located therein,
78 which has an average of at least 1,000 people per square mile of
79 land area; or

80 (c) A county, including the municipalities located therein,
81 which has a population of at least 1 million.

82

83 The Office of Economic and Demographic Research within the
84 Legislature shall annually calculate the population and density
85 criteria needed to determine which jurisdictions qualify as
86 dense urban land areas by using the most recent land area data
87 from the decennial census conducted by the Bureau of the Census

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88 of the United States Department of Commerce and the latest
89 available population estimates determined pursuant to s.
90 186.901. If any local government has had an annexation,
91 contraction, or new incorporation, the Office of Economic and
92 Demographic Research shall determine the population density
93 using the new jurisdictional boundaries as recorded in
94 accordance with s. 171.091. The Office of Economic and
95 Demographic Research shall submit to the state land planning
96 agency a list of jurisdictions that meet the total population
97 and density criteria necessary for designation as a dense urban
98 land area by July 1, 2009, and every year thereafter. The state
99 land planning agency shall publish the list of jurisdictions on
100 its Internet website within 7 days after the list is received.
101 The designation of jurisdictions that qualify or do not qualify
102 as a dense urban land area is effective upon publication on the
103 state land planning agency's Internet website.

104 Section 3. Paragraphs (b) and (f) of subsection (3),
105 paragraph (h) of subsection (6), and paragraphs (a) and (j) of
106 subsection (12) of section 163.3177, Florida Statutes, are
107 reenacted to read:

108 163.3177 Required and optional elements of comprehensive
109 plan; studies and surveys.—

110 (3)(b)1. The capital improvements element must be reviewed
111 on an annual basis and modified as necessary in accordance with
112 s. 163.3187 or s. 163.3189 in order to maintain a financially
113 feasible 5-year schedule of capital improvements. Corrections
114 and modifications concerning costs; revenue sources; or
115 acceptance of facilities pursuant to dedications which are
116 consistent with the plan may be accomplished by ordinance and

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117 shall not be deemed to be amendments to the local comprehensive
118 plan. A copy of the ordinance shall be transmitted to the state
119 land planning agency. An amendment to the comprehensive plan is
120 required to update the schedule on an annual basis or to
121 eliminate, defer, or delay the construction for any facility
122 listed in the 5-year schedule. All public facilities must be
123 consistent with the capital improvements element. The annual
124 update to the capital improvements element of the comprehensive
125 plan need not comply with the financial feasibility requirement
126 until December 1, 2011. Thereafter, a local government may not
127 amend its future land use map, except for plan amendments to
128 meet new requirements under this part and emergency amendments
129 pursuant to s. 163.3187(1)(a), after December 1, 2011, and every
130 year thereafter, unless and until the local government has
131 adopted the annual update and it has been transmitted to the
132 state land planning agency.

133 2. Capital improvements element amendments adopted after
134 the effective date of this act shall require only a single
135 public hearing before the governing board which shall be an
136 adoption hearing as described in s. 163.3184(7). Such amendments
137 are not subject to the requirements of s. 163.3184(3)-(6).

138 (f) A local government's comprehensive plan and plan
139 amendments for land uses within all transportation concurrency
140 exception areas that are designated and maintained in accordance
141 with s. 163.3180(5) shall be deemed to meet the requirement to
142 achieve and maintain level-of-service standards for
143 transportation.

144 (6) In addition to the requirements of subsections (1)-(5)
145 and (12), the comprehensive plan shall include the following

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146 elements:

147 (h)1. An intergovernmental coordination element showing
148 relationships and stating principles and guidelines to be used
149 in coordinating the adopted comprehensive plan with the plans of
150 school boards, regional water supply authorities, and other
151 units of local government providing services but not having
152 regulatory authority over the use of land, with the
153 comprehensive plans of adjacent municipalities, the county,
154 adjacent counties, or the region, with the state comprehensive
155 plan and with the applicable regional water supply plan approved
156 pursuant to s. 373.709, as the case may require and as such
157 adopted plans or plans in preparation may exist. This element of
158 the local comprehensive plan must demonstrate consideration of
159 the particular effects of the local plan, when adopted, upon the
160 development of adjacent municipalities, the county, adjacent
161 counties, or the region, or upon the state comprehensive plan,
162 as the case may require.

163 a. The intergovernmental coordination element must provide
164 procedures for identifying and implementing joint planning
165 areas, especially for the purpose of annexation, municipal
166 incorporation, and joint infrastructure service areas.

167 b. The intergovernmental coordination element must provide
168 for recognition of campus master plans prepared pursuant to s.
169 1013.30 and airport master plans under paragraph (k).

170 c. The intergovernmental coordination element shall provide
171 for a dispute resolution process, as established pursuant to s.
172 186.509, for bringing intergovernmental disputes to closure in a
173 timely manner.

174 d. The intergovernmental coordination element shall provide

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175 for interlocal agreements as established pursuant to s.
176 333.03(1)(b).

177 2. The intergovernmental coordination element shall also
178 state principles and guidelines to be used in coordinating the
179 adopted comprehensive plan with the plans of school boards and
180 other units of local government providing facilities and
181 services but not having regulatory authority over the use of
182 land. In addition, the intergovernmental coordination element
183 must describe joint processes for collaborative planning and
184 decisionmaking on population projections and public school
185 siting, the location and extension of public facilities subject
186 to concurrency, and siting facilities with countywide
187 significance, including locally unwanted land uses whose nature
188 and identity are established in an agreement. Within 1 year
189 after adopting their intergovernmental coordination elements,
190 each county, all the municipalities within that county, the
191 district school board, and any unit of local government service
192 providers in that county shall establish by interlocal or other
193 formal agreement executed by all affected entities, the joint
194 processes described in this subparagraph consistent with their
195 adopted intergovernmental coordination elements.

196 3. To foster coordination between special districts and
197 local general-purpose governments as local general-purpose
198 governments implement local comprehensive plans, each
199 independent special district must submit a public facilities
200 report to the appropriate local government as required by s.
201 189.415.

