



LEGISLATIVE ACTION

Senate . House

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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (26) of section 70.51, Florida
Statutes, is amended to read:

70.51 Land use and environmental dispute resolution.—

(26) A special magistrate's recommendation under this
section constitutes data in support of, and a support document
for, a comprehensive plan or comprehensive plan amendment, but
is not, in and of itself, dispositive of a determination of
compliance with chapter 163. ~~Any comprehensive plan amendment
necessary to carry out the approved recommendation of a special~~



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14 ~~magistrate under this section is exempt from the twice a year~~
15 ~~limit on plan amendments and may be adopted by the local~~
16 ~~government amendments in s. 163.3184(16) (d).~~

17 Section 2. Paragraphs (h) through (l) of subsection (3) of
18 section 163.06, Florida Statutes, are redesignated as paragraphs
19 (g) through (k), respectively, and present paragraph (g) of that
20 subsection is amended to read:

21 163.06 Miami River Commission.—

22 (3) The policy committee shall have the following powers
23 and duties:

24 ~~(g) Coordinate a joint planning area agreement between the~~
25 ~~Department of Community Affairs, the city, and the county under~~
26 ~~the provisions of s. 163.3177(11) (a), (b), and (c).~~

27 Section 3. Subsection (4) of section 163.2517, Florida
28 Statutes, is amended to read:

29 163.2517 Designation of urban infill and redevelopment
30 area.—

31 (4) In order for a local government to designate an urban
32 infill and redevelopment area, it must amend its comprehensive
33 land use plan under s. 163.3187 to delineate the boundaries of
34 the urban infill and redevelopment area within the future land
35 use element of its comprehensive plan pursuant to its adopted
36 urban infill and redevelopment plan. The state land planning
37 agency shall review the boundary delineation of the urban infill
38 and redevelopment area in the future land use element under s.
39 163.3184. However, an urban infill and redevelopment plan
40 adopted by a local government is not subject to review for
41 compliance as defined by s. 163.3184(1) (b), and the local
42 government is not required to adopt the plan as a comprehensive



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43 plan amendment. ~~An amendment to the local comprehensive plan to~~
44 ~~designate an urban infill and redevelopment area is exempt from~~
45 ~~the twice a year amendment limitation of s. 163.3187.~~

46 Section 4. Section 163.3161, Florida Statutes, is amended
47 to read:

48 163.3161 Short title; intent and purpose.—

49 (1) This part shall be known and may be cited as the
50 "Community Local Government Comprehensive Planning and Land
51 Development Regulation Act."

52 (2) ~~In conformity with, and in furtherance of, the purpose~~
53 ~~of the Florida Environmental Land and Water Management Act of~~
54 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and
55 strengthen the existing role, processes, and powers of local
56 governments in the establishment and implementation of
57 comprehensive planning programs to guide and manage control
58 future development consistent with the proper role of local
59 government.

60 (3) It is the intent of this act to focus the state role in
61 managing growth under this act to protecting the functions of
62 important state resources and facilities.

63 (4) It is the intent of this act that the ability of its
64 ~~adoption is necessary so that~~ local governments to can preserve
65 and enhance present advantages; encourage the most appropriate
66 use of land, water, and resources, consistent with the public
67 interest; overcome present handicaps; and deal effectively with
68 future problems that may result from the use and development of
69 land within their jurisdictions. Through the process of
70 comprehensive planning, it is intended that units of local
71 government can preserve, promote, protect, and improve the



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72 public health, safety, comfort, good order, appearance,
73 convenience, law enforcement and fire prevention, and general
74 welfare; ~~prevent the overcrowding of land and avoid undue~~
75 ~~concentration of population;~~ facilitate the adequate and
76 efficient provision of transportation, water, sewerage, schools,
77 parks, recreational facilities, housing, and other requirements
78 and services; and conserve, develop, utilize, and protect
79 natural resources within their jurisdictions.

80 (5)~~(4)~~ It is the intent of this act to encourage and ensure
81 ~~assure~~ cooperation between and among municipalities and counties
82 and to encourage and assure coordination of planning and
83 development activities of units of local government with the
84 planning activities of regional agencies and state government in
85 accord with applicable provisions of law.

86 (6)~~(5)~~ It is the intent of this act that adopted
87 comprehensive plans shall have the legal status set out in this
88 act and that no public or private development shall be permitted
89 except in conformity with comprehensive plans, or elements or
90 portions thereof, prepared and adopted in conformity with this
91 act.

