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1
2 An act relating to growth management; amending s.
3 163.3167, F.S.; authorizing a local government to
4 retain certain charter provisions that were in effect
5 as of a specified date and that relate to an
6 initiative or referendum process; amending s.
7 163.3174, F.S.; requiring a local land planning agency
8 to periodically evaluate and appraise a comprehensive
9 plan; amending s. 163.3175, F.S.; clarifying and
10 revising procedures related to the exchange of
11 information between military installations and local
12 governments under the act; amending s. 163.3177, F.S.;
13 requiring estimates and projections of comprehensive
14 plans to be based upon publications by the Office of
15 Economic and Demographic Research; providing criteria
16 for population projections; revising the housing and
17 intergovernmental coordination elements of
18 comprehensive plans; amending s. 163.31777, F.S.;
19 exempting certain municipalities from public schools
20 interlocal-agreement requirements; providing
21 requirements for municipalities meeting the exemption
22 criteria; amending s. 163.3178, F.S.; replacing a
23 reference to the Department of Community Affairs with
24 the state land planning agency; deleting provisions
25 relating to the Coastal Resources Interagency
26 Management Committee; amending s. 163.3180, F.S.,
27 relating to concurrency; revising and providing
28 requirements relating to public facilities and

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29 | services, public education facilities, and local
30 | school concurrency system requirements; deleting
31 | provisions excluding a municipality that is not a
32 | signatory to a certain interlocal agreement from
33 | participating in a school concurrency system; amending
34 | s. 163.3184, F.S.; revising provisions relating to the
35 | expedited state review process for adoption of
36 | comprehensive plan amendments; clarifying the time in
37 | which a local government must transmit an amendment to
38 | a comprehensive plan and supporting data and analyses
39 | to the reviewing agencies; revising the deadlines in
40 | administrative challenges to comprehensive plans and
41 | plan amendments for the entry of final orders and
42 | referrals of recommended orders; specifying a deadline
43 | for the state land planning agency to issue a notice
44 | of intent after receiving a complete comprehensive
45 | plan or plan amendment adopted pursuant to a
46 | compliance agreement; amending s. 163.3191, F.S.;
47 | conforming a cross-reference to changes made by the
48 | act; amending s. 163.3245, F.S.; deleting an obsolete
49 | cross-reference; deleting a reporting requirement
50 | relating to optional sector plans; amending s.
51 | 186.002, F.S.; deleting a requirement for the Governor
52 | to consider certain evaluation and appraisal reports
53 | in preparing certain plans and amendments; amending s.
54 | 186.007, F.S.; deleting a requirement for the Governor
55 | to consider certain evaluation and appraisal reports
56 | when reviewing the state comprehensive plan; amending

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57 s. 186.505, F.S.; authorizing a regional planning
58 council to provide consulting services to a private
59 developer or landowner under certain circumstances;
60 amending s. 186.508, F.S.; requiring regional planning
61 councils to coordinate implementation of the strategic
62 regional policy plans with the evaluation and
63 appraisal process; amending s. 189.415, F.S.;
64 requiring an independent special district to update
65 its public facilities report every 7 years and at
66 least 12 months before the submission date of the
67 evaluation and appraisal notification letter;
68 requiring the Department of Economic Opportunity to
69 post a schedule of the due dates for public facilities
70 reports and updates that independent special districts
71 must provide to local governments; amending s.
72 288.975, F.S.; deleting a provision exempting local
73 government plan amendments necessary to initially
74 adopt the military base reuse plan from a limitation
75 on the frequency of plan amendments; amending s.
76 380.06, F.S.; correcting cross-references; amending s.
77 380.115, F.S.; subjecting certain developments exempt
78 from or no longer required to undergo development-of-
79 regional-impact review to certain procedures; amending
80 s. 1013.33, F.S.; deleting redundant requirements for
81 interlocal agreements relating to public education
82 facilities; revising cross-references to conform to
83 changes made by the act; amending s. 1013.35, F.S.;
84 revising a cross-reference to conform to changes made

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85 | by the act; amending s. 1013.351, F.S.; deleting
86 | redundant requirements for the submission of certain
87 | interlocal agreements with the Office of Educational
88 | Facilities and the state land planning agency and for
89 | review of the interlocal agreement by the office and
90 | the agency; amending s. 1013.36, F.S.; deleting an
91 | obsolete cross-reference; providing an effective date.
92 |

93 | Be It Enacted by the Legislature of the State of Florida:
94 |

95 | Section 1. Subsection (8) of section 163.3167, Florida
96 | Statutes, is amended to read:

97 | 163.3167 Scope of act.—

98 | (8) An initiative or referendum process in regard to any
99 | development order or in regard to any local comprehensive plan
100 | amendment or map amendment is prohibited. However, any local
101 | government charter provision that was in effect as of June 1,
102 | 2011, for an initiative or referendum process in regard to
103 | development orders or in regard to local comprehensive plan
104 | amendments or map amendments may be retained and implemented.

105 | Section 2. Paragraph (b) of subsection (4) of section
106 | 163.3174, Florida Statutes, is amended to read:

107 | 163.3174 Local planning agency.—

108 | (4) The local planning agency shall have the general
109 | responsibility for the conduct of the comprehensive planning
110 | program. Specifically, the local planning agency shall:

111 | (b) Monitor and oversee the effectiveness and status of
112 | the comprehensive plan and recommend to the governing body such

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113 changes in the comprehensive plan as may from time to time be
 114 required, including the periodic evaluation and appraisal of the
 115 comprehensive plan ~~preparation of the periodic reports~~ required
 116 by s. 163.3191.

117 Section 3. Subsections (5) and (6) of section 163.3175,
 118 Florida Statutes, are amended to read:

119 163.3175 Legislative findings on compatibility of
 120 development with military installations; exchange of information
 121 between local governments and military installations.—

122 (5) The commanding officer or his or her designee may
 123 provide advisory comments to the affected local government on
 124 the impact such proposed changes may have on the mission of the
 125 military installation. Such advisory comments shall be based on
 126 appropriate data and analyses provided with the comments and may
 127 include:

128 (a) If the installation has an airfield, whether such
 129 proposed changes will be incompatible with the safety and noise
 130 standards contained in the Air Installation Compatible Use Zone
 131 (AICUZ) adopted by the military installation for that airfield;

132 (b) Whether such changes are incompatible with the
 133 Installation Environmental Noise Management Program (IENMP) of
 134 the United States Army;

135 (c) Whether such changes are incompatible with the
 136 findings of a Joint Land Use Study (JLUS) for the area if one
 137 has been completed; and

138 (d) Whether the military installation's mission will be
 139 adversely affected by the proposed actions of the county or
 140 affected local government.

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141
 142 The commanding officer's comments, underlying studies, and
 143 reports shall be considered by the local government in the same
 144 manner as the comments received from other reviewing agencies
 145 pursuant to s. 163.3184 ~~are not binding on the local government.~~

146 (6) The affected local government shall take into
 147 consideration any comments and accompanying data and analyses
 148 provided by the commanding officer or his or her designee
 149 pursuant to subsection (4) as they relate to the strategic
 150 mission of the base, public safety, and the economic vitality
 151 associated with the base's operations, while also respecting ~~and~~
 152 ~~must also be sensitive to~~ private property rights and not being
 153 ~~be~~ unduly restrictive on those rights. The affected local
 154 government shall forward a copy of any comments regarding
 155 comprehensive plan amendments to the state land planning agency.

156 Section 4. Paragraph (f) of subsection (1) and paragraphs
 157 (a), (f), and (h) of subsection (6) of section 163.3177, Florida
 158 Statutes, are amended to read:

159 163.3177 Required and optional elements of comprehensive
 160 plan; studies and surveys.—

161 (1) The comprehensive plan shall provide the principles,
 162 guidelines, standards, and strategies for the orderly and
 163 balanced future economic, social, physical, environmental, and
 164 fiscal development of the area that reflects community
 165 commitments to implement the plan and its elements. These
 166 principles and strategies shall guide future decisions in a
 167 consistent manner and shall contain programs and activities to
 168 ensure comprehensive plans are implemented. The sections of the

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169 comprehensive plan containing the principles and strategies,
170 generally provided as goals, objectives, and policies, shall
171 describe how the local government's programs, activities, and
172 land development regulations will be initiated, modified, or
173 continued to implement the comprehensive plan in a consistent
174 manner. It is not the intent of this part to require the
175 inclusion of implementing regulations in the comprehensive plan
176 but rather to require identification of those programs,
177 activities, and land development regulations that will be part
178 of the strategy for implementing the comprehensive plan and the
179 principles that describe how the programs, activities, and land
180 development regulations will be carried out. The plan shall
181 establish meaningful and predictable standards for the use and
182 development of land and provide meaningful guidelines for the
183 content of more detailed land development and use regulations.

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

194 1. Surveys, studies, and data utilized in the preparation
195 of the comprehensive plan may not be deemed a part of the
196 comprehensive plan unless adopted as a part of it. Copies of

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197 such studies, surveys, data, and supporting documents for
198 proposed plans and plan amendments shall be made available for
199 public inspection, and copies of such plans shall be made
200 available to the public upon payment of reasonable charges for
201 reproduction. Support data or summaries are not subject to the
202 compliance review process, but the comprehensive plan must be
203 clearly based on appropriate data. Support data or summaries may
204 be used to aid in the determination of compliance and
205 consistency.

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

214 3. The comprehensive plan shall be based upon permanent
215 and seasonal population estimates and projections, which shall
216 either be those published ~~provided~~ by the Office of Economic and
217 Demographic Research ~~University of Florida's Bureau of Economic~~
218 ~~and Business Research~~ or generated by the local government based
219 upon a professionally acceptable methodology. The plan must be
220 based on at least the minimum amount of land required to
221 accommodate the medium projections as published by the Office of
222 Economic and Demographic Research ~~of the University of Florida's~~
223 ~~Bureau of Economic and Business Research~~ for at least a 10-year
224 planning period unless otherwise limited under s. 380.05,

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225 including related rules of the Administration Commission. Absent
226 physical limitations on population growth, population
227 projections for each municipality, and the unincorporated area
228 within a county must, at a minimum, be reflective of each area's
229 proportional share of the total county population and the total
230 county population growth.

231 (6) In addition to the requirements of subsections (1)-
232 (5), the comprehensive plan shall include the following
233 elements:

234 (a) A future land use plan element designating proposed
235 future general distribution, location, and extent of the uses of
236 land for residential uses, commercial uses, industry,
237 agriculture, recreation, conservation, education, public
238 facilities, and other categories of the public and private uses
239 of land. The approximate acreage and the general range of
240 density or intensity of use shall be provided for the gross land
241 area included in each existing land use category. The element
242 shall establish the long-term end toward which land use programs
243 and activities are ultimately directed.

244 1. Each future land use category must be defined in terms
245 of uses included, and must include standards to be followed in
246 the control and distribution of population densities and
247 building and structure intensities. The proposed distribution,
248 location, and extent of the various categories of land use shall
249 be shown on a land use map or map series which shall be
250 supplemented by goals, policies, and measurable objectives.

251 2. The future land use plan and plan amendments shall be
252 based upon surveys, studies, and data regarding the area, as

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253 applicable, including:

254 a. The amount of land required to accommodate anticipated

255 growth.

256 b. The projected permanent and seasonal population of the

257 area.

258 c. The character of undeveloped land.

259 d. The availability of water supplies, public facilities,

260 and services.

261 e. The need for redevelopment, including the renewal of

262 blighted areas and the elimination of nonconforming uses which

263 are inconsistent with the character of the community.

264 f. The compatibility of uses on lands adjacent to or

265 closely proximate to military installations.

266 g. The compatibility of uses on lands adjacent to an

267 airport as defined in s. 330.35 and consistent with s. 333.02.

268 h. The discouragement of urban sprawl.

269 i. The need for job creation, capital investment, and

270 economic development that will strengthen and diversify the

271 community's economy.

272 j. The need to modify land uses and development patterns

273 within antiquated subdivisions.

274 3. The future land use plan element shall include criteria

275 to be used to:

276 a. Achieve the compatibility of lands adjacent or closely

277 proximate to military installations, considering factors

278 identified in s. 163.3175(5).

279 b. Achieve the compatibility of lands adjacent to an

280 airport as defined in s. 330.35 and consistent with s. 333.02.

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281 c. Encourage preservation of recreational and commercial
 282 working waterfronts for water-dependent uses in coastal
 283 communities.

284 d. Encourage the location of schools proximate to urban
 285 residential areas to the extent possible.

286 e. Coordinate future land uses with the topography and
 287 soil conditions, and the availability of facilities and
 288 services.

289 f. Ensure the protection of natural and historic
 290 resources.

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

292 h. Provide guidelines for the implementation of mixed-use
 293 development including the types of uses allowed, the percentage
 294 distribution among the mix of uses, or other standards, and the
 295 density and intensity of each use.