202 4. Local governments shall execute an interlocal agreement
203 with the district school board, the county, and nonexempt

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204 municipalities pursuant to s. 163.31777. The local government
205 shall amend the intergovernmental coordination element to ensure
206 that coordination between the local government and school board
207 is pursuant to the agreement and shall state the obligations of
208 the local government under the agreement. Plan amendments that
209 comply with this subparagraph are exempt from the provisions of
210 s. 163.3187(1).

211 5. By January 1, 2004, any county having a population
212 greater than 100,000, and the municipalities and special
213 districts within that county, shall submit a report to the
214 Department of Community Affairs which identifies:

215 a. All existing or proposed interlocal service delivery
216 agreements relating to education; sanitary sewer; public safety;
217 solid waste; drainage; potable water; parks and recreation; and
218 transportation facilities.

219 b. Any deficits or duplication in the provision of services
220 within its jurisdiction, whether capital or operational. Upon
221 request, the Department of Community Affairs shall provide
222 technical assistance to the local governments in identifying
223 deficits or duplication.

224 6. Within 6 months after submission of the report, the
225 Department of Community Affairs shall, through the appropriate
226 regional planning council, coordinate a meeting of all local
227 governments within the regional planning area to discuss the
228 reports and potential strategies to remedy any identified
229 deficiencies or duplications.

230 7. Each local government shall update its intergovernmental
231 coordination element based upon the findings in the report
232 submitted pursuant to subparagraph 5. The report may be used as

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233 supporting data and analysis for the intergovernmental
234 coordination element.

235 (12) A public school facilities element adopted to
236 implement a school concurrency program shall meet the
237 requirements of this subsection. Each county and each
238 municipality within the county, unless exempt or subject to a
239 waiver, must adopt a public school facilities element that is
240 consistent with those adopted by the other local governments
241 within the county and enter the interlocal agreement pursuant to
242 s. 163.31777.

243 (a) The state land planning agency may provide a waiver to
244 a county and to the municipalities within the county if the
245 capacity rate for all schools within the school district is no
246 greater than 100 percent and the projected 5-year capital outlay
247 full-time equivalent student growth rate is less than 10
248 percent. The state land planning agency may allow for a
249 projected 5-year capital outlay full-time equivalent student
250 growth rate to exceed 10 percent when the projected 10-year
251 capital outlay full-time equivalent student enrollment is less
252 than 2,000 students and the capacity rate for all schools within
253 the school district in the tenth year will not exceed the 100-
254 percent limitation. The state land planning agency may allow for
255 a single school to exceed the 100-percent limitation if it can
256 be demonstrated that the capacity rate for that single school is
257 not greater than 105 percent. In making this determination, the
258 state land planning agency shall consider the following
259 criteria:

260 1. Whether the exceedance is due to temporary
261 circumstances;

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262 2. Whether the projected 5-year capital outlay full time
263 equivalent student growth rate for the school district is
264 approaching the 10-percent threshold;

265 3. Whether one or more additional schools within the school
266 district are at or approaching the 100-percent threshold; and

267 4. The adequacy of the data and analysis submitted to
268 support the waiver request.

269 (j) The state land planning agency may issue a notice to
270 the school board and the local government to show cause why
271 sanctions should not be enforced for failure to enter into an
272 approved interlocal agreement as required by s. 163.31777 or for
273 failure to implement provisions relating to public school
274 concurrency. If the state land planning agency finds that
275 insufficient cause exists for the school board's or local
276 government's failure to enter into an approved interlocal
277 agreement as required by s. 163.31777 or for the school board's
278 or local government's failure to implement the provisions
279 relating to public school concurrency, the state land planning
280 agency shall submit its finding to the Administration Commission
281 which may impose on the local government any of the sanctions
282 set forth in s. 163.3184(11) (a) and (b) and may impose on the
283 district school board any of the sanctions set forth in s.
284 1008.32(4).

285 Section 4. Subsections (5) and (10) and paragraphs (b) and
286 (e) of subsection (13) of section 163.3180, Florida Statutes,
287 are reenacted to read:

288 163.3180 Concurrency.—

289 (5) (a) The Legislature finds that under limited
290 circumstances, countervailing planning and public policy goals

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291 may come into conflict with the requirement that adequate public
292 transportation facilities and services be available concurrent
293 with the impacts of such development. The Legislature further
294 finds that the unintended result of the concurrency requirement
295 for transportation facilities is often the discouragement of
296 urban infill development and redevelopment. Such unintended
297 results directly conflict with the goals and policies of the
298 state comprehensive plan and the intent of this part. The
299 Legislature also finds that in urban centers transportation
300 cannot be effectively managed and mobility cannot be improved
301 solely through the expansion of roadway capacity, that the
302 expansion of roadway capacity is not always physically or
303 financially possible, and that a range of transportation
304 alternatives is essential to satisfy mobility needs, reduce
305 congestion, and achieve healthy, vibrant centers.

306 (b)1. The following are transportation concurrency
307 exception areas:

308 a. A municipality that qualifies as a dense urban land area
309 under s. 163.3164;

310 b. An urban service area under s. 163.3164 that has been
311 adopted into the local comprehensive plan and is located within
312 a county that qualifies as a dense urban land area under s.
313 163.3164; and

314 c. A county, including the municipalities located therein,
315 which has a population of at least 900,000 and qualifies as a
316 dense urban land area under s. 163.3164, but does not have an
317 urban service area designated in the local comprehensive plan.

318 2. A municipality that does not qualify as a dense urban
319 land area pursuant to s. 163.3164 may designate in its local

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320 comprehensive plan the following areas as transportation
321 concurrency exception areas:

- 322 a. Urban infill as defined in s. 163.3164;
- 323 b. Community redevelopment areas as defined in s. 163.340;
- 324 c. Downtown revitalization areas as defined in s. 163.3164;
- 325 d. Urban infill and redevelopment under s. 163.2517; or
- 326 e. Urban service areas as defined in s. 163.3164 or areas
327 within a designated urban service boundary under s.
328 163.3177(14).