92 (7)~~(6)~~ It is the intent of this act that the activities of
93 units of local government in the preparation and adoption of
94 comprehensive plans, or elements or portions therefor, shall be
95 conducted in conformity with ~~the provisions of~~ this act.

96 (8)~~(7)~~ The provisions of this act in their interpretation
97 and application are declared to be the minimum requirements
98 necessary to accomplish the stated intent, purposes, and
99 objectives of this act; to protect human, environmental, social,
100 and economic resources; and to maintain, through orderly growth



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101 and development, the character and stability of present and
102 future land use and development in this state.

103 (9)~~(8)~~ It is the intent of the Legislature that the repeal
104 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws
105 of Florida, and amendments to this part by this chapter law,
106 ~~shall~~ not be interpreted to limit or restrict the powers of
107 municipal or county officials, but ~~shall~~ be interpreted as a
108 recognition of their broad statutory and constitutional powers
109 to plan for and regulate the use of land. It is, further, the
110 intent of the Legislature to reconfirm that ss. 163.3161-
111 163.3248 ~~163.3161 through 163.3215~~ have provided and do provide
112 the necessary statutory direction and basis for municipal and
113 county officials to carry out their comprehensive planning and
114 land development regulation powers, duties, and
115 responsibilities.

116 (10)~~(9)~~ It is the intent of the Legislature that all
117 governmental entities in this state recognize and respect
118 judicially acknowledged or constitutionally protected private
119 property rights. It is the intent of the Legislature that all
120 rules, ordinances, regulations, comprehensive plans and
121 amendments thereto, and programs adopted under the authority of
122 this act must be developed, promulgated, implemented, and
123 applied with sensitivity for private property rights and not be
124 unduly restrictive, and property owners must be free from
125 actions by others which would harm their property or which would
126 constitute an inordinate burden on property rights as those
127 terms are defined in s. 70.001(3)(e) and (f). Full and just
128 compensation or other appropriate relief must be provided to any
129 property owner for a governmental action that is determined to



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130 be an invalid exercise of the police power which constitutes a
131 taking, as provided by law. Any such relief must ultimately be
132 determined in a judicial action.

133 (11) It is the intent of this part that the traditional
134 economic base of this state, agriculture, tourism, and military
135 presence, be recognized and protected. Further, it is the intent
136 of this part to encourage economic diversification, workforce
137 development, and community planning.

138 (12) It is the intent of this part that new statutory
139 requirements created by the Legislature will not require a local
140 government whose plan has been found to be in compliance with
141 this part to adopt amendments implementing the new statutory
142 requirements until the evaluation and appraisal period provided
143 in s. 163.3191, unless otherwise specified in law. However, any
144 new amendments must comply with the requirements of this part.

145 Section 5. Subsections (2) through (5) of section 163.3162,
146 Florida Statutes, are renumbered as subsections (1) through (4),
147 respectively, and present subsections (1) and (5) of that
148 section are amended to read:

149 163.3162 Agricultural Lands and Practices Act.—

150 ~~(1) SHORT TITLE.—This section may be cited as the~~
151 ~~"Agricultural Lands and Practices Act."~~

152 ~~(4)(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—~~

153 The owner of a parcel of land defined as an agricultural enclave
154 under s. 163.3164~~(33)~~ may apply for an amendment to the local
155 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.
156 Such amendment is presumed not to be urban sprawl as defined in
157 s. 163.3164 if it includes ~~consistent with rule 9J-5.006(5),~~
158 ~~Florida Administrative Code, and may include~~ land uses and



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159 intensities of use that are consistent with the uses and
160 intensities of use of the industrial, commercial, or residential
161 areas that surround the parcel. This presumption may be rebutted
162 by clear and convincing evidence. Each application for a
163 comprehensive plan amendment under this subsection for a parcel
164 larger than 640 acres must include appropriate new urbanism
165 concepts such as clustering, mixed-use development, the creation
166 of rural village and city centers, and the transfer of
167 development rights in order to discourage urban sprawl while
168 protecting landowner rights.