296 4. The amount of land designated for future planned uses
 297 shall provide a balance of uses that foster vibrant, viable
 298 communities and economic development opportunities and address
 299 outdated development patterns, such as antiquated subdivisions.
 300 The amount of land designated for future land uses should allow
 301 the operation of real estate markets to provide adequate choices
 302 for permanent and seasonal residents and business and may not be
 303 limited solely by the projected population. The element shall
 304 accommodate at least the minimum amount of land required to
 305 accommodate the medium projections as published by the Office of
 306 Economic and Demographic Research ~~of the University of Florida's~~
 307 ~~Bureau of Economic and Business Research~~ for at least a 10-year
 308 planning period unless otherwise limited under s. 380.05,

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309 including related rules of the Administration Commission.
 310 5. The future land use plan of a county may designate
 311 areas for possible future municipal incorporation.
 312 6. The land use maps or map series shall generally
 313 identify and depict historic district boundaries and shall
 314 designate historically significant properties meriting
 315 protection.
 316 7. The future land use element must clearly identify the
 317 land use categories in which public schools are an allowable
 318 use. When delineating the land use categories in which public
 319 schools are an allowable use, a local government shall include
 320 in the categories sufficient land proximate to residential
 321 development to meet the projected needs for schools in
 322 coordination with public school boards and may establish
 323 differing criteria for schools of different type or size. Each
 324 local government shall include lands contiguous to existing
 325 school sites, to the maximum extent possible, within the land
 326 use categories in which public schools are an allowable use.
 327 8. Future land use map amendments shall be based upon the
 328 following analyses:
 329 a. An analysis of the availability of facilities and
 330 services.
 331 b. An analysis of the suitability of the plan amendment
 332 for its proposed use considering the character of the
 333 undeveloped land, soils, topography, natural resources, and
 334 historic resources on site.
 335 c. An analysis of the minimum amount of land needed to
 336 achieve the goals and requirements of this section ~~as determined~~

CODING: Words **stricken** are deletions; words **underlined** are additions.

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337 ~~by the local government.~~

338 9. The future land use element and any amendment to the
 339 future land use element shall discourage the proliferation of
 340 urban sprawl.

341 a. The primary indicators that a plan or plan amendment
 342 does not discourage the proliferation of urban sprawl are listed
 343 below. The evaluation of the presence of these indicators shall
 344 consist of an analysis of the plan or plan amendment within the
 345 context of features and characteristics unique to each locality
 346 in order to determine whether the plan or plan amendment:

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

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

354 (III) Promotes, allows, or designates urban development in
 355 radial, strip, isolated, or ribbon patterns generally emanating
 356 from existing urban developments.

357 (IV) Fails to adequately protect and conserve natural
 358 resources, such as wetlands, floodplains, native vegetation,
 359 environmentally sensitive areas, natural groundwater aquifer
 360 recharge areas, lakes, rivers, shorelines, beaches, bays,
 361 estuarine systems, and other significant natural systems.

362 (V) Fails to adequately protect adjacent agricultural
 363 areas and activities, including silviculture, active
 364 agricultural and silvicultural activities, passive agricultural

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365 activities, and dormant, unique, and prime farmlands and soils.

366 (VI) Fails to maximize use of existing public facilities
367 and services.

368 (VII) Fails to maximize use of future public facilities
369 and services.

370 (VIII) Allows for land use patterns or timing which
371 disproportionately increase the cost in time, money, and energy
372 of providing and maintaining facilities and services, including
373 roads, potable water, sanitary sewer, stormwater management, law
374 enforcement, education, health care, fire and emergency
375 response, and general government.

376 (IX) Fails to provide a clear separation between rural and
377 urban uses.

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

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

381 (XII) Results in poor accessibility among linked or
382 related land uses.

383 (XIII) Results in the loss of significant amounts of
384 functional open space.

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

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

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

395 (III) Promotes walkable and connected communities and
 396 provides for compact development and a mix of uses at densities
 397 and intensities that will support a range of housing choices and
 398 a multimodal transportation system, including pedestrian,
 399 bicycle, and transit, if available.

400 (IV) Promotes conservation of water and energy.

401 (V) Preserves agricultural areas and activities, including
 402 silviculture, and dormant, unique, and prime farmlands and
 403 soils.

404 (VI) Preserves open space and natural lands and provides
 405 for public open space and recreation needs.

406 (VII) Creates a balance of land uses based upon demands of
 407 the residential population for the nonresidential needs of an
 408 area.

409 (VIII) Provides uses, densities, and intensities of use
 410 and urban form that would remediate an existing or planned
 411 development pattern in the vicinity that constitutes sprawl or
 412 if it provides for an innovative development pattern such as
 413 transit-oriented developments or new towns as defined in s.
 414 163.3164.

415 10. The future land use element shall include a future
 416 land use map or map series.

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

420 (I) Residential.

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421 (II) Commercial.

422 (III) Industrial.

423 (IV) Agricultural.

424 (V) Recreational.

425 (VI) Conservation.

426 (VII) Educational.

427 (VIII) Public.

428 b. The following areas shall also be shown on the future

429 land use map or map series, if applicable:

430 (I) Historic district boundaries and designated

431 historically significant properties.

432 (II) Transportation concurrency management area boundaries

433 or transportation concurrency exception area boundaries.

434 (III) Multimodal transportation district boundaries.

435 (IV) Mixed-use categories.

436 c. The following natural resources or conditions shall be

437 shown on the future land use map or map series, if applicable:

438 (I) Existing and planned public potable waterwells, cones

439 of influence, and wellhead protection areas.

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

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

442 (IV) Wetlands.

443 (V) Minerals and soils.

444 (VI) Coastal high hazard areas.

445 11. Local governments required to update or amend their

446 comprehensive plan to include criteria and address compatibility

447 of lands adjacent or closely proximate to existing military

448 installations, or lands adjacent to an airport as defined in s.

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449 330.35 and consistent with s. 333.02, in their future land use
 450 plan element shall transmit the update or amendment to the state
 451 land planning agency by June 30, 2012.

452 (f)1. A housing element consisting of principles,
 453 guidelines, standards, and strategies to be followed in:

454 a. The provision of housing for all current and
 455 anticipated future residents of the jurisdiction.

456 b. The elimination of substandard dwelling conditions.

457 c. The structural and aesthetic improvement of existing
 458 housing.

459 d. The provision of adequate sites for future housing,
 460 including affordable workforce housing as defined in s.
 461 380.0651(3)(h), housing for low-income, very low-income, and
 462 moderate-income families, mobile homes, and group home
 463 facilities and foster care facilities, with supporting
 464 infrastructure and public facilities. The element may include
 465 provisions that specifically address affordable housing for
 466 persons 60 years of age or older. Real property that is conveyed
 467 to a local government for affordable housing under this sub-
 468 subparagraph shall be disposed of by the local government
 469 pursuant to s. 125.379 or s. 166.0451.

470 e. Provision for relocation housing and identification of
 471 historically significant and other housing for purposes of
 472 conservation, rehabilitation, or replacement.

473 f. The formulation of housing implementation programs.

474 g. The creation or preservation of affordable housing to
 475 minimize the need for additional local services and avoid the
 476 concentration of affordable housing units only in specific areas

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477 | of the jurisdiction.

478 | 2. The principles, guidelines, standards, and strategies
 479 | of the housing element must be based on ~~the~~ data and analysis
 480 | prepared on housing needs, ~~including an inventory taken from the~~
 481 | ~~latest decennial United States Census or more recent estimates,~~
 482 | which shall include the number and distribution of dwelling
 483 | units by type, tenure, age, rent, value, monthly cost of owner-
 484 | occupied units, and rent or cost to income ratio, and shall show
 485 | the number of dwelling units that are substandard. The data and
 486 | analysis ~~inventory~~ shall also include the methodology used to
 487 | estimate the condition of housing, a projection of the
 488 | anticipated number of households by size, income range, and age
 489 | of residents derived from the population projections, and the
 490 | minimum housing need of the current and anticipated future
 491 | residents of the jurisdiction.

492 | 3. The housing element must express principles,
 493 | guidelines, standards, and strategies that reflect, as needed,
 494 | the creation and preservation of affordable housing for all
 495 | current and anticipated future residents of the jurisdiction,
 496 | elimination of substandard housing conditions, adequate sites,
 497 | and distribution of housing for a range of incomes and types,
 498 | including mobile and manufactured homes. The element must
 499 | provide for specific programs and actions to partner with
 500 | private and nonprofit sectors to address housing needs in the
 501 | jurisdiction, streamline the permitting process, and minimize
 502 | costs and delays for affordable housing, establish standards to
 503 | address the quality of housing, stabilization of neighborhoods,
 504 | and identification and improvement of historically significant

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505 housing.

506 4. State and federal housing plans prepared on behalf of
507 the local government must be consistent with the goals,
508 objectives, and policies of the housing element. Local
509 governments are encouraged to use job training, job creation,
510 and economic solutions to address a portion of their affordable
511 housing concerns.

512 (h)1. An intergovernmental coordination element showing
513 relationships and stating principles and guidelines to be used
514 in coordinating the adopted comprehensive plan with the plans of
515 school boards, regional water supply authorities, and other
516 units of local government providing services but not having
517 regulatory authority over the use of land, with the
518 comprehensive plans of adjacent municipalities, the county,
519 adjacent counties, or the region, with the state comprehensive
520 plan and with the applicable regional water supply plan approved
521 pursuant to s. 373.709, as the case may require and as such
522 adopted plans or plans in preparation may exist. This element of
523 the local comprehensive plan must demonstrate consideration of
524 the particular effects of the local plan, when adopted, upon the
525 development of adjacent municipalities, the county, adjacent
526 counties, or the region, or upon the state comprehensive plan,
527 as the case may require.

528 a. The intergovernmental coordination element must provide
529 procedures for identifying and implementing joint planning
530 areas, especially for the purpose of annexation, municipal
531 incorporation, and joint infrastructure service areas.

532 b. The intergovernmental coordination element shall

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533 provide for a dispute resolution process, as established
 534 pursuant to s. 186.509, for bringing intergovernmental disputes
 535 to closure in a timely manner.

536 c. The intergovernmental coordination element shall
 537 provide for interlocal agreements as established pursuant to s.
 538 333.03(1)(b).

539 2. The intergovernmental coordination element shall also
 540 state principles and guidelines to be used in coordinating the
 541 adopted comprehensive plan with the plans of school boards and
 542 other units of local government providing facilities and
 543 services but not having regulatory authority over the use of
 544 land. In addition, the intergovernmental coordination element
 545 must describe joint processes for collaborative planning and
 546 decisionmaking on population projections and public school
 547 siting, the location and extension of public facilities subject
 548 to concurrency, and siting facilities with countywide
 549 significance, including locally unwanted land uses whose nature
 550 and identity are established in an agreement.

551 3. Within 1 year after adopting their intergovernmental
 552 coordination elements, each county, all the municipalities
 553 within that county, the district school board, and any unit of
 554 local government service providers in that county shall
 555 establish by interlocal or other formal agreement executed by
 556 all affected entities, the joint processes described in this
 557 subparagraph consistent with their adopted intergovernmental
 558 coordination elements. The agreement ~~element~~ must:

559 a. Ensure that the local government addresses through
 560 coordination mechanisms the impacts of development proposed in

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561 the local comprehensive plan upon development in adjacent
 562 municipalities, the county, adjacent counties, the region, and
 563 the state. The area of concern for municipalities shall include
 564 adjacent municipalities, the county, and counties adjacent to
 565 the municipality. The area of concern for counties shall include
 566 all municipalities within the county, adjacent counties, and
 567 adjacent municipalities.

568 b. Ensure coordination in establishing level of service
 569 standards for public facilities with any state, regional, or
 570 local entity having operational and maintenance responsibility
 571 for such facilities.

572 Section 5. Subsections (3) and (4) are added to section
 573 163.31777, Florida Statutes, to read:

574 163.31777 Public schools interlocal agreement.—

575 (3) A municipality is exempt from the requirements of
 576 subsections (1) and (2) if the municipality meets all of the
 577 following criteria for having no significant impact on school
 578 attendance:

579 (a) The municipality has issued development orders for
 580 fewer than 50 residential dwelling units during the preceding 5
 581 years, or the municipality has generated fewer than 25
 582 additional public school students during the preceding 5 years.

583 (b) The municipality has not annexed new land during the
 584 preceding 5 years in land use categories that permit residential
 585 uses that will affect school attendance rates.

586 (c) The municipality has no public schools located within
 587 its boundaries.

588 (d) At least 80 percent of the developable land within the

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589 boundaries of the municipality has been built upon.

590 (4) At the time of the evaluation and appraisal of its
 591 comprehensive plan pursuant to s. 163.3191, each exempt
 592 municipality shall assess the extent to which it continues to
 593 meet the criteria for exemption under subsection (3). If the
 594 municipality continues to meet the criteria for exemption under
 595 subsection (3), the municipality shall continue to be exempt
 596 from the interlocal-agreement requirement. Each municipality
 597 exempt under subsection (3) must comply with this section within
 598 1 year after the district school board proposes, in its 5-year
 599 district facilities work program, a new school within the
 600 municipality's jurisdiction.