329 3. A county that does not qualify as a dense urban land
330 area pursuant to s. 163.3164 may designate in its local
331 comprehensive plan the following areas as transportation
332 concurrency exception areas:

- 333 a. Urban infill as defined in s. 163.3164;
- 334 b. Urban infill and redevelopment under s. 163.2517; or
- 335 c. Urban service areas as defined in s. 163.3164.

336 4. A local government that has a transportation concurrency
337 exception area designated pursuant to subparagraph 1.,
338 subparagraph 2., or subparagraph 3. shall, within 2 years after
339 the designated area becomes exempt, adopt into its local
340 comprehensive plan land use and transportation strategies to
341 support and fund mobility within the exception area, including
342 alternative modes of transportation. Local governments are
343 encouraged to adopt complementary land use and transportation
344 strategies that reflect the region's shared vision for its
345 future. If the state land planning agency finds insufficient
346 cause for the failure to adopt into its comprehensive plan land
347 use and transportation strategies to support and fund mobility
348 within the designated exception area after 2 years, it shall

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349 submit the finding to the Administration Commission, which may
350 impose any of the sanctions set forth in s. 163.3184(11)(a) and
351 (b) against the local government.

352 5. Transportation concurrency exception areas designated
353 pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.
354 do not apply to designated transportation concurrency districts
355 located within a county that has a population of at least 1.5
356 million, has implemented and uses a transportation-related
357 concurrency assessment to support alternative modes of
358 transportation, including, but not limited to, mass transit, and
359 does not levy transportation impact fees within the concurrency
360 district.

361 6. Transportation concurrency exception areas designated
362 under subparagraph 1., subparagraph 2., or subparagraph 3. do
363 not apply in any county that has exempted more than 40 percent
364 of the area inside the urban service area from transportation
365 concurrency for the purpose of urban infill.

366 7. A local government that does not have a transportation
367 concurrency exception area designated pursuant to subparagraph
368 1., subparagraph 2., or subparagraph 3. may grant an exception
369 from the concurrency requirement for transportation facilities
370 if the proposed development is otherwise consistent with the
371 adopted local government comprehensive plan and is a project
372 that promotes public transportation or is located within an area
373 designated in the comprehensive plan for:

- 374 a. Urban infill development;
375 b. Urban redevelopment;
376 c. Downtown revitalization;
377 d. Urban infill and redevelopment under s. 163.2517; or

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378 e. An urban service area specifically designated as a
379 transportation concurrency exception area which includes lands
380 appropriate for compact, contiguous urban development, which
381 does not exceed the amount of land needed to accommodate the
382 projected population growth at densities consistent with the
383 adopted comprehensive plan within the 10-year planning period,
384 and which is served or is planned to be served with public
385 facilities and services as provided by the capital improvements
386 element.

387 (c) The Legislature also finds that developments located
388 within urban infill, urban redevelopment, urban service, or
389 downtown revitalization areas or areas designated as urban
390 infill and redevelopment areas under s. 163.2517, which pose
391 only special part-time demands on the transportation system, are
392 exempt from the concurrency requirement for transportation
393 facilities. A special part-time demand is one that does not have
394 more than 200 scheduled events during any calendar year and does
395 not affect the 100 highest traffic volume hours.

396 (d) Except for transportation concurrency exception areas
397 designated pursuant to subparagraph (b)1., subparagraph (b)2.,
398 or subparagraph (b)3., the following requirements apply:

399 1. The local government shall both adopt into the
400 comprehensive plan and implement long-term strategies to support
401 and fund mobility within the designated exception area,
402 including alternative modes of transportation. The plan
403 amendment must also demonstrate how strategies will support the
404 purpose of the exception and how mobility within the designated
405 exception area will be provided.

406 2. The strategies must address urban design; appropriate

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407 land use mixes, including intensity and density; and network
408 connectivity plans needed to promote urban infill,
409 redevelopment, or downtown revitalization. The comprehensive
410 plan amendment designating the concurrency exception area must
411 be accompanied by data and analysis supporting the local
412 government's determination of the boundaries of the
413 transportation concurrency exception area.

414 (e) Before designating a concurrency exception area
415 pursuant to subparagraph (b)7., the state land planning agency
416 and the Department of Transportation shall be consulted by the
417 local government to assess the impact that the proposed
418 exception area is expected to have on the adopted level-of-
419 service standards established for regional transportation
420 facilities identified pursuant to s. 186.507, including the
421 Strategic Intermodal System and roadway facilities funded in
422 accordance with s. 339.2819. Further, the local government shall
423 provide a plan for the mitigation of impacts to the Strategic
424 Intermodal System, including, if appropriate, access management,
425 parallel reliever roads, transportation demand management, and
426 other measures.

427 (f) The designation of a transportation concurrency
428 exception area does not limit a local government's home rule
429 power to adopt ordinances or impose fees. This subsection does
430 not affect any contract or agreement entered into or development
431 order rendered before the creation of the transportation
432 concurrency exception area except as provided in s.
433 380.06(29)(e).

434 (g) The Office of Program Policy Analysis and Government
435 Accountability shall submit to the President of the Senate and

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436 the Speaker of the House of Representatives by February 1, 2015,
437 a report on transportation concurrency exception areas created
438 pursuant to this subsection. At a minimum, the report shall
439 address the methods that local governments have used to
440 implement and fund transportation strategies to achieve the
441 purposes of designated transportation concurrency exception
442 areas, and the effects of the strategies on mobility,
443 congestion, urban design, the density and intensity of land use
444 mixes, and network connectivity plans used to promote urban
445 infill, redevelopment, or downtown revitalization.