169 (a) The local government and the owner of a parcel of land
170 that is the subject of an application for an amendment shall
171 have 180 days following the date that the local government
172 receives a complete application to negotiate in good faith to
173 reach consensus on the land uses and intensities of use that are
174 consistent with the uses and intensities of use of the
175 industrial, commercial, or residential areas that surround the
176 parcel. Within 30 days after the local government's receipt of
177 such an application, the local government and owner must agree
178 in writing to a schedule for information submittal, public
179 hearings, negotiations, and final action on the amendment, which
180 schedule may thereafter be altered only with the written consent
181 of the local government and the owner. Compliance with the
182 schedule in the written agreement constitutes good faith
183 negotiations for purposes of paragraph (c).

184 (b) Upon conclusion of good faith negotiations under
185 paragraph (a), regardless of whether the local government and
186 owner reach consensus on the land uses and intensities of use
187 that are consistent with the uses and intensities of use of the



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188 industrial, commercial, or residential areas that surround the
189 parcel, the amendment must be transmitted to the state land
190 planning agency for review pursuant to s. 163.3184. If the local
191 government fails to transmit the amendment within 180 days after
192 receipt of a complete application, the amendment must be
193 immediately transferred to the state land planning agency for
194 such review ~~at the first available transmittal cycle~~. A plan
195 amendment transmitted to the state land planning agency
196 submitted under this subsection is presumed not to be urban
197 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~
198 ~~5.006(5), Florida Administrative Code~~. This presumption may be
199 rebutted by clear and convincing evidence.

200 (c) If the owner fails to negotiate in good faith, a plan
201 amendment submitted under this subsection is not entitled to the
202 rebuttable presumption under this subsection in the negotiation
203 and amendment process.

204 (d) Nothing within this subsection relating to agricultural
205 enclaves shall preempt or replace any protection currently
206 existing for any property located within the boundaries of the
207 following areas:

- 208 1. The Wekiva Study Area, as described in s. 369.316; or
- 209 2. The Everglades Protection Area, as defined in s.
210 373.4592(2).

211 Section 6. Section 163.3164, Florida Statutes, is amended
212 to read:

213 163.3164 Community ~~Local Government Comprehensive~~ Planning
214 ~~and Land Development Regulation~~ Act; definitions.—As used in
215 this act:

216 (1) "Adaptation action area" or "adaptation area" means a



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217 designation in the coastal management element of a local
218 government's comprehensive plan which identifies one or more
219 areas that experience coastal flooding due to extreme high tides
220 and storm surge, and that are vulnerable to the related impacts
221 of rising sea levels for the purpose of prioritizing funding for
222 infrastructure needs and adaptation planning.

223 (2) "Administration Commission" means the Governor and the
224 Cabinet, and for purposes of this chapter the commission shall
225 act on a simple majority vote, except that for purposes of
226 imposing the sanctions provided in s. 163.3184 (8)-(11),
227 affirmative action shall require the approval of the Governor
228 and at least three other members of the commission.

229 (3) "Affordable housing" has the same meaning as in s.
230 420.0004(3).

231 (4) ~~(33)~~ "Agricultural enclave" means an unincorporated,
232 undeveloped parcel that:

233 (a) Is owned by a single person or entity;

234 (b) Has been in continuous use for bona fide agricultural
235 purposes, as defined by s. 193.461, for a period of 5 years
236 prior to the date of any comprehensive plan amendment
237 application;

238 (c) Is surrounded on at least 75 percent of its perimeter
239 by:

240 1. Property that has existing industrial, commercial, or
241 residential development; or

242 2. Property that the local government has designated, in
243 the local government's comprehensive plan, zoning map, and
244 future land use map, as land that is to be developed for
245 industrial, commercial, or residential purposes, and at least 75



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246 percent of such property is existing industrial, commercial, or
247 residential development;

248 (d) Has public services, including water, wastewater,
249 transportation, schools, and recreation facilities, available or
250 such public services are scheduled in the capital improvement
251 element to be provided by the local government or can be
252 provided by an alternative provider of local government
253 infrastructure in order to ensure consistency with applicable
254 concurrency provisions of s. 163.3180; and

255 (e) Does not exceed 1,280 acres; however, if the property
256 is surrounded by existing or authorized residential development
257 that will result in a density at buildout of at least 1,000
258 residents per square mile, then the area shall be determined to
259 be urban and the parcel may not exceed 4,480 acres.

260 (5) "Antiquated subdivision" means a subdivision that was
261 recorded or approved more than 20 years ago and that has
262 substantially failed to be built and the continued buildout of
263 the subdivision in accordance with the subdivision's zoning and
264 land use purposes would cause an imbalance of land uses and
265 would be detrimental to the local and regional economies and
266 environment, hinder current planning practices, and lead to
267 inefficient and fiscally irresponsible development patterns as
268 determined by the respective jurisdiction in which the
269 subdivision is located.