601 Section 6. Subsections (3) and (6) of section 163.3178,
 602 Florida Statutes, are amended to read:

603 163.3178 Coastal management.—

604 (3) Expansions to port harbors, spoil disposal sites,
 605 navigation channels, turning basins, harbor berths, and other
 606 related inwater harbor facilities of ports listed in s.
 607 403.021(9); port transportation facilities and projects listed
 608 in s. 311.07(3)(b); intermodal transportation facilities
 609 identified pursuant to s. 311.09(3); and facilities determined
 610 by the state land planning agency ~~Department of Community~~
 611 ~~Affairs~~ and applicable general-purpose local government to be
 612 port-related industrial or commercial projects located within 3
 613 miles of or in a port master plan area which rely upon the use
 614 of port and intermodal transportation facilities shall not be
 615 designated as developments of regional impact if such
 616 expansions, projects, or facilities are consistent with

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617 comprehensive master plans that are in compliance with this
618 section.

619 (6) Local governments are encouraged to adopt countywide
620 marina siting plans to designate sites for existing and future
621 marinas. ~~The Coastal Resources Interagency Management Committee,~~
622 ~~at the direction of the Legislature, shall identify incentives~~
623 ~~to encourage local governments to adopt such siting plans and~~
624 ~~uniform criteria and standards to be used by local governments~~
625 ~~to implement state goals, objectives, and policies relating to~~
626 ~~marina siting. These criteria must ensure that priority is given~~
627 ~~to water-dependent land uses.~~ Countywide marina siting plans
628 must be consistent with state and regional environmental
629 planning policies and standards. Each local government in the
630 coastal area which participates in adoption of a countywide
631 marina siting plan shall incorporate the plan into the coastal
632 management element of its local comprehensive plan.

633 Section 7. Paragraph (a) of subsection (1) and paragraphs
634 (a), (i), (j), and (k) of subsection (6) of section 163.3180,
635 Florida Statutes, are amended to read:

636 163.3180 Concurrency.—

637 (1) Sanitary sewer, solid waste, drainage, and potable
638 water are the only public facilities and services subject to the
639 concurrency requirement on a statewide basis. Additional public
640 facilities and services may not be made subject to concurrency
641 on a statewide basis without approval by the Legislature;
642 however, any local government may extend the concurrency
643 requirement so that it applies to additional public facilities
644 within its jurisdiction.

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645 (a) If concurrency is applied to other public facilities,
646 the local government comprehensive plan must provide the
647 principles, guidelines, standards, and strategies, including
648 adopted levels of service, to guide its application. In order
649 for a local government to rescind any optional concurrency
650 provisions, a comprehensive plan amendment is required. An
651 amendment rescinding optional concurrency issues shall be
652 processed under the expedited state review process in s.
653 163.3184(3), but the amendment is not subject to state review
654 and is not required to be transmitted to the reviewing agencies
655 for comments, except that the local government shall transmit
656 the amendment to any local government or government agency that
657 has filed a request with the governing body and, for municipal
658 amendments, the amendment shall be transmitted to the county in
659 which the municipality is located. For informational purposes
660 only, a copy of the adopted amendment shall be provided to the
661 state land planning agency. A copy of the adopted amendment
662 shall also be provided to the Department of Transportation if
663 the amendment rescinds transportation concurrency and to the
664 Department of Education if the amendment rescinds school
665 concurrency.

666 (6) (a) Local governments that apply ~~If concurrency is~~
667 ~~applied to public education facilities, all local governments~~
668 ~~within a county, except as provided in paragraph (i),~~ shall
669 include principles, guidelines, standards, and strategies,
670 including adopted levels of service, in their comprehensive
671 plans and interlocal agreements. The choice of one or more
672 municipalities to not adopt school concurrency and enter into

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673 the interlocal agreement does not preclude implementation of
674 school concurrency within other jurisdictions of the school
675 district if the county and one or more municipalities have
676 adopted school concurrency into their comprehensive plan and
677 interlocal agreement that represents at least 80 percent of the
678 total countywide population, ~~the failure of one or more~~
679 ~~municipalities to adopt the concurrency and enter into the~~
680 ~~interlocal agreement does not preclude implementation of school~~
681 ~~concurrency within jurisdictions of the school district that~~
682 ~~have opted to implement concurrency.~~ All local government
683 provisions included in comprehensive plans regarding school
684 concurrency within a county must be consistent with each other
685 and as well as the requirements of this part.

686 ~~(i) A municipality is not required to be a signatory to~~
687 ~~the interlocal agreement required by paragraph (j), as a~~
688 ~~prerequisite for imposition of school concurrency, and as a~~
689 ~~nonsignatory, may not participate in the adopted local school~~
690 ~~concurrency system, if the municipality meets all of the~~
691 ~~following criteria for having no significant impact on school~~
692 ~~attendance:~~

693 ~~1. The municipality has issued development orders for~~
694 ~~fewer than 50 residential dwelling units during the preceding 5~~
695 ~~years, or the municipality has generated fewer than 25~~
696 ~~additional public school students during the preceding 5 years.~~

697 ~~2. The municipality has not annexed new land during the~~
698 ~~preceding 5 years in land use categories which permit~~
699 ~~residential uses that will affect school attendance rates.~~

700 ~~3. The municipality has no public schools located within~~

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701 ~~its boundaries.~~

702 ~~4. At least 80 percent of the developable land within the~~

703 ~~boundaries of the municipality has been built upon.~~

704 (i) ~~(j)~~ When establishing concurrency requirements for

705 public schools, a local government must enter into an interlocal

706 agreement that satisfies the requirements in ss.

707 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of

708 this subsection. The interlocal agreement shall acknowledge both

709 the school board's constitutional and statutory obligations to

710 provide a uniform system of free public schools on a countywide

711 basis, and the land use authority of local governments,

712 including their authority to approve or deny comprehensive plan

713 amendments and development orders. The interlocal agreement

714 shall meet the following requirements:

715 1. Establish the mechanisms for coordinating the

716 development, adoption, and amendment of each local government's

717 school concurrency related provisions of the comprehensive plan

718 with each other and the plans of the school board to ensure a

719 uniform districtwide school concurrency system.

720 2. Specify uniform, districtwide level-of-service

721 standards for public schools of the same type and the process

722 for modifying the adopted level-of-service standards.

723 3. Define the geographic application of school

724 concurrency. If school concurrency is to be applied on a less

725 than districtwide basis in the form of concurrency service

726 areas, the agreement shall establish criteria and standards for

727 the establishment and modification of school concurrency service

728 areas. The agreement shall ensure maximum utilization of school

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729 capacity, taking into account transportation costs and court-
 730 approved desegregation plans, as well as other factors.

731 4. Establish a uniform districtwide procedure for
 732 implementing school concurrency which provides for:

733 a. The evaluation of development applications for
 734 compliance with school concurrency requirements, including
 735 information provided by the school board on affected schools,
 736 impact on levels of service, and programmed improvements for
 737 affected schools and any options to provide sufficient capacity;

738 b. An opportunity for the school board to review and
 739 comment on the effect of comprehensive plan amendments and
 740 rezonings on the public school facilities plan; and

741 c. The monitoring and evaluation of the school concurrency
 742 system.

743 5. A process and uniform methodology for determining
 744 proportionate-share mitigation pursuant to paragraph (h).

745 (j)~~(k)~~ This subsection does not limit the authority of a
 746 local government to grant or deny a development permit or its
 747 functional equivalent prior to the implementation of school
 748 concurrency.

749 Section 8. Paragraphs (b) and (c) of subsection (3),
 750 paragraphs (b) and (e) of subsection (4), paragraphs (b), (d),
 751 and (e) of subsection (5), paragraph (f) of subsection (6), and
 752 subsection (12) of section 163.3184, Florida Statutes, are
 753 amended to read:

754 163.3184 Process for adoption of comprehensive plan or
 755 plan amendment.—

756 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF

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757 COMPREHENSIVE PLAN AMENDMENTS.—

758 (b)1. The local government, after the initial public
 759 hearing held pursuant to subsection (11), shall transmit within
 760 10 working days the amendment or amendments and appropriate
 761 supporting data and analyses to the reviewing agencies. The
 762 local governing body shall also transmit a copy of the
 763 amendments and supporting data and analyses to any other local
 764 government or governmental agency that has filed a written
 765 request with the governing body.

766 2. The reviewing agencies and any other local government
 767 or governmental agency specified in subparagraph 1. may provide
 768 comments regarding the amendment or amendments to the local
 769 government. State agencies shall only comment on important state
 770 resources and facilities that will be adversely impacted by the
 771 amendment if adopted. Comments provided by state agencies shall
 772 state with specificity how the plan amendment will adversely
 773 impact an important state resource or facility and shall
 774 identify measures the local government may take to eliminate,
 775 reduce, or mitigate the adverse impacts. Such comments, if not
 776 resolved, may result in a challenge by the state land planning
 777 agency to the plan amendment. Agencies and local governments
 778 must transmit their comments to the affected local government
 779 such that they are received by the local government not later
 780 than 30 days after ~~from~~ the date on which the agency or
 781 government received the amendment or amendments. Reviewing
 782 agencies shall also send a copy of their comments to the state
 783 land planning agency.

784 3. Comments to the local government from a regional

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785 | planning council, county, or municipality shall be limited as
 786 | follows:

787 | a. The regional planning council review and comments shall
 788 | be limited to adverse effects on regional resources or
 789 | facilities identified in the strategic regional policy plan and
 790 | extrajurisdictional impacts that would be inconsistent with the
 791 | comprehensive plan of any affected local government within the
 792 | region. A regional planning council may not review and comment
 793 | on a proposed comprehensive plan amendment prepared by such
 794 | council unless the plan amendment has been changed by the local
 795 | government subsequent to the preparation of the plan amendment
 796 | by the regional planning council.

797 | b. County comments shall be in the context of the
 798 | relationship and effect of the proposed plan amendments on the
 799 | county plan.

800 | c. Municipal comments shall be in the context of the
 801 | relationship and effect of the proposed plan amendments on the
 802 | municipal plan.

803 | d. Military installation comments shall be provided in
 804 | accordance with s. 163.3175.

805 | 4. Comments to the local government from state agencies
 806 | shall be limited to the following subjects as they relate to
 807 | important state resources and facilities that will be adversely
 808 | impacted by the amendment if adopted:

809 | a. The Department of Environmental Protection shall limit
 810 | its comments to the subjects of air and water pollution;
 811 | wetlands and other surface waters of the state; federal and
 812 | state-owned lands and interest in lands, including state parks,

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813 greenways and trails, and conservation easements; solid waste;
 814 water and wastewater treatment; and the Everglades ecosystem
 815 restoration.

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

818 c. The Department of Transportation shall limit its
 819 comments to issues within the agency's jurisdiction as it
 820 relates to transportation resources and facilities of state
 821 importance.

822 d. The Fish and Wildlife Conservation Commission shall
 823 limit its comments to subjects relating to fish and wildlife
 824 habitat and listed species and their habitat.

825 e. The Department of Agriculture and Consumer Services
 826 shall limit its comments to the subjects of agriculture,
 827 forestry, and aquaculture issues.

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

830 g. The appropriate water management district shall limit
 831 its comments to flood protection and floodplain management,
 832 wetlands and other surface waters, and regional water supply.

833 h. The state land planning agency shall limit its comments
 834 to important state resources and facilities outside the
 835 jurisdiction of other commenting state agencies and may include
 836 comments on countervailing planning policies and objectives
 837 served by the plan amendment that should be balanced against
 838 potential adverse impacts to important state resources and
 839 facilities.

840 (c)1. The local government shall hold its second public

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841 hearing, which shall be a hearing on whether to adopt one or
842 more comprehensive plan amendments pursuant to subsection (11).
843 If the local government fails, within 180 days after receipt of
844 agency comments, to hold the second public hearing, the
845 amendments shall be deemed withdrawn unless extended by
846 agreement with notice to the state land planning agency and any
847 affected person that provided comments on the amendment. The
848 180-day limitation does not apply to amendments processed
849 pursuant to s. 380.06.

850 2. All comprehensive plan amendments adopted by the
851 governing body, along with the supporting data and analysis,
852 shall be transmitted within 10 working days after the second
853 public hearing to the state land planning agency and any other
854 agency or local government that provided timely comments under
855 subparagraph (b)2.

856 3. The state land planning agency shall notify the local
857 government of any deficiencies within 5 working days after
858 receipt of an amendment package. For purposes of completeness,
859 an amendment shall be deemed complete if it contains a full,
860 executed copy of the adoption ordinance or ordinances; in the
861 case of a text amendment, a full copy of the amended language in
862 legislative format with new words inserted in the text
863 underlined, and words deleted stricken with hyphens; in the case
864 of a future land use map amendment, a copy of the future land
865 use map clearly depicting the parcel, its existing future land
866 use designation, and its adopted designation; and a copy of any
867 data and analyses the local government deems appropriate.