446 (10) Except in transportation concurrency exception areas,
447 with regard to roadway facilities on the Strategic Intermodal
448 System designated in accordance with s. 339.63, local
449 governments shall adopt the level-of-service standard
450 established by the Department of Transportation by rule.
451 However, if the Office of Tourism, Trade, and Economic
452 Development concurs in writing with the local government that
453 the proposed development is for a qualified job creation project
454 under s. 288.0656 or s. 403.973, the affected local government,
455 after consulting with the Department of Transportation, may
456 provide for a waiver of transportation concurrency for the
457 project. For all other roads on the State Highway System, local
458 governments shall establish an adequate level-of-service
459 standard that need not be consistent with any level-of-service
460 standard established by the Department of Transportation. In
461 establishing adequate level-of-service standards for any
462 arterial roads, or collector roads as appropriate, which
463 traverse multiple jurisdictions, local governments shall
464 consider compatibility with the roadway facility's adopted

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465 level-of-service standards in adjacent jurisdictions. Each local
466 government within a county shall use a professionally accepted
467 methodology for measuring impacts on transportation facilities
468 for the purposes of implementing its concurrency management
469 system. Counties are encouraged to coordinate with adjacent
470 counties, and local governments within a county are encouraged
471 to coordinate, for the purpose of using common methodologies for
472 measuring impacts on transportation facilities for the purpose
473 of implementing their concurrency management systems.

474 (13) School concurrency shall be established on a
475 districtwide basis and shall include all public schools in the
476 district and all portions of the district, whether located in a
477 municipality or an unincorporated area unless exempt from the
478 public school facilities element pursuant to s. 163.3177(12).
479 The application of school concurrency to development shall be
480 based upon the adopted comprehensive plan, as amended. All local
481 governments within a county, except as provided in paragraph
482 (f), shall adopt and transmit to the state land planning agency
483 the necessary plan amendments, along with the interlocal
484 agreement, for a compliance review pursuant to s. 163.3184(7)
485 and (8). The minimum requirements for school concurrency are the
486 following:

487 (b) *Level-of-service standards.*—The Legislature recognizes
488 that an essential requirement for a concurrency management
489 system is the level of service at which a public facility is
490 expected to operate.

491 1. Local governments and school boards imposing school
492 concurrency shall exercise authority in conjunction with each
493 other to establish jointly adequate level-of-service standards,

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494 as defined in chapter 9J-5, Florida Administrative Code,
495 necessary to implement the adopted local government
496 comprehensive plan, based on data and analysis.

497 2. Public school level-of-service standards shall be
498 included and adopted into the capital improvements element of
499 the local comprehensive plan and shall apply districtwide to all
500 schools of the same type. Types of schools may include
501 elementary, middle, and high schools as well as special purpose
502 facilities such as magnet schools.

503 3. Local governments and school boards shall have the
504 option to utilize tiered level-of-service standards to allow
505 time to achieve an adequate and desirable level of service as
506 circumstances warrant.

507 4. For the purpose of determining whether levels of service
508 have been achieved, for the first 3 years of school concurrency
509 implementation, a school district that includes relocatable
510 facilities in its inventory of student stations shall include
511 the capacity of such relocatable facilities as provided in s.
512 1013.35(2)(b)2.f., provided the relocatable facilities were
513 purchased after 1998 and the relocatable facilities meet the
514 standards for long-term use pursuant to s. 1013.20.

515 (e) *Availability standard.*—Consistent with the public
516 welfare, a local government may not deny an application for site
517 plan, final subdivision approval, or the functional equivalent
518 for a development or phase of a development authorizing
519 residential development for failure to achieve and maintain the
520 level-of-service standard for public school capacity in a local
521 school concurrency management system where adequate school
522 facilities will be in place or under actual construction within

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523 3 years after the issuance of final subdivision or site plan
524 approval, or the functional equivalent. School concurrency is
525 satisfied if the developer executes a legally binding commitment
526 to provide mitigation proportionate to the demand for public
527 school facilities to be created by actual development of the
528 property, including, but not limited to, the options described
529 in subparagraph 1. Options for proportionate-share mitigation of
530 impacts on public school facilities must be established in the
531 public school facilities element and the interlocal agreement
532 pursuant to s. 163.31777.

533 1. Appropriate mitigation options include the contribution
534 of land; the construction, expansion, or payment for land
535 acquisition or construction of a public school facility; the
536 construction of a charter school that complies with the
537 requirements of s. 1002.33(18); or the creation of mitigation
538 banking based on the construction of a public school facility in
539 exchange for the right to sell capacity credits. Such options
540 must include execution by the applicant and the local government
541 of a development agreement that constitutes a legally binding
542 commitment to pay proportionate-share mitigation for the
543 additional residential units approved by the local government in
544 a development order and actually developed on the property,
545 taking into account residential density allowed on the property
546 prior to the plan amendment that increased the overall
547 residential density. The district school board must be a party
548 to such an agreement. As a condition of its entry into such a
549 development agreement, the local government may require the
550 landowner to agree to continuing renewal of the agreement upon
551 its expiration.

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552 2. If the education facilities plan and the public
553 educational facilities element authorize a contribution of land;
554 the construction, expansion, or payment for land acquisition;
555 the construction or expansion of a public school facility, or a
556 portion thereof; or the construction of a charter school that
557 complies with the requirements of s. 1002.33(18), as
558 proportionate-share mitigation, the local government shall
559 credit such a contribution, construction, expansion, or payment
560 toward any other impact fee or exaction imposed by local
561 ordinance for the same need, on a dollar-for-dollar basis at
562 fair market value.

563 3. Any proportionate-share mitigation must be directed by
564 the school board toward a school capacity improvement identified
565 in a financially feasible 5-year district work plan that
566 satisfies the demands created by the development in accordance
567 with a binding developer's agreement.