270 (6)-(2) "Area" or "area of jurisdiction" means the total
271 area qualifying under the provisions of this act, whether this
272 be all of the lands lying within the limits of an incorporated
273 municipality, lands in and adjacent to incorporated
274 municipalities, all unincorporated lands within a county, or



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275 areas comprising combinations of the lands in incorporated
276 municipalities and unincorporated areas of counties.

277 (7) "Capital improvement" means physical assets constructed
278 or purchased to provide, improve, or replace a public facility
279 and which are typically large scale and high in cost. The cost
280 of a capital improvement is generally nonrecurring and may
281 require multiyear financing. For the purposes of this part,
282 physical assets that have been identified as existing or
283 projected needs in the individual comprehensive plan elements
284 shall be considered capital improvements.

285 (8)~~(3)~~ "Coastal area" means the 35 coastal counties and all
286 coastal municipalities within their boundaries ~~designated~~
287 ~~coastal by the state land planning agency.~~

288 (9) "Compatibility" means a condition in which land uses or
289 conditions can coexist in relative proximity to each other in a
290 stable fashion over time such that no use or condition is unduly
291 negatively impacted directly or indirectly by another use or
292 condition.

293 (10)~~(4)~~ "Comprehensive plan" means a plan that meets the
294 requirements of ss. 163.3177 and 163.3178.

295 (11) "Deepwater ports" means the ports identified in s.
296 403.021(9).

297 (12) "Density" means an objective measurement of the number
298 of people or residential units allowed per unit of land, such as
299 residents or employees per acre.

300 (13)~~(5)~~ "Developer" means any person, including a
301 governmental agency, undertaking any development as defined in
302 this act.

303 (14)~~(6)~~ "Development" has the same meaning as given it in



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304 s. 380.04.

305 ~~(15)(7)~~ "Development order" means any order granting,
306 denying, or granting with conditions an application for a
307 development permit.

308 ~~(16)(8)~~ "Development permit" includes any building permit,
309 zoning permit, subdivision approval, rezoning, certification,
310 special exception, variance, or any other official action of
311 local government having the effect of permitting the development
312 of land.

313 ~~(17)(25)~~ "Downtown revitalization" means the physical and
314 economic renewal of a central business district of a community
315 as designated by local government, and includes both downtown
316 development and redevelopment.

317 (18) "Floodprone areas" means areas inundated during a 100-
318 year flood event or areas identified by the National Flood
319 Insurance Program as an A Zone on flood insurance rate maps or
320 flood hazard boundary maps.

321 (19) "Goal" means the long-term end toward which programs
322 or activities are ultimately directed.

323 ~~(20)(9)~~ "Governing body" means the board of county
324 commissioners of a county, the commission or council of an
325 incorporated municipality, or any other chief governing body of
326 a unit of local government, however designated, or the
327 combination of such bodies where joint utilization of ~~the~~
328 ~~provisions of~~ this act is accomplished as provided herein.

329 ~~(21)(10)~~ "Governmental agency" means:

330 (a) The United States or any department, commission,
331 agency, or other instrumentality thereof.

332 (b) This state or any department, commission, agency, or



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333 other instrumentality thereof.

334 (c) Any local government, as defined in this section, or
335 any department, commission, agency, or other instrumentality
336 thereof.

337 (d) Any school board or other special district, authority,
338 or governmental entity.

339 (22) "Intensity" means an objective measurement of the
340 extent to which land may be developed or used, including the
341 consumption or use of the space above, on, or below ground; the
342 measurement of the use of or demand on natural resources; and
343 the measurement of the use of or demand on facilities and
344 services.

345 (23) "Internal trip capture" means trips generated by a
346 mixed-use project that travel from one on-site land use to
347 another on-site land use without using the external road
348 network.

349 (24)-(11) "Land" means the earth, water, and air, above,
350 below, or on the surface, and includes any improvements or
351 structures customarily regarded as land.

352 (25)-(22) "Land development regulation commission" means a
353 commission designated by a local government to develop and
354 recommend, to the local governing body, land development
355 regulations which implement the adopted comprehensive plan and
356 to review land development regulations, or amendments thereto,
357 for consistency with the adopted plan and report to the
358 governing body regarding its findings. The responsibilities of
359 the land development regulation commission may be performed by
360 the local planning agency.