868 4. An amendment adopted under this paragraph does not

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869 | become effective until 31 days after the state land planning
 870 | agency notifies the local government that the plan amendment
 871 | package is complete. If timely challenged, an amendment does not
 872 | become effective until the state land planning agency or the
 873 | Administration Commission enters a final order determining the
 874 | adopted amendment to be in compliance.

875 | (4) STATE COORDINATED REVIEW PROCESS.—

876 | (b) Local government transmittal of proposed plan or
 877 | amendment.—Each local governing body proposing a plan or plan
 878 | amendment specified in paragraph (2)(c) shall transmit the
 879 | complete proposed comprehensive plan or plan amendment to the
 880 | reviewing agencies within 10 working days after ~~immediately~~
 881 | ~~following~~ the first public hearing pursuant to subsection (11).
 882 | The transmitted document shall clearly indicate on the cover
 883 | sheet that this plan amendment is subject to the state
 884 | coordinated review process of this subsection. The local
 885 | governing body shall also transmit a copy of the complete
 886 | proposed comprehensive plan or plan amendment to any other unit
 887 | of local government or government agency in the state that has
 888 | filed a written request with the governing body for the plan or
 889 | plan amendment.

890 | (e) Local government review of comments; adoption of plan
 891 | or amendments and transmittal.—

892 | 1. The local government shall review the report submitted
 893 | to it by the state land planning agency, if any, and written
 894 | comments submitted to it by any other person, agency, or
 895 | government. The local government, upon receipt of the report
 896 | from the state land planning agency, shall hold its second

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897 public hearing, which shall be a hearing to determine whether to
898 adopt the comprehensive plan or one or more comprehensive plan
899 amendments pursuant to subsection (11). If the local government
900 fails to hold the second hearing within 180 days after receipt
901 of the state land planning agency's report, the amendments shall
902 be deemed withdrawn unless extended by agreement with notice to
903 the state land planning agency and any affected person that
904 provided comments on the amendment. The 180-day limitation does
905 not apply to amendments processed pursuant to s. 380.06.

906 2. All comprehensive plan amendments adopted by the
907 governing body, along with the supporting data and analysis,
908 shall be transmitted within 10 working days after the second
909 public hearing to the state land planning agency and any other
910 agency or local government that provided timely comments under
911 paragraph (c).

912 3. The state land planning agency shall notify the local
913 government of any deficiencies within 5 working days after
914 receipt of a plan or plan amendment package. For purposes of
915 completeness, a plan or plan amendment shall be deemed complete
916 if it contains a full, executed copy of the adoption ordinance
917 or ordinances; in the case of a text amendment, a full copy of
918 the amended language in legislative format with new words
919 inserted in the text underlined, and words deleted stricken with
920 hyphens; in the case of a future land use map amendment, a copy
921 of the future land use map clearly depicting the parcel, its
922 existing future land use designation, and its adopted
923 designation; and a copy of any data and analyses the local
924 government deems appropriate.

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925 4. After the state land planning agency makes a
 926 determination of completeness regarding the adopted plan or plan
 927 amendment, the state land planning agency shall have 45 days to
 928 determine if the plan or plan amendment is in compliance with
 929 this act. Unless the plan or plan amendment is substantially
 930 changed from the one commented on, the state land planning
 931 agency's compliance determination shall be limited to objections
 932 raised in the objections, recommendations, and comments report.
 933 During the period provided for in this subparagraph, the state
 934 land planning agency shall issue, through a senior administrator
 935 or the secretary, a notice of intent to find that the plan or
 936 plan amendment is in compliance or not in compliance. The state
 937 land planning agency shall post a copy of the notice of intent
 938 on the agency's Internet website. Publication by the state land
 939 planning agency of the notice of intent on the state land
 940 planning agency's Internet site shall be prima facie evidence of
 941 compliance with the publication requirements of this
 942 subparagraph.

943 5. A plan or plan amendment adopted under the state
 944 coordinated review process shall go into effect pursuant to the
 945 state land planning agency's notice of intent. If timely
 946 challenged, an amendment does not become effective until the
 947 state land planning agency or the Administration Commission
 948 enters a final order determining the adopted amendment to be in
 949 compliance.

950 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
 951 AMENDMENTS.—

952 (b) The state land planning agency may file a petition

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953 with the Division of Administrative Hearings pursuant to ss.
954 120.569 and 120.57, with a copy served on the affected local
955 government, to request a formal hearing to challenge whether the
956 plan or plan amendment is in compliance as defined in paragraph
957 (1)(b). The state land planning agency's petition must clearly
958 state the reasons for the challenge. Under the expedited state
959 review process, this petition must be filed with the division
960 within 30 days after the state land planning agency notifies the
961 local government that the plan amendment package is complete
962 according to subparagraph (3)(c)3. Under the state coordinated
963 review process, this petition must be filed with the division
964 within 45 days after the state land planning agency notifies the
965 local government that the plan amendment package is complete
966 according to subparagraph (4)(e)3. ~~(3)(e)3.~~

967 1. The state land planning agency's challenge to plan
968 amendments adopted under the expedited state review process
969 shall be limited to the comments provided by the reviewing
970 agencies pursuant to subparagraphs (3)(b)2.-4., upon a
971 determination by the state land planning agency that an
972 important state resource or facility will be adversely impacted
973 by the adopted plan amendment. The state land planning agency's
974 petition shall state with specificity how the plan amendment
975 will adversely impact the important state resource or facility.
976 The state land planning agency may challenge a plan amendment
977 that has substantially changed from the version on which the
978 agencies provided comments but only upon a determination by the
979 state land planning agency that an important state resource or
980 facility will be adversely impacted.

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981 2. If the state land planning agency issues a notice of
 982 intent to find the comprehensive plan or plan amendment not in
 983 compliance with this act, the notice of intent shall be
 984 forwarded to the Division of Administrative Hearings of the
 985 Department of Management Services, which shall conduct a
 986 proceeding under ss. 120.569 and 120.57 in the county of and
 987 convenient to the affected local jurisdiction. The parties to
 988 the proceeding shall be the state land planning agency, the
 989 affected local government, and any affected person who
 990 intervenes. No new issue may be alleged as a reason to find a
 991 plan or plan amendment not in compliance in an administrative
 992 pleading filed more than 21 days after publication of notice
 993 unless the party seeking that issue establishes good cause for
 994 not alleging the issue within that time period. Good cause does
 995 not include excusable neglect.

996 (d) If the administrative law judge recommends that the
 997 amendment be found not in compliance, the judge shall submit the
 998 recommended order to the Administration Commission for final
 999 agency action. The Administration Commission shall make every
 1000 effort to enter a final order expeditiously, but at a minimum
 1001 within the time period provided by s. 120.569 ~~45 days after its~~
 1002 ~~receipt of the recommended order.~~

1003 (e) If the administrative law judge recommends that the
 1004 amendment be found in compliance, the judge shall submit the
 1005 recommended order to the state land planning agency.

1006 1. If the state land planning agency determines that the
 1007 plan amendment should be found not in compliance, the agency
 1008 shall make every effort to refer, ~~within 30 days after receipt~~

CODING: Words **stricken** are deletions; words **underlined** are additions.

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1009 ~~of the recommended order,~~ the recommended order and its
 1010 determination expeditiously to the Administration Commission for
 1011 final agency action, but at a minimum within the time period
 1012 provided by s. 120.569.

1013 2. If the state land planning agency determines that the
 1014 plan amendment should be found in compliance, the agency shall
 1015 make every effort to enter its final order expeditiously, but at
 1016 a minimum within the time period provided by s. 120.569 ~~not~~
 1017 ~~later than 30 days after receipt of the recommended order.~~

1018 (6) COMPLIANCE AGREEMENT.—

1019 (f) For challenges to amendments adopted under the state
 1020 coordinated process, the state land planning agency, ~~upon~~
 1021 ~~receipt of a plan or plan amendment adopted pursuant to a~~
 1022 ~~compliance agreement,~~ shall issue a cumulative notice of intent
 1023 addressing both the remedial amendment and the plan or plan
 1024 amendment that was the subject of the agreement within 20 days
 1025 after receiving a complete plan or plan amendment adopted
 1026 pursuant to a compliance agreement.

1027 1. If the local government adopts a comprehensive plan or
 1028 plan amendment pursuant to a compliance agreement and a notice
 1029 of intent to find the plan amendment in compliance is issued,
 1030 the state land planning agency shall forward the notice of
 1031 intent to the Division of Administrative Hearings and the
 1032 administrative law judge shall realign the parties in the
 1033 pending proceeding under ss. 120.569 and 120.57, which shall
 1034 thereafter be governed by the process contained in paragraph
 1035 (5) (a) and subparagraph (5) (c)1., including provisions relating
 1036 to challenges by an affected person, burden of proof, and issues

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1037 of a recommended order and a final order. Parties to the
1038 original proceeding at the time of realignment may continue as
1039 parties without being required to file additional pleadings to
1040 initiate a proceeding, but may timely amend their pleadings to
1041 raise any challenge to the amendment that is the subject of the
1042 cumulative notice of intent, and must otherwise conform to the
1043 rules of procedure of the Division of Administrative Hearings.
1044 Any affected person not a party to the realigned proceeding may
1045 challenge the plan amendment that is the subject of the
1046 cumulative notice of intent by filing a petition with the agency
1047 as provided in subsection (5). The agency shall forward the
1048 petition filed by the affected person not a party to the
1049 realigned proceeding to the Division of Administrative Hearings
1050 for consolidation with the realigned proceeding. If the
1051 cumulative notice of intent is not challenged, the state land
1052 planning agency shall request that the Division of
1053 Administrative Hearings relinquish jurisdiction to the state
1054 land planning agency for issuance of a final order.

1055 2. If the local government adopts a comprehensive plan
1056 amendment pursuant to a compliance agreement and a notice of
1057 intent is issued that finds the plan amendment not in
1058 compliance, the state land planning agency shall forward the
1059 notice of intent to the Division of Administrative Hearings,
1060 which shall consolidate the proceeding with the pending
1061 proceeding and immediately set a date for a hearing in the
1062 pending proceeding under ss. 120.569 and 120.57. Affected
1063 persons who are not a party to the underlying proceeding under
1064 ss. 120.569 and 120.57 may challenge the plan amendment adopted

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1065 pursuant to the compliance agreement by filing a petition
 1066 pursuant to paragraph (5) (a).

1067 (12) CONCURRENT ZONING.—At the request of an applicant, a
 1068 local government shall consider an application for zoning
 1069 changes that would be required to properly enact any proposed
 1070 plan amendment transmitted pursuant to this section ~~subsection~~.
 1071 Zoning changes approved by the local government are contingent
 1072 upon the comprehensive plan or plan amendment transmitted
 1073 becoming effective.

1074 Section 9. Subsection (3) of section 163.3191, Florida
 1075 Statutes, is amended to read:

1076 163.3191 Evaluation and appraisal of comprehensive plan.—

1077 (3) Local governments are encouraged to comprehensively
 1078 evaluate and, as necessary, update comprehensive plans to
 1079 reflect changes in local conditions. Plan amendments transmitted
 1080 pursuant to this section shall be reviewed pursuant to ~~in~~
 1081 ~~accordance with~~ s. 163.3184(4).

1082 Section 10. Subsections (8) through (14) of section
 1083 163.3245, Florida Statutes, are redesignated as subsections (7)
 1084 through (13), respectively, and present subsections (1) and (7)
 1085 of that section are amended to read:

1086 163.3245 Sector plans.—

1087 (1) In recognition of the benefits of long-range planning
 1088 for specific areas, local governments or combinations of local
 1089 governments may adopt into their comprehensive plans a sector
 1090 plan in accordance with this section. This section is intended
 1091 to promote and encourage long-term planning for conservation,
 1092 development, and agriculture on a landscape scale; to further

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1093 support ~~the intent of s. 163.3177(11), which supports~~ innovative
 1094 and flexible planning and development strategies, and the
 1095 purposes of this part and part I of chapter 380; to facilitate
 1096 protection of regionally significant resources, including, but
 1097 not limited to, regionally significant water courses and
 1098 wildlife corridors; and to avoid duplication of effort in terms
 1099 of the level of data and analysis required for a development of
 1100 regional impact, while ensuring the adequate mitigation of
 1101 impacts to applicable regional resources and facilities,
 1102 including those within the jurisdiction of other local
 1103 governments, as would otherwise be provided. Sector plans are
 1104 intended for substantial geographic areas that include at least
 1105 15,000 acres of one or more local governmental jurisdictions and
 1106 are to emphasize urban form and protection of regionally
 1107 significant resources and public facilities. A sector plan may
 1108 not be adopted in an area of critical state concern.