568 4. If a development is precluded from commencing because
569 there is inadequate classroom capacity to mitigate the impacts
570 of the development, the development may nevertheless commence if
571 there are accelerated facilities in an approved capital
572 improvement element scheduled for construction in year four or
573 later of such plan which, when built, will mitigate the proposed
574 development, or if such accelerated facilities will be in the
575 next annual update of the capital facilities element, the
576 developer enters into a binding, financially guaranteed
577 agreement with the school district to construct an accelerated
578 facility within the first 3 years of an approved capital
579 improvement plan, and the cost of the school facility is equal
580 to or greater than the development's proportionate share. When

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581 the completed school facility is conveyed to the school
582 district, the developer shall receive impact fee credits usable
583 within the zone where the facility is constructed or any
584 attendance zone contiguous with or adjacent to the zone where
585 the facility is constructed.

586 5. This paragraph does not limit the authority of a local
587 government to deny a development permit or its functional
588 equivalent pursuant to its home rule regulatory powers, except
589 as provided in this part.

590 Section 5. Paragraph (d) of subsection (3) of section
591 163.31801, Florida Statutes, is reenacted to read:

592 163.31801 Impact fees; short title; intent; definitions;
593 ordinances levying impact fees.—

594 (3) An impact fee adopted by ordinance of a county or
595 municipality or by resolution of a special district must, at
596 minimum:

597 (d) Require that notice be provided no less than 90 days
598 before the effective date of an ordinance or resolution imposing
599 a new or increased impact fee. A county or municipality is not
600 required to wait 90 days to decrease, suspend, or eliminate an
601 impact fee.

602 Section 6. Paragraph (b) of subsection (1) and paragraph
603 (e) of subsection (3) of section 163.3184, Florida Statutes, are
604 reenacted to read:

605 163.3184 Process for adoption of comprehensive plan or plan
606 amendment.—

607 (1) DEFINITIONS.—As used in this section, the term:

608 (b) "In compliance" means consistent with the requirements
609 of ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245,

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610 with the state comprehensive plan, with the appropriate
611 strategic regional policy plan, and with chapter 9J-5, Florida
612 Administrative Code, where such rule is not inconsistent with
613 this part and with the principles for guiding development in
614 designated areas of critical state concern and with part III of
615 chapter 369, where applicable.

616 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
617 AMENDMENT.—

618 (e) At the request of an applicant, a local government
619 shall consider an application for zoning changes that would be
620 required to properly enact the provisions of any proposed plan
621 amendment transmitted pursuant to this subsection. Zoning
622 changes approved by the local government are contingent upon the
623 comprehensive plan or plan amendment transmitted becoming
624 effective.

625 Section 7. Paragraphs (b), (f), and (q) of subsection (1)
626 of section 163.3187, Florida Statutes, are reenacted to read:

627 163.3187 Amendment of adopted comprehensive plan.—

628 (1) Amendments to comprehensive plans adopted pursuant to
629 this part may be made not more than two times during any
630 calendar year, except:

631 (b) Any local government comprehensive plan amendments
632 directly related to a proposed development of regional impact,
633 including changes which have been determined to be substantial
634 deviations and including Florida Quality Developments pursuant
635 to s. 380.061, may be initiated by a local planning agency and
636 considered by the local governing body at the same time as the
637 application for development approval using the procedures
638 provided for local plan amendment in this section and applicable

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639 local ordinances.

640 (f) The capital improvements element annual update required
641 in s. 163.3177(3)(b)1. and any amendments directly related to
642 the schedule.

643 (q) Any local government plan amendment to designate an
644 urban service area as a transportation concurrency exception
645 area under s. 163.3180(5)(b)2. or 3. and an area exempt from the
646 development-of-regional-impact process under s. 380.06(29).

647 Section 8. Subsection (2) of section 163.32465, Florida
648 Statutes, is reenacted to read:

649 163.32465 State review of local comprehensive plans in
650 urban areas.—

651 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—
652 Pinellas and Broward Counties, and the municipalities within
653 these counties, and Jacksonville, Miami, Tampa, and Hialeah
654 shall follow an alternative state review process provided in
655 this section. Municipalities within the pilot counties may
656 elect, by super majority vote of the governing body, not to
657 participate in the pilot program. In addition to the pilot
658 program jurisdictions, any local government may use the
659 alternative state review process to designate an urban service
660 area as defined in s. 163.3164(29) in its comprehensive plan.

661 Section 9. Section 171.091, Florida Statutes, is reenacted
662 to read:

663 171.091 Recording.—Any change in the municipal boundaries
664 through annexation or contraction shall revise the charter
665 boundary article and shall be filed as a revision of the charter
666 with the Department of State within 30 days. A copy of such
667 revision must be submitted to the Office of Economic and

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668 Demographic Research along with a statement specifying the
669 population census effect and the affected land area.

670 Section 10. Section 186.509, Florida Statutes, is reenacted
671 to read:

672 186.509 Dispute resolution process.—Each regional planning
673 council shall establish by rule a dispute resolution process to
674 reconcile differences on planning and growth management issues
675 between local governments, regional agencies, and private
676 interests. The dispute resolution process shall, within a
677 reasonable set of timeframes, provide for: voluntary meetings
678 among the disputing parties; if those meetings fail to resolve
679 the dispute, initiation of mandatory mediation or a similar
680 process; if that process fails, initiation of arbitration or
681 administrative or judicial action, where appropriate. The
682 council shall not utilize the dispute resolution process to
683 address disputes involving environmental permits or other
684 regulatory matters unless requested to do so by the parties. The
685 resolution of any issue through the dispute resolution process
686 shall not alter any person's right to a judicial determination
687 of any issue if that person is entitled to such a determination
688 under statutory or common law.