361 (26)-(23) "Land development regulations" means ordinances



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362 enacted by governing bodies for the regulation of any aspect of
363 development and includes any local government zoning, rezoning,
364 subdivision, building construction, or sign regulations or any
365 other regulations controlling the development of land, except
366 that this definition does ~~shall~~ not apply in s. 163.3213.

367 (27) ~~(12)~~ "Land use" means the development that has occurred
368 on the land, the development that is proposed by a developer on
369 the land, or the use that is permitted or permissible on the
370 land under an adopted comprehensive plan or element or portion
371 thereof, land development regulations, or a land development
372 code, as the context may indicate.

373 (28) "Level of service" means an indicator of the extent or
374 degree of service provided by, or proposed to be provided by, a
375 facility based on and related to the operational characteristics
376 of the facility. Level of service shall indicate the capacity
377 per unit of demand for each public facility.

378 (29) ~~(13)~~ "Local government" means any county or
379 municipality.

380 (30) ~~(14)~~ "Local planning agency" means the agency
381 designated to prepare the comprehensive plan or plan amendments
382 required by this act.

383 (31) ~~(15)~~ A "Newspaper of general circulation" means a
384 newspaper published at least on a weekly basis and printed in
385 the language most commonly spoken in the area within which it
386 circulates, but does not include a newspaper intended primarily
387 for members of a particular professional or occupational group,
388 a newspaper whose primary function is to carry legal notices, or
389 a newspaper that is given away primarily to distribute
390 advertising.



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391 (32) "New town" means an urban activity center and
392 community designated on the future land use map of sufficient
393 size, population and land use composition to support a variety
394 of economic and social activities consistent with an urban area
395 designation. New towns shall include basic economic activities;
396 all major land use categories, with the possible exception of
397 agricultural and industrial; and a centrally provided full range
398 of public facilities and services that demonstrate internal trip
399 capture. A new town shall be based on a master development plan.

400 (33) "Objective" means a specific, measurable, intermediate
401 end that is achievable and marks progress toward a goal.

402 (34)~~(16)~~ "Parcel of land" means any quantity of land
403 capable of being described with such definiteness that its
404 locations and boundaries may be established, which is designated
405 by its owner or developer as land to be used, or developed as, a
406 unit or which has been used or developed as a unit.

407 (35)~~(17)~~ "Person" means an individual, corporation,
408 governmental agency, business trust, estate, trust, partnership,
409 association, two or more persons having a joint or common
410 interest, or any other legal entity.

411 (36) "Policy" means the way in which programs and
412 activities are conducted to achieve an identified goal.

413 (37)~~(28)~~ "Projects that promote public transportation"
414 means projects that directly affect the provisions of public
415 transit, including transit terminals, transit lines and routes,
416 separate lanes for the exclusive use of public transit services,
417 transit stops (shelters and stations), office buildings or
418 projects that include fixed-rail or transit terminals as part of
419 the building, and projects which are transit oriented and



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420 designed to complement reasonably proximate planned or existing
421 public facilities.

422 ~~(38)(24)~~ "Public facilities" means major capital
423 improvements, including, ~~but not limited to,~~ transportation,
424 sanitary sewer, solid waste, drainage, potable water,
425 educational, parks and recreational, ~~and health systems and~~
426 ~~facilities, and spoil disposal sites for maintenance dredging~~
427 ~~located in the intracoastal waterways, except for spoil disposal~~
428 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

429 ~~(39)(18)~~ "Public notice" means notice as required by s.
430 125.66(2) for a county or by s. 166.041(3)(a) for a
431 municipality. The public notice procedures required in this part
432 are established as minimum public notice procedures.

433 ~~(40)(19)~~ "Regional planning agency" means the council
434 created pursuant to chapter 186 ~~agency designated by the state~~
435 ~~land planning agency to exercise responsibilities under law in a~~
436 ~~particular region of the state.~~

437 (41) "Seasonal population" means part-time inhabitants who
438 use, or may be expected to use, public facilities or services,
439 but are not residents and includes tourists, migrant
440 farmworkers, and other short-term and long-term visitors.