1109 ~~(7) Beginning December 1, 1999, and each year thereafter,~~
 1110 ~~the department shall provide a status report to the President of~~
 1111 ~~the Senate and the Speaker of the House of Representatives~~
 1112 ~~regarding each optional sector plan authorized under this~~
 1113 ~~section.~~

1114 Section 11. Paragraph (d) of subsection (2) of section
 1115 186.002, Florida Statutes, is amended to read:

1116 186.002 Findings and intent.—

1117 (2) It is the intent of the Legislature that:

1118 (d) The state planning process shall be informed and
 1119 guided by the experience of public officials at all levels of
 1120 government. ~~In preparing any plans or proposed revisions or~~

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1121 ~~amendments required by this chapter, the Governor shall consider~~
 1122 ~~the experience of and information provided by local governments~~
 1123 ~~in their evaluation and appraisal reports pursuant to s.~~
 1124 ~~163.3191.~~

1125 Section 12. Subsection (8) of section 186.007, Florida
 1126 Statutes, is amended to read:

1127 186.007 State comprehensive plan; preparation; revision.—

1128 (8) The revision of the state comprehensive plan is a
 1129 continuing process. Each section of the plan shall be reviewed
 1130 and analyzed biennially by the Executive Office of the Governor
 1131 in conjunction with the planning officers of other state
 1132 agencies significantly affected by the provisions of the
 1133 particular section under review. In conducting this review and
 1134 analysis, the Executive Office of the Governor shall review and
 1135 consider, with the assistance of the state land planning agency
 1136 and regional planning councils, ~~the evaluation and appraisal~~
 1137 ~~reports submitted pursuant to s. 163.3191 and the evaluation and~~
 1138 appraisal reports prepared pursuant to s. 186.511. Any necessary
 1139 revisions of the state comprehensive plan shall be proposed by
 1140 the Governor in a written report and be accompanied by an
 1141 explanation of the need for such changes. If the Governor
 1142 determines that changes are unnecessary, the written report must
 1143 explain why changes are unnecessary. The proposed revisions and
 1144 accompanying explanations may be submitted in the report
 1145 required by s. 186.031. Any proposed revisions to the plan shall
 1146 be submitted to the Legislature as provided in s. 186.008(2) at
 1147 least 30 days prior to the regular legislative session occurring
 1148 in each even-numbered year.

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1149 Section 13. Subsection (26) is added to section 186.505,
 1150 Florida Statutes, to read:

1151 186.505 Regional planning councils; powers and duties.—Any
 1152 regional planning council created hereunder shall have the
 1153 following powers:

1154 (26) To provide consulting services to a private developer
 1155 or landowner for a project, if not serving in a review capacity
 1156 in the future, except that statutorily mandated services may be
 1157 provided by the regional planning council regardless of its
 1158 review role.

1159 Section 14. Subsection (1) of section 186.508, Florida
 1160 Statutes, is amended to read:

1161 186.508 Strategic regional policy plan adoption;
 1162 consistency with state comprehensive plan.—

1163 (1) Each regional planning council shall submit to the
 1164 Executive Office of the Governor its proposed strategic regional
 1165 policy plan on a schedule established by the Executive Office of
 1166 the Governor to coordinate implementation of the strategic
 1167 regional policy plans with the evaluation and appraisal process
 1168 ~~reports~~ required by s. 163.3191. The Executive Office of the
 1169 Governor, or its designee, shall review the proposed strategic
 1170 regional policy plan to ensure consistency with the adopted
 1171 state comprehensive plan and shall, within 60 days, provide any
 1172 recommended revisions. The Governor's recommended revisions
 1173 shall be included in the plans in a comment section. However,
 1174 nothing in this section precludes ~~herein shall preclude~~ a
 1175 regional planning council from adopting or rejecting any or all
 1176 of the revisions as a part of its plan before ~~prior to~~ the

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1177 effective date of the plan. The rules adopting the strategic
 1178 regional policy plan are ~~shall not be~~ subject to rule challenge
 1179 under s. 120.56(2) or to drawout proceedings under s.
 1180 120.54(3)(c)2., but, once adopted, are ~~shall be~~ subject to an
 1181 invalidity challenge under s. 120.56(3) by substantially
 1182 affected persons, including the Executive Office of the
 1183 Governor. The rules shall be adopted by the regional planning
 1184 councils, and ~~shall~~ become effective upon filing with the
 1185 Department of State, notwithstanding the provisions of s.
 1186 120.54(3)(e)6.

1187 Section 15. Subsections (2) and (3) of section 189.415,
 1188 Florida Statutes, are amended to read:

1189 189.415 Special district public facilities report.-

1190 (2) Each independent special district shall submit to each
 1191 local general-purpose government in which it is located a public
 1192 facilities report and an annual notice of any changes. The
 1193 public facilities report shall specify the following
 1194 information:

1195 (a) A description of existing public facilities owned or
 1196 operated by the special district, and each public facility that
 1197 is operated by another entity, except a local general-purpose
 1198 government, through a lease or other agreement with the special
 1199 district. This description shall include the current capacity of
 1200 the facility, the current demands placed upon it, and its
 1201 location. This information shall be required in the initial
 1202 report and updated every 7 ~~5~~ years at least 12 months before
 1203 ~~prior to~~ the submission date of the evaluation and appraisal
 1204 notification letter ~~report~~ of the appropriate local government

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1205 required by s. 163.3191. The department shall post a schedule on
 1206 its website, based on the evaluation and appraisal notification
 1207 schedule prepared pursuant to s. 163.3191(5), for use by a
 1208 special district to determine when its public facilities report
 1209 and updates to that report are due to the local general-purpose
 1210 governments in which the special district is located. At least
 1211 ~~12 months prior to the date on which each special district's~~
 1212 ~~first updated report is due, the department shall notify each~~
 1213 ~~independent district on the official list of special districts~~
 1214 ~~compiled pursuant to s. 189.4035 of the schedule for submission~~
 1215 ~~of the evaluation and appraisal report by each local government~~
 1216 ~~within the special district's jurisdiction.~~

1217 (b) A description of each public facility the district is
 1218 building, improving, or expanding, or is currently proposing to
 1219 build, improve, or expand within at least the next 7 ~~5~~ years,
 1220 including any facilities that the district is assisting another
 1221 entity, except a local general-purpose government, to build,
 1222 improve, or expand through a lease or other agreement with the
 1223 district. For each public facility identified, the report shall
 1224 describe how the district currently proposes to finance the
 1225 facility.

1226 (c) If the special district currently proposes to replace
 1227 any facilities identified in paragraph (a) or paragraph (b)
 1228 within the next 10 years, the date when such facility will be
 1229 replaced.

1230 (d) The anticipated time the construction, improvement, or
 1231 expansion of each facility will be completed.

1232 (e) The anticipated capacity of and demands on each public

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1233 facility when completed. In the case of an improvement or
 1234 expansion of a public facility, both the existing and
 1235 anticipated capacity must be listed.

1236 (3) A special district proposing to build, improve, or
 1237 expand a public facility which requires a certificate of need
 1238 pursuant to chapter 408 shall elect to notify the appropriate
 1239 local general-purpose government of its plans either in its 7-
 1240 year ~~5-year~~ plan or at the time the letter of intent is filed
 1241 with the Agency for Health Care Administration pursuant to s.
 1242 408.039.

1243 Section 16. Subsection (5) of section 288.975, Florida
 1244 Statutes, is amended to read:

1245 288.975 Military base reuse plans.—

1246 (5) At the discretion of the host local government, the
 1247 provisions of this act may be complied with through the adoption
 1248 of the military base reuse plan as a separate component of the
 1249 local government comprehensive plan or through simultaneous
 1250 amendments to all pertinent portions of the local government
 1251 comprehensive plan. Once adopted and approved in accordance with
 1252 this section, the military base reuse plan shall be considered
 1253 to be part of the host local government's comprehensive plan and
 1254 shall be thereafter implemented, amended, and reviewed pursuant
 1255 to ~~in accordance with the provisions of~~ part II of chapter 163.
 1256 ~~Local government comprehensive plan amendments necessary to~~
 1257 ~~initially adopt the military base reuse plan shall be exempt~~
 1258 ~~from the limitation on the frequency of plan amendments~~
 1259 ~~contained in s. 163.3187(1).~~

1260 Section 17. Paragraph (b) of subsection (6), paragraph (e)

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1261 of subsection (19), paragraphs (l) and (q) of subsection (24),
 1262 and paragraph (b) of subsection (29) of section 380.06, Florida
 1263 Statutes, are amended to read:

1264 380.06 Developments of regional impact.—

1265 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
 1266 PLAN AMENDMENTS.—

1267 (b) Any local government comprehensive plan amendments
 1268 related to a proposed development of regional impact, including
 1269 any changes proposed under subsection (19), may be initiated by
 1270 a local planning agency or the developer and must be considered
 1271 by the local governing body at the same time as the application
 1272 for development approval using the procedures provided for local
 1273 plan amendment in s. 163.3184 ~~163.3187~~ and applicable local
 1274 ordinances, without regard to local limits on the frequency of
 1275 consideration of amendments to the local comprehensive plan.
 1276 This paragraph does not require favorable consideration of a
 1277 plan amendment solely because it is related to a development of
 1278 regional impact. The procedure for processing such comprehensive
 1279 plan amendments is as follows:

1280 1. If a developer seeks a comprehensive plan amendment
 1281 related to a development of regional impact, the developer must
 1282 so notify in writing the regional planning agency, the
 1283 applicable local government, and the state land planning agency
 1284 no later than the date of preapplication conference or the
 1285 submission of the proposed change under subsection (19).

1286 2. When filing the application for development approval or
 1287 the proposed change, the developer must include a written
 1288 request for comprehensive plan amendments that would be

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1289 necessitated by the development-of-regional-impact approvals
 1290 sought. That request must include data and analysis upon which
 1291 the applicable local government can determine whether to
 1292 transmit the comprehensive plan amendment pursuant to s.
 1293 163.3184.

1294 3. The local government must advertise a public hearing on
 1295 the transmittal within 30 days after filing the application for
 1296 development approval or the proposed change and must make a
 1297 determination on the transmittal within 60 days after the
 1298 initial filing unless that time is extended by the developer.

1299 4. If the local government approves the transmittal,
 1300 procedures set forth in s. 163.3184(4)(b)-(d) must be followed.

1301 5. Notwithstanding subsection (11) or subsection (19), the
 1302 local government may not hold a public hearing on the
 1303 application for development approval or the proposed change or
 1304 on the comprehensive plan amendments sooner than 30 days after
 1305 reviewing agency comments are due to the local government from
 1306 receipt of the response from the state land planning agency
 1307 pursuant to s. 163.3184(4)(d).

1308 6. The local government must hear both the application for
 1309 development approval or the proposed change and the
 1310 comprehensive plan amendments at the same hearing. However, the
 1311 local government must take action separately on the application
 1312 for development approval or the proposed change and on the
 1313 comprehensive plan amendments.

1314 7. Thereafter, the appeal process for the local government
 1315 development order must follow the provisions of s. 380.07, and
 1316 the compliance process for the comprehensive plan amendments

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1317 must follow the provisions of s. 163.3184.
 1318 (19) SUBSTANTIAL DEVIATIONS.—
 1319 (e)1. Except for a development order rendered pursuant to
 1320 subsection (22) or subsection (25), a proposed change to a
 1321 development order that individually or cumulatively with any
 1322 previous change is less than any numerical criterion contained
 1323 in subparagraphs (b)1.-10. and does not exceed any other
 1324 criterion, or that involves an extension of the buildout date of
 1325 a development, or any phase thereof, of less than 5 years is not
 1326 subject to the public hearing requirements of subparagraph
 1327 (f)3., and is not subject to a determination pursuant to
 1328 subparagraph (f)5. Notice of the proposed change shall be made
 1329 to the regional planning council and the state land planning
 1330 agency. Such notice shall include a description of previous
 1331 individual changes made to the development, including changes
 1332 previously approved by the local government, and shall include
 1333 appropriate amendments to the development order.
 1334 2. The following changes, individually or cumulatively
 1335 with any previous changes, are not substantial deviations:
 1336 a. Changes in the name of the project, developer, owner,
 1337 or monitoring official.
 1338 b. Changes to a setback that do not affect noise buffers,
 1339 environmental protection or mitigation areas, or archaeological
 1340 or historical resources.
 1341 c. Changes to minimum lot sizes.
 1342 d. Changes in the configuration of internal roads that do
 1343 not affect external access points.
 1344 e. Changes to the building design or orientation that stay

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1345 approximately within the approved area designated for such
1346 building and parking lot, and which do not affect historical
1347 buildings designated as significant by the Division of
1348 Historical Resources of the Department of State.

1349 f. Changes to increase the acreage in the development,
1350 provided that no development is proposed on the acreage to be
1351 added.

1352 g. Changes to eliminate an approved land use, provided
1353 that there are no additional regional impacts.