689 Section 11. Paragraph (a) of subsection (7) and subsections
690 (24), (28), and (29) of section 380.06, Florida Statutes, are
691 reenacted to read:

692 380.06 Developments of regional impact.—

693 (7) PREAPPLICATION PROCEDURES.—

694 (a) Before filing an application for development approval,
695 the developer shall contact the regional planning agency with
696 jurisdiction over the proposed development to arrange a

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697 preapplication conference. Upon the request of the developer or
698 the regional planning agency, other affected state and regional
699 agencies shall participate in this conference and shall identify
700 the types of permits issued by the agencies, the level of
701 information required, and the permit issuance procedures as
702 applied to the proposed development. The levels of service
703 required in the transportation methodology shall be the same
704 levels of service used to evaluate concurrency in accordance
705 with s. 163.3180. The regional planning agency shall provide the
706 developer information about the development-of-regional-impact
707 process and the use of preapplication conferences to identify
708 issues, coordinate appropriate state and local agency
709 requirements, and otherwise promote a proper and efficient
710 review of the proposed development. If agreement is reached
711 regarding assumptions and methodology to be used in the
712 application for development approval, the reviewing agencies may
713 not subsequently object to those assumptions and methodologies
714 unless subsequent changes to the project or information obtained
715 during the review make those assumptions and methodologies
716 inappropriate.

717 (24) STATUTORY EXEMPTIONS.—

718 (a) Any proposed hospital is exempt from the provisions of
719 this section.

720 (b) Any proposed electrical transmission line or electrical
721 power plant is exempt from the provisions of this section.

722 (c) Any proposed addition to an existing sports facility
723 complex is exempt from the provisions of this section if the
724 addition meets the following characteristics:

725 1. It would not operate concurrently with the scheduled

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726 hours of operation of the existing facility.

727 2. Its seating capacity would be no more than 75 percent of
728 the capacity of the existing facility.

729 3. The sports facility complex property is owned by a
730 public body prior to July 1, 1983.

731 This exemption does not apply to any pari-mutuel facility.

732 (d) Any proposed addition or cumulative additions
733 subsequent to July 1, 1988, to an existing sports facility
734 complex owned by a state university is exempt if the increased
735 seating capacity of the complex is no more than 30 percent of
736 the capacity of the existing facility.

737 (e) Any addition of permanent seats or parking spaces for
738 an existing sports facility located on property owned by a
739 public body prior to July 1, 1973, is exempt from the provisions
740 of this section if future additions do not expand existing
741 permanent seating or parking capacity more than 15 percent
742 annually in excess of the prior year's capacity.

743 (f) Any increase in the seating capacity of an existing
744 sports facility having a permanent seating capacity of at least
745 50,000 spectators is exempt from the provisions of this section,
746 provided that such an increase does not increase permanent
747 seating capacity by more than 5 percent per year and not to
748 exceed a total of 10 percent in any 5-year period, and provided
749 that the sports facility notifies the appropriate local
750 government within which the facility is located of the increase
751 at least 6 months prior to the initial use of the increased
752 seating, in order to permit the appropriate local government to
753 develop a traffic management plan for the traffic generated by
754 the increase. Any traffic management plan shall be consistent

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755 with the local comprehensive plan, the regional policy plan, and
756 the state comprehensive plan.

757 (g) Any expansion in the permanent seating capacity or
758 additional improved parking facilities of an existing sports
759 facility is exempt from the provisions of this section, if the
760 following conditions exist:

761 1.a. The sports facility had a permanent seating capacity
762 on January 1, 1991, of at least 41,000 spectator seats;

763 b. The sum of such expansions in permanent seating capacity
764 does not exceed a total of 10 percent in any 5-year period and
765 does not exceed a cumulative total of 20 percent for any such
766 expansions; or

767 c. The increase in additional improved parking facilities
768 is a one-time addition and does not exceed 3,500 parking spaces
769 serving the sports facility; and

770 2. The local government having jurisdiction of the sports
771 facility includes in the development order or development permit
772 approving such expansion under this paragraph a finding of fact
773 that the proposed expansion is consistent with the
774 transportation, water, sewer and stormwater drainage provisions
775 of the approved local comprehensive plan and local land
776 development regulations relating to those provisions.

777
778 Any owner or developer who intends to rely on this statutory
779 exemption shall provide to the department a copy of the local
780 government application for a development permit. Within 45 days
781 of receipt of the application, the department shall render to
782 the local government an advisory and nonbinding opinion, in
783 writing, stating whether, in the department's opinion, the

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784 prescribed conditions exist for an exemption under this
785 paragraph. The local government shall render the development
786 order approving each such expansion to the department. The
787 owner, developer, or department may appeal the local government
788 development order pursuant to s. 380.07, within 45 days after
789 the order is rendered. The scope of review shall be limited to
790 the determination of whether the conditions prescribed in this
791 paragraph exist. If any sports facility expansion undergoes
792 development-of-regional-impact review, all previous expansions
793 which were exempt under this paragraph shall be included in the
794 development-of-regional-impact review.

795 (h) Expansion to port harbors, spoil disposal sites,
796 navigation channels, turning basins, harbor berths, and other
797 related inwater harbor facilities of ports listed in s.
798 403.021(9)(b), port transportation facilities and projects
799 listed in s. 311.07(3)(b), and intermodal transportation
800 facilities identified pursuant to s. 311.09(3) are exempt from
801 the provisions of this section when such expansions, projects,
802 or facilities are consistent with comprehensive master plans
803 that are in compliance with the provisions of s. 163.3178.

804 (i) Any proposed facility for the storage of any petroleum
805 product or any expansion of an existing facility is exempt from
806 the provisions of this section.

807 (j) Any renovation or redevelopment within the same land
808 parcel which does not change land use or increase density or
809 intensity of use.

810 (k) Waterport and marina development, including dry storage
811 facilities, are exempt from the provisions of this section.

812 (l) Any proposed development within an urban service

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813 boundary established under s. 163.3177(14), which is not
814 otherwise exempt pursuant to subsection (29), is exempt from the
815 provisions of this section if the local government having
816 jurisdiction over the area where the development is proposed has
817 adopted the urban service boundary, has entered into a binding
818 agreement with jurisdictions that would be impacted and with the
819 Department of Transportation regarding the mitigation of impacts
820 on state and regional transportation facilities, and has adopted
821 a proportionate share methodology pursuant to s. 163.3180(16).