441 ~~(42)(31)~~ "Optional Sector plan" means the ~~an optional~~
442 process authorized by s. 163.3245 in which one or more local
443 governments engage in long-term planning for a large area and by
444 ~~agreement with the state land planning agency are allowed to~~
445 address regional ~~development of regional impact~~ issues through
446 adoption of detailed specific area plans within the planning
447 area within certain designated geographic areas identified in
448 ~~the local comprehensive plan as a means of fostering innovative~~



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449 planning and development strategies ~~in s. 163.3177(11)(a) and~~
450 ~~(b)~~, furthering the purposes of this part and part I of chapter
451 380, reducing overlapping data and analysis requirements,
452 protecting regionally significant resources and facilities, and
453 addressing extrajurisdictional impacts. The term includes an
454 optional sector plan that was adopted before the effective date
455 of this act.

456 (43)(20) "State land planning agency" means the Department
457 of Community Affairs Department of Economic Opportunity.

458 (44)(21) "Structure" has the same meaning as in given it by
459 s. 380.031(19).

460 (45) "Suitability" means the degree to which the existing
461 characteristics and limitations of land and water are compatible
462 with a proposed use or development.

463 (46) "Transit-oriented development" means a project or
464 projects, in areas identified in a local government
465 comprehensive plan, that is or will be served by existing or
466 planned transit service. These designated areas shall be
467 compact, moderate to high density developments, of mixed-use
468 character, interconnected with other land uses, bicycle and
469 pedestrian friendly, and designed to support frequent transit
470 service operating through, collectively or separately, rail,
471 fixed guideway, streetcar, or bus systems on dedicated
472 facilities or available roadway connections.

473 (47)(30) "Transportation corridor management" means the
474 coordination of the planning of designated future transportation
475 corridors with land use planning within and adjacent to the
476 corridor to promote orderly growth, to meet the concurrency
477 requirements of this chapter, and to maintain the integrity of



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478 the corridor for transportation purposes.

479 ~~(48)-(27)~~ "Urban infill" means the development of vacant
480 parcels in otherwise built-up areas where public facilities such
481 as sewer systems, roads, schools, and recreation areas are
482 already in place and the average residential density is at least
483 five dwelling units per acre, the average nonresidential
484 intensity is at least a floor area ratio of 1.0 and vacant,
485 developable land does not constitute more than 10 percent of the
486 area.

487 ~~(49)-(26)~~ "Urban redevelopment" means demolition and
488 reconstruction or substantial renovation of existing buildings
489 or infrastructure within urban infill areas, existing urban
490 service areas, or community redevelopment areas created pursuant
491 to part III.

492 ~~(50)-(29)~~ "Urban service area" means ~~built-up~~ areas
493 identified in the comprehensive plan where public facilities and
494 services, including, but not limited to, central water and sewer
495 capacity and roads, are already in place or are identified in
496 the capital improvements element. The term includes any areas
497 identified in the comprehensive plan as urban service areas,
498 regardless of local government limitation ~~committed in the first~~
499 ~~3 years of the capital improvement schedule. In addition, for~~
500 ~~counties that qualify as dense urban land areas under subsection~~
501 ~~(34), the nonrural area of a county which has adopted into the~~
502 ~~county charter a rural area designation or areas identified in~~
503 ~~the comprehensive plan as urban service areas or urban growth~~
504 ~~boundaries on or before July 1, 2009, are also urban service~~
505 ~~areas under this definition.~~

506 (51) "Urban sprawl" means a development pattern



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507 characterized by low density, automobile-dependent development
508 with either a single use or multiple uses that are not
509 functionally related, requiring the extension of public
510 facilities and services in an inefficient manner, and failing to
511 provide a clear separation between urban and rural uses.

512 ~~(32) "Financial feasibility" means that sufficient revenues~~
513 ~~are currently available or will be available from committed~~
514 ~~funding sources for the first 3 years, or will be available from~~
515 ~~committed or planned funding sources for years 4 and 5, of a 5-~~
516 ~~year capital improvement schedule for financing capital~~
517 ~~improvements, such as ad valorem taxes, bonds, state and federal~~
518 ~~funds, tax revenues, impact fees, and developer contributions,~~
519 ~~which are adequate to fund the projected costs of the capital~~
520 ~~improvements identified in the comprehensive plan necessary to~~
521 ~~ensure that adopted level-of-service standards are achieved and~~
522 ~~maintained within the period covered by the 5-year schedule of~~
523 ~~capital improvements. A comprehensive plan shall be deemed~~
524 ~~financially feasible for transportation and school facilities~~
525 ~~throughout the planning period addressed by the capital~~
526 ~~improvements schedule if it can be demonstrated that the level-~~
527 ~~of-service standards will be achieved and maintained by the end~~
528 ~~of the planning period even if in a particular year such~~
529 ~~improvements are not concurrent as required by s. 163.3180.~~