1354 h. Changes required to conform to permits approved by any
1355 federal, state, or regional permitting agency, provided that
1356 these changes do not create additional regional impacts.

1357 i. Any renovation or redevelopment of development within a
1358 previously approved development of regional impact which does
1359 not change land use or increase density or intensity of use.

1360 j. Changes that modify boundaries and configuration of
1361 areas described in subparagraph (b)11. due to science-based
1362 refinement of such areas by survey, by habitat evaluation, by
1363 other recognized assessment methodology, or by an environmental
1364 assessment. In order for changes to qualify under this sub-
1365 subparagraph, the survey, habitat evaluation, or assessment must
1366 occur prior to the time a conservation easement protecting such
1367 lands is recorded and must not result in any net decrease in the
1368 total acreage of the lands specifically set aside for permanent
1369 preservation in the final development order.

1370 k. Any other change which the state land planning agency,
1371 in consultation with the regional planning council, agrees in
1372 writing is similar in nature, impact, or character to the

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1373 | changes enumerated in sub-subparagraphs a.-j. and which does not
 1374 | create the likelihood of any additional regional impact.

1375 |
 1376 | This subsection does not require the filing of a notice of
 1377 | proposed change but shall require an application to the local
 1378 | government to amend the development order in accordance with the
 1379 | local government's procedures for amendment of a development
 1380 | order. In accordance with the local government's procedures,
 1381 | including requirements for notice to the applicant and the
 1382 | public, the local government shall either deny the application
 1383 | for amendment or adopt an amendment to the development order
 1384 | which approves the application with or without conditions.
 1385 | Following adoption, the local government shall render to the
 1386 | state land planning agency the amendment to the development
 1387 | order. The state land planning agency may appeal, pursuant to s.
 1388 | 380.07(3), the amendment to the development order if the
 1389 | amendment involves sub-subparagraph g., sub-subparagraph h.,
 1390 | sub-subparagraph j., or sub-subparagraph k., and it believes the
 1391 | change creates a reasonable likelihood of new or additional
 1392 | regional impacts.

1393 | 3. Except for the change authorized by sub-subparagraph
 1394 | 2.f., any addition of land not previously reviewed or any change
 1395 | not specified in paragraph (b) or paragraph (c) shall be
 1396 | presumed to create a substantial deviation. This presumption may
 1397 | be rebutted by clear and convincing evidence.

1398 | 4. Any submittal of a proposed change to a previously
 1399 | approved development shall include a description of individual
 1400 | changes previously made to the development, including changes

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1401 | previously approved by the local government. The local
 1402 | government shall consider the previous and current proposed
 1403 | changes in deciding whether such changes cumulatively constitute
 1404 | a substantial deviation requiring further development-of-
 1405 | regional-impact review.

1406 | 5. The following changes to an approved development of
 1407 | regional impact shall be presumed to create a substantial
 1408 | deviation. Such presumption may be rebutted by clear and
 1409 | convincing evidence.

1410 | a. A change proposed for 15 percent or more of the acreage
 1411 | to a land use not previously approved in the development order.
 1412 | Changes of less than 15 percent shall be presumed not to create
 1413 | a substantial deviation.

1414 | b. Notwithstanding any provision of paragraph (b) to the
 1415 | contrary, a proposed change consisting of simultaneous increases
 1416 | and decreases of at least two of the uses within an authorized
 1417 | multiuse development of regional impact which was originally
 1418 | approved with three or more uses specified in s. 380.0651(3)(c)
 1419 | and (d) ~~380.0651(3)(e), (d), and (e)~~ and residential use.

1420 | 6. If a local government agrees to a proposed change, a
 1421 | change in the transportation proportionate share calculation and
 1422 | mitigation plan in an adopted development order as a result of
 1423 | recalculation of the proportionate share contribution meeting
 1424 | the requirements of s. 163.3180(5)(h) in effect as of the date
 1425 | of such change shall be presumed not to create a substantial
 1426 | deviation. For purposes of this subsection, the proposed change
 1427 | in the proportionate share calculation or mitigation plan shall
 1428 | not be considered an additional regional transportation impact.

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1429 (24) STATUTORY EXEMPTIONS.—
 1430 (1) Any proposed development within an urban service
 1431 boundary established under s. 163.3177(14), Florida Statutes
 1432 2010, which is not otherwise exempt pursuant to subsection (29),
 1433 is exempt from this section if the local government having
 1434 jurisdiction over the area where the development is proposed has
 1435 adopted the urban service boundary and has entered into a
 1436 binding agreement with jurisdictions that would be impacted and
 1437 with the Department of Transportation regarding the mitigation
 1438 of impacts on state and regional transportation facilities.
 1439 (q) Any development identified in an airport master plan
 1440 and adopted into the comprehensive plan pursuant to s.
 1441 163.3177(6)(b)4. ~~163.3177(6)(k)~~ is exempt from this section.
 1442
 1443 If a use is exempt from review as a development of regional
 1444 impact under paragraphs (a)-(u), but will be part of a larger
 1445 project that is subject to review as a development of regional
 1446 impact, the impact of the exempt use must be included in the
 1447 review of the larger project, unless such exempt use involves a
 1448 development of regional impact that includes a landowner,
 1449 tenant, or user that has entered into a funding agreement with
 1450 the Department of Economic Opportunity under the Innovation
 1451 Incentive Program and the agreement contemplates a state award
 1452 of at least \$50 million.
 1453 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—
 1454 (b) If a municipality that does not qualify as a dense
 1455 urban land area pursuant to paragraph (a) ~~s. 163.3164~~ designates
 1456 any of the following areas in its comprehensive plan, any

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1457 proposed development within the designated area is exempt from
 1458 the development-of-regional-impact process:

- 1459 1. Urban infill as defined in s. 163.3164;
- 1460 2. Community redevelopment areas as defined in s. 163.340;
- 1461 3. Downtown revitalization areas as defined in s.
- 1462 163.3164;
- 1463 4. Urban infill and redevelopment under s. 163.2517; or
- 1464 5. Urban service areas as defined in s. 163.3164 or areas
- 1465 within a designated urban service boundary under s.
- 1466 163.3177(14).

1467 Section 18. Subsection (1) of section 380.115, Florida
 1468 Statutes, is amended to read:

1469 380.115 Vested rights and duties; effect of size
 1470 reduction, changes in guidelines and standards.—

1471 (1) A change in a development-of-regional-impact guideline
 1472 and standard does not abridge or modify any vested or other
 1473 right or any duty or obligation pursuant to any development
 1474 order or agreement that is applicable to a development of
 1475 regional impact. A development that has received a development-
 1476 of-regional-impact development order pursuant to s. 380.06, but
 1477 is no longer required to undergo development-of-regional-impact
 1478 review by operation of a change in the guidelines and standards
 1479 or has reduced its size below the thresholds in s. 380.0651, or
 1480 a development that is exempt pursuant to s. 380.06(24) or (29)
 1481 ~~380.06(29)~~ shall be governed by the following procedures:

1482 (a) The development shall continue to be governed by the
 1483 development-of-regional-impact development order and may be
 1484 completed in reliance upon and pursuant to the development order

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1485 unless the developer or landowner has followed the procedures
 1486 for rescission in paragraph (b). Any proposed changes to those
 1487 developments which continue to be governed by a development
 1488 order shall be approved pursuant to s. 380.06(19) as it existed
 1489 prior to a change in the development-of-regional-impact
 1490 guidelines and standards, except that all percentage criteria
 1491 shall be doubled and all other criteria shall be increased by 10
 1492 percent. The development-of-regional-impact development order
 1493 may be enforced by the local government as provided by ss.
 1494 380.06(17) and 380.11.

1495 (b) If requested by the developer or landowner, the
 1496 development-of-regional-impact development order shall be
 1497 rescinded by the local government having jurisdiction upon a
 1498 showing that all required mitigation related to the amount of
 1499 development that existed on the date of rescission has been
 1500 completed.

1501 Section 19. Section 1013.33, Florida Statutes, is amended
 1502 to read:

1503 1013.33 Coordination of planning with local governing
 1504 bodies.—

1505 (1) It is the policy of this state to require the
 1506 coordination of planning between boards and local governing
 1507 bodies to ensure that plans for the construction and opening of
 1508 public educational facilities are facilitated and coordinated in
 1509 time and place with plans for residential development,
 1510 concurrently with other necessary services. Such planning shall
 1511 include the integration of the educational facilities plan and
 1512 applicable policies and procedures of a board with the local

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1513 comprehensive plan and land development regulations of local
1514 governments. The planning must include the consideration of
1515 allowing students to attend the school located nearest their
1516 homes when a new housing development is constructed near a
1517 county boundary and it is more feasible to transport the
1518 students a short distance to an existing facility in an adjacent
1519 county than to construct a new facility or transport students
1520 longer distances in their county of residence. The planning must
1521 also consider the effects of the location of public education
1522 facilities, including the feasibility of keeping central city
1523 facilities viable, in order to encourage central city
1524 redevelopment and the efficient use of infrastructure and to
1525 discourage uncontrolled urban sprawl. In addition, all parties
1526 to the planning process must consult with state and local road
1527 departments to assist in implementing the Safe Paths to Schools
1528 program administered by the Department of Transportation.

1529 (2)(a) The school board, county, and nonexempt
1530 municipalities located within the geographic area of a school
1531 district shall enter into an interlocal agreement according to
1532 s. 163.31777 that jointly establishes the specific ways in which
1533 the plans and processes of the district school board and the
1534 local governments are to be coordinated. ~~The interlocal~~
1535 ~~agreements shall be submitted to the state land planning agency~~
1536 ~~and the Office of Educational Facilities in accordance with a~~
1537 ~~schedule published by the state land planning agency.~~

1538 ~~(b) The schedule must establish staggered due dates for~~
1539 ~~submission of interlocal agreements that are executed by both~~
1540 ~~the local government and district school board, commencing on~~

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1541 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
 1542 ~~the same date for all governmental entities within a school~~
 1543 ~~district. However, if the county where the school district is~~
 1544 ~~located contains more than 20 municipalities, the state land~~
 1545 ~~planning agency may establish staggered due dates for the~~
 1546 ~~submission of interlocal agreements by these municipalities. The~~
 1547 ~~schedule must begin with those areas where both the number of~~
 1548 ~~districtwide capital-outlay full-time-equivalent students equals~~
 1549 ~~80 percent or more of the current year's school capacity and the~~
 1550 ~~projected 5-year student growth rate is 1,000 or greater, or~~
 1551 ~~where the projected 5-year student growth rate is 10 percent or~~
 1552 ~~greater.~~

1553 ~~(c) If the student population has declined over the 5-year~~
 1554 ~~period preceding the due date for submittal of an interlocal~~
 1555 ~~agreement by the local government and the district school board,~~
 1556 ~~the local government and district school board may petition the~~
 1557 ~~state land planning agency for a waiver of one or more of the~~
 1558 ~~requirements of subsection (3). The waiver must be granted if~~
 1559 ~~the procedures called for in subsection (3) are unnecessary~~
 1560 ~~because of the school district's declining school age~~
 1561 ~~population, considering the district's 5-year work program~~
 1562 ~~prepared pursuant to s. 1013.35. The state land planning agency~~
 1563 ~~may modify or revoke the waiver upon a finding that the~~
 1564 ~~conditions upon which the waiver was granted no longer exist.~~
 1565 ~~The district school board and local governments must submit an~~
 1566 ~~interlocal agreement within 1 year after notification by the~~
 1567 ~~state land planning agency that the conditions for a waiver no~~
 1568 ~~longer exist.~~

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1569 ~~(d) Interlocal agreements between local governments and~~
1570 ~~district school boards adopted pursuant to s. 163.3177 before~~
1571 ~~the effective date of subsections (2)-(7) must be updated and~~
1572 ~~executed pursuant to the requirements of subsections (2)-(7), if~~
1573 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
1574 ~~to subsections (2)-(7) must be submitted to the state land~~
1575 ~~planning agency within 30 days after execution by the parties~~
1576 ~~for review consistent with subsections (3) and (4). Local~~
1577 ~~governments and the district school board in each school~~
1578 ~~district are encouraged to adopt a single interlocal agreement~~
1579 ~~in which all join as parties. The state land planning agency~~
1580 ~~shall assemble and make available model interlocal agreements~~
1581 ~~meeting the requirements of subsections (2)-(7) and shall notify~~
1582 ~~local governments and, jointly with the Department of Education,~~
1583 ~~the district school boards of the requirements of subsections~~
1584 ~~(2)-(7), the dates for compliance, and the sanctions for~~
1585 ~~noncompliance. The state land planning agency shall be available~~
1586 ~~to informally review proposed interlocal agreements. If the~~
1587 ~~state land planning agency has not received a proposed~~
1588 ~~interlocal agreement for informal review, the state land~~
1589 ~~planning agency shall, at least 60 days before the deadline for~~
1590 ~~submission of the executed agreement, renotify the local~~
1591 ~~government and the district school board of the upcoming~~
1592 ~~deadline and the potential for sanctions.~~