822 (m) Any proposed development within a rural land
823 stewardship area created under s. 163.3177(11)(d) is exempt from
824 the provisions of this section if the local government that has
825 adopted the rural land stewardship area has entered into a
826 binding agreement with jurisdictions that would be impacted and
827 the Department of Transportation regarding the mitigation of
828 impacts on state and regional transportation facilities, and has
829 adopted a proportionate share methodology pursuant to s.
830 163.3180(16).

831 (n) The establishment, relocation, or expansion of any
832 military installation as defined in s. 163.3175, is exempt from
833 this section.

834 (o) Any self-storage warehousing that does not allow retail
835 or other services is exempt from this section.

836 (p) Any proposed nursing home or assisted living facility
837 is exempt from this section.

838 (q) Any development identified in an airport master plan
839 and adopted into the comprehensive plan pursuant to s.
840 163.3177(6)(k) is exempt from this section.

841 (r) Any development identified in a campus master plan and

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842 adopted pursuant to s. 1013.30 is exempt from this section.

843 (s) Any development in a specific area plan which is
844 prepared pursuant to s. 163.3245 and adopted into the
845 comprehensive plan is exempt from this section.

846 (t) Any development within a county with a research and
847 education authority created by special act and that is also
848 within a research and development park that is operated or
849 managed by a research and development authority pursuant to part
850 V of chapter 159 is exempt from this section.

851

852 If a use is exempt from review as a development of regional
853 impact under paragraphs (a)-(s), but will be part of a larger
854 project that is subject to review as a development of regional
855 impact, the impact of the exempt use must be included in the
856 review of the larger project, unless such exempt use involves a
857 development of regional impact that includes a landowner,
858 tenant, or user that has entered into a funding agreement with
859 the Office of Tourism, Trade, and Economic Development under the
860 Innovation Incentive Program and the agreement contemplates a
861 state award of at least \$50 million.

862 (28) PARTIAL STATUTORY EXEMPTIONS.—

863 (a) If the binding agreement referenced under paragraph
864 (24)(l) for urban service boundaries is not entered into within
865 12 months after establishment of the urban service boundary, the
866 development-of-regional-impact review for projects within the
867 urban service boundary must address transportation impacts only.

868 (b) If the binding agreement referenced under paragraph
869 (24)(m) for rural land stewardship areas is not entered into
870 within 12 months after the designation of a rural land

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871 stewardship area, the development-of-regional-impact review for
872 projects within the rural land stewardship area must address
873 transportation impacts only.

874 (c) If the binding agreement for designated urban infill
875 and redevelopment areas is not entered into within 12 months
876 after the designation of the area or July 1, 2007, whichever
877 occurs later, the development-of-regional-impact review for
878 projects within the urban infill and redevelopment area must
879 address transportation impacts only.

880 (d) A local government that does not wish to enter into a
881 binding agreement or that is unable to agree on the terms of the
882 agreement referenced under paragraph (24)(l) or paragraph
883 (24)(m) shall provide written notification to the state land
884 planning agency of the decision to not enter into a binding
885 agreement or the failure to enter into a binding agreement
886 within the 12-month period referenced in paragraphs (a), (b) and
887 (c). Following the notification of the state land planning
888 agency, development-of-regional-impact review for projects
889 within an urban service boundary under paragraph (24)(l), or a
890 rural land stewardship area under paragraph (24)(m), must
891 address transportation impacts only.

892 (e) The vesting provision of s. 163.3167(8) relating to an
893 authorized development of regional impact shall not apply to
894 those projects partially exempt from the development-of-
895 regional-impact review process under paragraphs (a)-(d).

896 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

897 (a) The following are exempt from this section:

898 1. Any proposed development in a municipality that
899 qualifies as a dense urban land area as defined in s. 163.3164;

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900 2. Any proposed development within a county that qualifies
901 as a dense urban land area as defined in s. 163.3164 and that is
902 located within an urban service area as defined in s. 163.3164
903 which has been adopted into the comprehensive plan; or

904 3. Any proposed development within a county, including the
905 municipalities located therein, which has a population of at
906 least 900,000, which qualifies as a dense urban land area under
907 s. 163.3164, but which does not have an urban service area
908 designated in the comprehensive plan.

909 (b) If a municipality that does not qualify as a dense
910 urban land area pursuant to s. 163.3164 designates any of the
911 following areas in its comprehensive plan, any proposed
912 development within the designated area is exempt from the
913 development-of-regional-impact process:

- 914 1. Urban infill as defined in s. 163.3164;
- 915 2. Community redevelopment areas as defined in s. 163.340;
- 916 3. Downtown revitalization areas as defined in s. 163.3164;
- 917 4. Urban infill and redevelopment under s. 163.2517; or
- 918 5. Urban service areas as defined in s. 163.3164 or areas
919 within a designated urban service boundary under s.
920 163.3177(14).

921 (c) If a county that does not qualify as a dense urban land
922 area pursuant to s. 163.3164 designates any of the following
923 areas in its comprehensive plan, any proposed development within
924 the designated area is exempt from the development-of-regional-
925 impact process:

- 926 1. Urban infill as defined in s. 163.3164;
- 927 2. Urban infill and redevelopment under s. 163.2517; or
- 928 3. Urban service areas as defined in s. 163.3164.

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929 (d) A development that is located partially outside an area
930 that is exempt from the development-of-regional-impact program
931 must undergo development-of-regional-impact review pursuant to
932 this section.

933 (e) In an area that is exempt under paragraphs (a)-(c), any
934 previously approved development-of-regional-impact development
935 orders shall continue to be effective, but the developer has the
936 option to be governed by s. 380.115(1). A pending application
937 for development approval shall be governed by s. 380.115(2). A
938 development that has a pending application for a comprehensive
939 plan amendment and that elects not to continue development-of-
940 regional-impact review is exempt from the limitation on plan
941 amendments set forth in s. 163.3187(1) for the year following
942 the effective date of the exemption.