1593 ~~(3) At a minimum, the interlocal agreement must address~~
1594 ~~interlocal agreement requirements in s. 163.31777 and, if~~
1595 ~~applicable, s. 163.3180(6), and must address the following~~
1596 ~~issues:~~

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1597 ~~(a) A process by which each local government and the~~
 1598 ~~district school board agree and base their plans on consistent~~
 1599 ~~projections of the amount, type, and distribution of population~~
 1600 ~~growth and student enrollment. The geographic distribution of~~
 1601 ~~jurisdiction-wide growth forecasts is a major objective of the~~
 1602 ~~process.~~

1603 ~~(b) A process to coordinate and share information relating~~
 1604 ~~to existing and planned public school facilities, including~~
 1605 ~~school renovations and closures, and local government plans for~~
 1606 ~~development and redevelopment.~~

1607 ~~(c) Participation by affected local governments with the~~
 1608 ~~district school board in the process of evaluating potential~~
 1609 ~~school closures, significant renovations to existing schools,~~
 1610 ~~and new school site selection before land acquisition. Local~~
 1611 ~~governments shall advise the district school board as to the~~
 1612 ~~consistency of the proposed closure, renovation, or new site~~
 1613 ~~with the local comprehensive plan, including appropriate~~
 1614 ~~circumstances and criteria under which a district school board~~
 1615 ~~may request an amendment to the comprehensive plan for school~~
 1616 ~~siting.~~

1617 ~~(d) A process for determining the need for and timing of~~
 1618 ~~onsite and offsite improvements to support new construction,~~
 1619 ~~proposed expansion, or redevelopment of existing schools. The~~
 1620 ~~process shall address identification of the party or parties~~
 1621 ~~responsible for the improvements.~~

1622 ~~(e) A process for the school board to inform the local~~
 1623 ~~government regarding the effect of comprehensive plan amendments~~
 1624 ~~on school capacity. The capacity reporting must be consistent~~

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1625 ~~with laws and rules regarding measurement of school facility~~
1626 ~~capacity and must also identify how the district school board~~
1627 ~~will meet the public school demand based on the facilities work~~
1628 ~~program adopted pursuant to s. 1013.35.~~

1629 ~~(f) Participation of the local governments in the~~
1630 ~~preparation of the annual update to the school board's 5-year~~
1631 ~~district facilities work program and educational plant survey~~
1632 ~~prepared pursuant to s. 1013.35.~~

1633 ~~(g) A process for determining where and how joint use of~~
1634 ~~either school board or local government facilities can be shared~~
1635 ~~for mutual benefit and efficiency.~~

1636 ~~(h) A procedure for the resolution of disputes between the~~
1637 ~~district school board and local governments, which may include~~
1638 ~~the dispute resolution processes contained in chapters 164 and~~
1639 ~~186.~~

1640 ~~(i) An oversight process, including an opportunity for~~
1641 ~~public participation, for the implementation of the interlocal~~
1642 ~~agreement.~~

1643 ~~(4)(a) The Office of Educational Facilities shall submit~~
1644 ~~any comments or concerns regarding the executed interlocal~~
1645 ~~agreement to the state land planning agency within 30 days after~~
1646 ~~receipt of the executed interlocal agreement. The state land~~
1647 ~~planning agency shall review the executed interlocal agreement~~
1648 ~~to determine whether it is consistent with the requirements of~~
1649 ~~subsection (3), the adopted local government comprehensive plan,~~
1650 ~~and other requirements of law. Within 60 days after receipt of~~
1651 ~~an executed interlocal agreement, the state land planning agency~~
1652 ~~shall publish a notice of intent in the Florida Administrative~~

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1653 ~~Weekly and shall post a copy of the notice on the agency's~~
 1654 ~~Internet site. The notice of intent must state that the~~
 1655 ~~interlocal agreement is consistent or inconsistent with the~~
 1656 ~~requirements of subsection (3) and this subsection as~~
 1657 ~~appropriate.~~

1658 ~~(b) The state land planning agency's notice is subject to~~
 1659 ~~challenge under chapter 120; however, an affected person, as~~
 1660 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
 1661 ~~administrative proceeding, and this proceeding is the sole means~~
 1662 ~~available to challenge the consistency of an interlocal~~
 1663 ~~agreement required by this section with the criteria contained~~
 1664 ~~in subsection (3) and this subsection. In order to have~~
 1665 ~~standing, each person must have submitted oral or written~~
 1666 ~~comments, recommendations, or objections to the local government~~
 1667 ~~or the school board before the adoption of the interlocal~~
 1668 ~~agreement by the district school board and local government. The~~
 1669 ~~district school board and local governments are parties to any~~
 1670 ~~such proceeding. In this proceeding, when the state land~~
 1671 ~~planning agency finds the interlocal agreement to be consistent~~
 1672 ~~with the criteria in subsection (3) and this subsection, the~~
 1673 ~~interlocal agreement must be determined to be consistent with~~
 1674 ~~subsection (3) and this subsection if the local government's and~~
 1675 ~~school board's determination of consistency is fairly debatable.~~
 1676 ~~When the state land planning agency finds the interlocal~~
 1677 ~~agreement to be inconsistent with the requirements of subsection~~
 1678 ~~(3) and this subsection, the local government's and school~~
 1679 ~~board's determination of consistency shall be sustained unless~~
 1680 ~~it is shown by a preponderance of the evidence that the~~

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1681 ~~interlocal agreement is inconsistent.~~

1682 ~~(c) If the state land planning agency enters a final order~~
 1683 ~~that finds that the interlocal agreement is inconsistent with~~
 1684 ~~the requirements of subsection (3) or this subsection, the state~~
 1685 ~~land planning agency shall forward it to the Administration~~
 1686 ~~Commission, which may impose sanctions against the local~~
 1687 ~~government pursuant to s. 163.3184(11) and may impose sanctions~~
 1688 ~~against the district school board by directing the Department of~~
 1689 ~~Education to withhold an equivalent amount of funds for school~~
 1690 ~~construction available pursuant to ss. 1013.65, 1013.68,~~
 1691 ~~1013.70, and 1013.72.~~

1692 ~~(5) If an executed interlocal agreement is not timely~~
 1693 ~~submitted to the state land planning agency for review, the~~
 1694 ~~state land planning agency shall, within 15 working days after~~
 1695 ~~the deadline for submittal, issue to the local government and~~
 1696 ~~the district school board a notice to show cause why sanctions~~
 1697 ~~should not be imposed for failure to submit an executed~~
 1698 ~~interlocal agreement by the deadline established by the agency.~~
 1699 ~~The agency shall forward the notice and the responses to the~~
 1700 ~~Administration Commission, which may enter a final order citing~~
 1701 ~~the failure to comply and imposing sanctions against the local~~
 1702 ~~government and district school board by directing the~~
 1703 ~~appropriate agencies to withhold at least 5 percent of state~~
 1704 ~~funds pursuant to s. 163.3184(11) and by directing the~~
 1705 ~~Department of Education to withhold from the district school~~
 1706 ~~board at least 5 percent of funds for school construction~~
 1707 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
 1708 ~~1013.72.~~

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1709 ~~(6) Any local government transmitting a public school~~
 1710 ~~element to implement school concurrency pursuant to the~~
 1711 ~~requirements of s. 163.3180 before the effective date of this~~
 1712 ~~section is not required to amend the element or any interlocal~~
 1713 ~~agreement to conform with the provisions of subsections (2)-(6)~~
 1714 ~~if the element is adopted prior to or within 1 year after the~~
 1715 ~~effective date of subsections (2)-(6) and remains in effect.~~

1716 (3)~~(7)~~ A board and the local governing body must share and
 1717 coordinate information related to existing and planned school
 1718 facilities; proposals for development, redevelopment, or
 1719 additional development; and infrastructure required to support
 1720 the school facilities, concurrent with proposed development. A
 1721 school board shall use information produced by the demographic,
 1722 revenue, and education estimating conferences pursuant to s.
 1723 216.136 when preparing the district educational facilities plan
 1724 pursuant to s. 1013.35, as modified and agreed to by the local
 1725 governments, when provided by interlocal agreement, and the
 1726 Office of Educational Facilities, in consideration of local
 1727 governments' population projections, to ensure that the district
 1728 educational facilities plan not only reflects enrollment
 1729 projections but also considers applicable municipal and county
 1730 growth and development projections. The projections must be
 1731 apportioned geographically with assistance from the local
 1732 governments using local government trend data and the school
 1733 district student enrollment data. A school board is precluded
 1734 from siting a new school in a jurisdiction where the school
 1735 board has failed to provide the annual educational facilities
 1736 plan for the prior year required pursuant to s. 1013.35 unless

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1737 the failure is corrected.

1738 (4)~~(8)~~ The location of educational facilities shall be
 1739 consistent with the comprehensive plan of the appropriate local
 1740 governing body developed under part II of chapter 163 and
 1741 consistent with the plan's implementing land development
 1742 regulations.

1743 (5)~~(9)~~ To improve coordination relative to potential
 1744 educational facility sites, a board shall provide written notice
 1745 to the local government that has regulatory authority over the
 1746 use of the land consistent with an interlocal agreement entered
 1747 pursuant to s. 163.31777 ~~subsections (2) - (6)~~ at least 60 days
 1748 prior to acquiring or leasing property that may be used for a
 1749 new public educational facility. The local government, upon
 1750 receipt of this notice, shall notify the board within 45 days if
 1751 the site proposed for acquisition or lease is consistent with
 1752 the land use categories and policies of the local government's
 1753 comprehensive plan. This preliminary notice does not constitute
 1754 the local government's determination of consistency pursuant to
 1755 subsection (6) ~~(10)~~.

1756 (6)~~(10)~~ As early in the design phase as feasible and
 1757 consistent with an interlocal agreement entered pursuant to s.
 1758 163.31777 ~~subsections (2) - (6)~~, but no later than 90 days before
 1759 commencing construction, the district school board shall in
 1760 writing request a determination of consistency with the local
 1761 government's comprehensive plan. The local governing body that
 1762 regulates the use of land shall determine, in writing within 45
 1763 days after receiving the necessary information and a school
 1764 board's request for a determination, whether a proposed

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1765 educational facility is consistent with the local comprehensive
 1766 plan and consistent with local land development regulations. If
 1767 the determination is affirmative, school construction may
 1768 commence and further local government approvals are not
 1769 required, except as provided in this section. Failure of the
 1770 local governing body to make a determination in writing within
 1771 90 days after a district school board's request for a
 1772 determination of consistency shall be considered an approval of
 1773 the district school board's application. Campus master plans and
 1774 development agreements must comply with the provisions of s.
 1775 1013.30.

1776 (7)~~(11)~~ A local governing body may not deny the site
 1777 applicant based on adequacy of the site plan as it relates
 1778 solely to the needs of the school. If the site is consistent
 1779 with the comprehensive plan's land use policies and categories
 1780 in which public schools are identified as allowable uses, the
 1781 local government may not deny the application but it may impose
 1782 reasonable development standards and conditions in accordance
 1783 with s. 1013.51(1) and consider the site plan and its adequacy
 1784 as it relates to environmental concerns, health, safety and
 1785 welfare, and effects on adjacent property. Standards and
 1786 conditions may not be imposed which conflict with those
 1787 established in this chapter or the Florida Building Code, unless
 1788 mutually agreed and consistent with the interlocal agreement
 1789 required by s. 163.31777 ~~subsections (2) (6)~~.

1790 (8)~~(12)~~ This section does not prohibit a local governing
 1791 body and district school board from agreeing and establishing an
 1792 alternative process for reviewing a proposed educational

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1793 facility and site plan, and offsite impacts, pursuant to an
 1794 interlocal agreement adopted in accordance with s. 163.31777
 1795 ~~subsections (2)–(6)~~.

1796 (9) ~~(13)~~ Existing schools shall be considered consistent
 1797 with the applicable local government comprehensive plan adopted
 1798 under part II of chapter 163. If a board submits an application
 1799 to expand an existing school site, the local governing body may
 1800 impose reasonable development standards and conditions on the
 1801 expansion only, and in a manner consistent with s. 1013.51(1).
 1802 Standards and conditions may not be imposed which conflict with
 1803 those established in this chapter or the Florida Building Code,
 1804 unless mutually agreed. Local government review or approval is
 1805 not required for:

1806 (a) The placement of temporary or portable classroom
 1807 facilities; or

1808 (b) Proposed renovation or construction on existing school
 1809 sites, with the exception of construction that changes the
 1810 primary use of a facility, includes stadiums, or results in a
 1811 greater than 5 percent increase in student capacity, or as
 1812 mutually agreed upon, pursuant to an interlocal agreement
 1813 adopted in accordance with s. 163.31777 ~~subsections (2)–(6)~~.

1814 Section 20. Paragraph (b) of subsection (2) of section
 1815 1013.35, Florida Statutes, is amended to read:

1816 1013.35 School district educational facilities plan;
 1817 definitions; preparation, adoption, and amendment; long-term
 1818 work programs.—

1819 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 1820 FACILITIES PLAN.—

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1821 (b) The plan must also include a financially feasible
 1822 district facilities work program for a 5-year period. The work
 1823 program must include:

1824 1. A schedule of major repair and renovation projects
 1825 necessary to maintain the educational facilities and ancillary
 1826 facilities of the district.

1827 2. A schedule of capital outlay projects necessary to
 1828 ensure the availability of satisfactory student stations for the
 1829 projected student enrollment in K-12 programs. This schedule
 1830 shall consider:

1831 a. The locations, capacities, and planned utilization
 1832 rates of current educational facilities of the district. The
 1833 capacity of existing satisfactory facilities, as reported in the
 1834 Florida Inventory of School Houses must be compared to the
 1835 capital outlay full-time-equivalent student enrollment as
 1836 determined by the department, including all enrollment used in
 1837 the calculation of the distribution formula in s. 1013.64.

1838 b. The proposed locations of planned facilities, whether
 1839 those locations are consistent with the comprehensive plans of
 1840 all affected local governments, and recommendations for
 1841 infrastructure and other improvements to land adjacent to
 1842 existing facilities. The provisions of ss. 1013.33(6), (7), and
 1843 (8) ~~1013.33(10), (11), and (12)~~ and 1013.36 must be addressed
 1844 for new facilities planned within the first 3 years of the work
 1845 plan, as appropriate.

1846 c. Plans for the use and location of relocatable
 1847 facilities, leased facilities, and charter school facilities.

1848 d. Plans for multitrack scheduling, grade level

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1849 organization, block scheduling, or other alternatives that
 1850 reduce the need for additional permanent student stations.

1851 e. Information concerning average class size and
 1852 utilization rate by grade level within the district which will
 1853 result if the tentative district facilities work program is
 1854 fully implemented.

1855 f. The number and percentage of district students planned
 1856 to be educated in relocatable facilities during each year of the
 1857 tentative district facilities work program. For determining
 1858 future needs, student capacity may not be assigned to any
 1859 relocatable classroom that is scheduled for elimination or
 1860 replacement with a permanent educational facility in the current
 1861 year of the adopted district educational facilities plan and in
 1862 the district facilities work program adopted under this section.
 1863 Those relocatable classrooms clearly identified and scheduled
 1864 for replacement in a school-board-adopted, financially feasible,
 1865 5-year district facilities work program shall be counted at zero
 1866 capacity at the time the work program is adopted and approved by
 1867 the school board. However, if the district facilities work
 1868 program is changed and the relocatable classrooms are not
 1869 replaced as scheduled in the work program, the classrooms must
 1870 be reentered into the system and be counted at actual capacity.
 1871 Relocatable classrooms may not be perpetually added to the work
 1872 program or continually extended for purposes of circumventing
 1873 this section. All relocatable classrooms not identified and
 1874 scheduled for replacement, including those owned, lease-
 1875 purchased, or leased by the school district, must be counted at
 1876 actual student capacity. The district educational facilities

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1877 | plan must identify the number of relocatable student stations
 1878 | scheduled for replacement during the 5-year survey period and
 1879 | the total dollar amount needed for that replacement.

1880 | g. Plans for the closure of any school, including plans
 1881 | for disposition of the facility or usage of facility space, and
 1882 | anticipated revenues.

1883 | h. Projects for which capital outlay and debt service
 1884 | funds accruing under s. 9(d), Art. XII of the State Constitution
 1885 | are to be used shall be identified separately in priority order
 1886 | on a project priority list within the district facilities work
 1887 | program.

1888 | 3. The projected cost for each project identified in the
 1889 | district facilities work program. For proposed projects for new
 1890 | student stations, a schedule shall be prepared comparing the
 1891 | planned cost and square footage for each new student station, by
 1892 | elementary, middle, and high school levels, to the low, average,
 1893 | and high cost of facilities constructed throughout the state
 1894 | during the most recent fiscal year for which data is available
 1895 | from the Department of Education.

1896 | 4. A schedule of estimated capital outlay revenues from
 1897 | each currently approved source which is estimated to be
 1898 | available for expenditure on the projects included in the
 1899 | district facilities work program.

1900 | 5. A schedule indicating which projects included in the
 1901 | district facilities work program will be funded from current
 1902 | revenues projected in subparagraph 4.

1903 | 6. A schedule of options for the generation of additional
 1904 | revenues by the district for expenditure on projects identified

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1905 in the district facilities work program which are not funded
 1906 under subparagraph 5. Additional anticipated revenues may
 1907 include effort index grants, SIT Program awards, and Classrooms
 1908 First funds.

1909 Section 21. Subsections (3), (5), (6), (7), (8), (9),
 1910 (10), and (11) of section 1013.351, Florida Statutes, are
 1911 amended to read:

1912 1013.351 Coordination of planning between the Florida
 1913 School for the Deaf and the Blind and local governing bodies.—

1914 (3) The board of trustees and the municipality in which
 1915 the school is located may enter into an interlocal agreement to
 1916 establish the specific ways in which the plans and processes of
 1917 the board of trustees and the local government are to be
 1918 coordinated. ~~If the school and local government enter into an~~
 1919 ~~interlocal agreement, the agreement must be submitted to the~~
 1920 ~~state land planning agency and the Office of Educational~~
 1921 ~~Facilities.~~

1922 ~~(5)(a) The Office of Educational Facilities shall submit~~
 1923 ~~any comments or concerns regarding the executed interlocal~~
 1924 ~~agreements to the state land planning agency no later than 30~~
 1925 ~~days after receipt of the executed interlocal agreements. The~~
 1926 ~~state land planning agency shall review the executed interlocal~~
 1927 ~~agreements to determine whether they are consistent with the~~
 1928 ~~requirements of subsection (4), the adopted local government~~
 1929 ~~comprehensive plans, and other requirements of law. Not later~~
 1930 ~~than 60 days after receipt of an executed interlocal agreement,~~
 1931 ~~the state land planning agency shall publish a notice of intent~~
 1932 ~~in the Florida Administrative Weekly. The notice of intent must~~

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1933 ~~state that the interlocal agreement is consistent or~~
 1934 ~~inconsistent with the requirements of subsection (4) and this~~
 1935 ~~subsection as appropriate.~~

1936 ~~(b)1. The state land planning agency's notice is subject~~
 1937 ~~to challenge under chapter 120. However, an affected person, as~~
 1938 ~~defined in s. 163.3184, has standing to initiate the~~
 1939 ~~administrative proceeding, and this proceeding is the sole means~~
 1940 ~~available to challenge the consistency of an interlocal~~
 1941 ~~agreement with the criteria contained in subsection (4) and this~~
 1942 ~~subsection. In order to have standing, a person must have~~
 1943 ~~submitted oral or written comments, recommendations, or~~
 1944 ~~objections to the appropriate local government or the board of~~
 1945 ~~trustees before the adoption of the interlocal agreement by the~~
 1946 ~~board of trustees and local government. The board of trustees~~
 1947 ~~and the appropriate local government are parties to any such~~
 1948 ~~proceeding.~~

1949 ~~2. In the administrative proceeding, if the state land~~
 1950 ~~planning agency finds the interlocal agreement to be consistent~~
 1951 ~~with the criteria in subsection (4) and this subsection, the~~
 1952 ~~interlocal agreement must be determined to be consistent with~~
 1953 ~~subsection (4) and this subsection if the local government and~~
 1954 ~~board of trustees is fairly debatable.~~

1955 ~~3. If the state land planning agency finds the interlocal~~
 1956 ~~agreement to be inconsistent with the requirements of subsection~~
 1957 ~~(4) and this subsection, the determination of consistency by the~~
 1958 ~~local government and board of trustees shall be sustained unless~~
 1959 ~~it is shown by a preponderance of the evidence that the~~
 1960 ~~interlocal agreement is inconsistent.~~

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1961 ~~(c) If the state land planning agency enters a final order~~
 1962 ~~that finds that the interlocal agreement is inconsistent with~~
 1963 ~~the requirements of subsection (4) or this subsection, the state~~
 1964 ~~land planning agency shall identify the issues in dispute and~~
 1965 ~~submit the matter to the Administration Commission for final~~
 1966 ~~action. The report to the Administration Commission must list~~
 1967 ~~each issue in dispute, describe the nature and basis for each~~
 1968 ~~dispute, identify alternative resolutions of each dispute, and~~
 1969 ~~make recommendations. After receiving the report from the state~~
 1970 ~~land planning agency, the Administration Commission shall take~~
 1971 ~~action to resolve the issues. In deciding upon a proper~~
 1972 ~~resolution, the Administration Commission shall consider the~~
 1973 ~~nature of the issues in dispute, the compliance of the parties~~
 1974 ~~with this section, the extent of the conflict between the~~
 1975 ~~parties, the comparative hardships, and the public interest~~
 1976 ~~involved. In resolving the matter, the Administration Commission~~
 1977 ~~may prescribe, by order, the contents of the interlocal~~
 1978 ~~agreement which shall be executed by the board of trustees and~~
 1979 ~~the local government.~~

1980 (5)~~(6)~~ An interlocal agreement may be amended under
 1981 subsections (2)-(4) ~~(2)-(5)~~:

1982 (a) In conjunction with updates to the school's
 1983 educational plant survey prepared under s. 1013.31; or

1984 (b) If either party delays by more than 12 months the
 1985 construction of a capital improvement identified in the
 1986 agreement.

1987 (6)~~(7)~~ This section does not prohibit a local governing
 1988 body and the board of trustees from agreeing and establishing an

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1989 alternative process for reviewing proposed expansions to the
 1990 school's campus and offsite impacts, under the interlocal
 1991 agreement adopted in accordance with subsections (2)-(5) ~~(2)-~~
 1992 ~~(6)~~.
 1993 (7)~~(8)~~ School facilities within the geographic area or the
 1994 campus of the school as it existed on or before January 1, 1998,
 1995 are consistent with the local government's comprehensive plan
 1996 developed under part II of chapter 163 and consistent with the
 1997 plan's implementing land development regulations.
 1998 (8)~~(9)~~ To improve coordination relative to potential
 1999 educational facility sites, the board of trustees shall provide
 2000 written notice to the local governments consistent with the
 2001 interlocal agreements entered under subsections (2)-(5) ~~(2)-(6)~~
 2002 at least 60 days before the board of trustees acquires any
 2003 additional property. The local government shall notify the board
 2004 of trustees no later than 45 days after receipt of this notice
 2005 if the site proposed for acquisition is consistent with the land
 2006 use categories and policies of the local government's
 2007 comprehensive plan. This preliminary notice does not constitute
 2008 the local government's determination of consistency under
 2009 subsection (9) ~~(10)~~.
 2010 (9)~~(10)~~ As early in the design phase as feasible, but no
 2011 later than 90 days before commencing construction, the board of
 2012 trustees shall request in writing a determination of consistency
 2013 with the local government's comprehensive plan and local
 2014 development regulations for the proposed use of any property
 2015 acquired by the board of trustees on or after January 1, 1998.
 2016 The local governing body that regulates the use of land shall

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2017 determine, in writing, no later than 45 days after receiving the
 2018 necessary information and a school board's request for a
 2019 determination, whether a proposed use of the property is
 2020 consistent with the local comprehensive plan and consistent with
 2021 local land development regulations. If the local governing body
 2022 determines the proposed use is consistent, construction may
 2023 commence and additional local government approvals are not
 2024 required, except as provided in this section. Failure of the
 2025 local governing body to make a determination in writing within
 2026 90 days after receiving the board of trustees' request for a
 2027 determination of consistency shall be considered an approval of
 2028 the board of trustees' application. This subsection does not
 2029 apply to facilities to be located on the property if a contract
 2030 for construction of the facilities was entered on or before the
 2031 effective date of this act.

2032 (10) ~~(11)~~ Disputes that arise in the implementation of an
 2033 executed interlocal agreement or in the determinations required
 2034 pursuant to subsection (8) ~~(9)~~ or subsection (9) ~~(10)~~ must be
 2035 resolved in accordance with chapter 164.

2036 Section 22. Subsection (6) of section 1013.36, Florida
 2037 Statutes, is amended to read:

2038 1013.36 Site planning and selection.—

2039 (6) If the school board and local government have entered
 2040 into an interlocal agreement pursuant to ss. ~~s.~~ 1013.33(2) and
 2041 ~~either s. 163.3177(6)(h)4. or s. 163.31777~~ or have developed a
 2042 process to ensure consistency between the local government
 2043 comprehensive plan and the school district educational
 2044 facilities plan, site planning and selection must be consistent

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2045 | with the interlocal agreements and the plans.
2046 | Section 23. This act shall take effect upon becoming a
2047 | law.