943 (f) Local governments must submit by mail a development
944 order to the state land planning agency for projects that would
945 be larger than 120 percent of any applicable development-of-
946 regional-impact threshold and would require development-of-
947 regional-impact review but for the exemption from the program
948 under paragraphs (a)-(c). For such development orders, the state
949 land planning agency may appeal the development order pursuant
950 to s. 380.07 for inconsistency with the comprehensive plan
951 adopted under chapter 163.

952 (g) If a local government that qualifies as a dense urban
953 land area under this subsection is subsequently found to be
954 ineligible for designation as a dense urban land area, any
955 development located within that area which has a complete,
956 pending application for authorization to commence development
957 may maintain the exemption if the developer is continuing the

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958 application process in good faith or the development is
959 approved.

960 (h) This subsection does not limit or modify the rights of
961 any person to complete any development that has been authorized
962 as a development of regional impact pursuant to this chapter.

963 (i) This subsection does not apply to areas:

964 1. Within the boundary of any area of critical state
965 concern designated pursuant to s. 380.05;

966 2. Within the boundary of the Wekiva Study Area as
967 described in s. 369.316; or

968 3. Within 2 miles of the boundary of the Everglades
969 Protection Area as described in s. 373.4592(2).

970 Section 12. Sections 13, 14, and 34 of chapter 2009-96,
971 Laws of Florida, are reenacted to read:

972 Section 13. (1) (a) The Legislature finds that the existing
973 transportation concurrency system has not adequately addressed
974 the transportation needs of this state in an effective,
975 predictable, and equitable manner and is not producing a
976 sustainable transportation system for the state. The Legislature
977 finds that the current system is complex, inequitable, lacks
978 uniformity among jurisdictions, is too focused on roadways to
979 the detriment of desired land use patterns and transportation
980 alternatives, and frequently prevents the attainment of
981 important growth management goals.

982 (b) The Legislature determines that the state shall
983 evaluate and consider the implementation of a mobility fee to
984 replace the existing transportation concurrency system. The
985 mobility fee should be designed to provide for mobility needs,
986 ensure that development provides mitigation for its impacts on

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987 the transportation system in approximate proportionality to
988 those impacts, fairly distribute the fee among the governmental
989 entities responsible for maintaining the impacted roadways, and
990 promote compact, mixed-use, and energy-efficient development.

991 (2) The state land planning agency and the Department of
992 Transportation shall continue their respective current mobility
993 fee studies and develop and submit to the President of the
994 Senate and the Speaker of the House of Representatives, no later
995 than December 1, 2009, a final joint report on the mobility fee
996 methodology study, complete with recommended legislation and a
997 plan to implement the mobility fee as a replacement for the
998 existing local government adopted and implemented transportation
999 concurrency management systems. The final joint report shall
1000 also contain, but is not limited to, an economic analysis of
1001 implementation of the mobility fee, activities necessary to
1002 implement the fee, and potential costs and benefits at the state
1003 and local levels and to the private sector.

1004 Section 14. (1) Except as provided in subsection (4), and
1005 in recognition of 2009 real estate market conditions, any permit
1006 issued by the Department of Environmental Protection or a water
1007 management district pursuant to part IV of chapter 373, Florida
1008 Statutes, that has an expiration date of September 1, 2008,
1009 through January 1, 2012, is extended and renewed for a period of
1010 2 years following its date of expiration. This extension
1011 includes any local government-issued development order or
1012 building permit. The 2-year extension also applies to build out
1013 dates including any build out date extension previously granted
1014 under s. 380.06(19)(c), Florida Statutes. This section shall not
1015 be construed to prohibit conversion from the construction phase

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1016 to the operation phase upon completion of construction.

1017 (2) The commencement and completion dates for any required
1018 mitigation associated with a phased construction project shall
1019 be extended such that mitigation takes place in the same
1020 timeframe relative to the phase as originally permitted.

1021 (3) The holder of a valid permit or other authorization
1022 that is eligible for the 2-year extension shall notify the
1023 authorizing agency in writing no later than December 31, 2009,
1024 identifying the specific authorization for which the holder
1025 intends to use the extension and the anticipated timeframe for
1026 acting on the authorization.

1027 (4) The extension provided for in subsection (1) does not
1028 apply to:

1029 (a) A permit or other authorization under any programmatic
1030 or regional general permit issued by the Army Corps of
1031 Engineers.

1032 (b) A permit or other authorization held by an owner or
1033 operator determined to be in significant noncompliance with the
1034 conditions of the permit or authorization as established through
1035 the issuance of a warning letter or notice of violation, the
1036 initiation of formal enforcement, or other equivalent action by
1037 the authorizing agency.

1038 (c) A permit or other authorization, if granted an
1039 extension, that would delay or prevent compliance with a court
1040 order.

1041 (5) Permits extended under this section shall continue to
1042 be governed by rules in effect at the time the permit was
1043 issued, except when it can be demonstrated that the rules in
1044 effect at the time the permit was issued would create an

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1045 immediate threat to public safety or health. This provision
1046 shall apply to any modification of the plans, terms, and
1047 conditions of the permit that lessens the environmental impact,
1048 except that any such modification shall not extend the time
1049 limit beyond 2 additional years.

1050 (6) Nothing in this section shall impair the authority of a
1051 county or municipality to require the owner of a property, that
1052 has notified the county or municipality of the owner's intention
1053 to receive the extension of time granted by this section, to
1054 maintain and secure the property in a safe and sanitary
1055 condition in compliance with applicable laws and ordinances.

1056 Section 34. The Legislature finds that this act fulfills an
1057 important state interest.

1058 Section 13. The Legislature finds that this act fulfills an
1059 important state interest.

1060 Section 14. This act shall take effect upon becoming a law,
1061 and those portions of this act which were amended or created by
1062 chapter 2009-96, Laws of Florida, shall operate retroactively to
1063 June 1, 2009. If such retroactive application is held by a court
1064 of last resort to be unconstitutional, this act shall apply
1065 prospectively from the date that this act becomes a law.