530 ~~(34) "Dense urban land area" means:~~

531 ~~(a) A municipality that has an average of at least 1,000~~
532 ~~people per square mile of land area and a minimum total~~
533 ~~population of at least 5,000;~~

534 ~~(b) A county, including the municipalities located therein,~~
535 ~~which has an average of at least 1,000 people per square mile of~~



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536 ~~land area; or~~
537 ~~(c) A county, including the municipalities located therein,~~
538 ~~which has a population of at least 1 million.~~

539
540 ~~The Office of Economic and Demographic Research within the~~
541 ~~Legislature shall annually calculate the population and density~~
542 ~~criteria needed to determine which jurisdictions qualify as~~
543 ~~dense urban land areas by using the most recent land area data~~
544 ~~from the decennial census conducted by the Bureau of the Census~~
545 ~~of the United States Department of Commerce and the latest~~
546 ~~available population estimates determined pursuant to s.~~
547 ~~186.901. If any local government has had an annexation,~~
548 ~~contraction, or new incorporation, the Office of Economic and~~
549 ~~Demographic Research shall determine the population density~~
550 ~~using the new jurisdictional boundaries as recorded in~~
551 ~~accordance with s. 171.091. The Office of Economic and~~
552 ~~Demographic Research shall submit to the state land planning~~
553 ~~agency a list of jurisdictions that meet the total population~~
554 ~~and density criteria necessary for designation as a dense urban~~
555 ~~land area by July 1, 2009, and every year thereafter. The state~~
556 ~~land planning agency shall publish the list of jurisdictions on~~
557 ~~its Internet website within 7 days after the list is received.~~
558 ~~The designation of jurisdictions that qualify or do not qualify~~
559 ~~as a dense urban land area is effective upon publication on the~~
560 ~~state land planning agency's Internet website.~~

561 Section 7. Section 163.3167, Florida Statutes, is amended
562 to read:

563 163.3167 Scope of act.—

564 (1) The several incorporated municipalities and counties



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565 shall have power and responsibility:

566 (a) To plan for their future development and growth.

567 (b) To adopt and amend comprehensive plans, or elements or
568 portions thereof, to guide their future development and growth.

569 (c) To implement adopted or amended comprehensive plans by
570 the adoption of appropriate land development regulations or
571 elements thereof.

572 (d) To establish, support, and maintain administrative
573 instruments and procedures to carry out the provisions and
574 purposes of this act.

575

576 The powers and authority set out in this act may be employed by
577 municipalities and counties individually or jointly by mutual
578 agreement in accord with ~~the provisions of~~ this act and in such
579 combinations as their common interests may dictate and require.

580 (2) Each local government shall maintain ~~prepare~~ a
581 comprehensive plan of the type and in the manner set out in this
582 part or prepare amendments to its existing comprehensive plan to
583 conform it to the requirements of this part and in the manner
584 set out in this part. ~~In accordance with s. 163.3184, each local~~
585 ~~government shall submit to the state land planning agency its~~
586 ~~complete proposed comprehensive plan or its complete~~
587 ~~comprehensive plan as proposed to be amended.~~

588 ~~(3) When a local government has not prepared all of the~~
589 ~~required elements or has not amended its plan as required by~~
590 ~~subsection (2), the regional planning agency having~~
591 ~~responsibility for the area in which the local government lies~~
592 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
593 ~~missing elements or adopt by rule amendments to the existing~~



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594 ~~plan in accordance with this act by July 1, 1989, or within 1~~
595 ~~year after the dates specified or provided in subsection (2) and~~
596 ~~the state land planning agency review schedule, whichever is~~
597 ~~later. The regional planning agency shall provide at least 90~~
598 ~~days' written notice to any local government whose plan it is~~
599 ~~required by this subsection to prepare, prior to initiating the~~
600 ~~planning process. At least 90 days before the adoption by the~~
601 ~~regional planning agency of a comprehensive plan, or element or~~
602 ~~portion thereof, pursuant to this subsection, the regional~~
603 ~~planning agency shall transmit a copy of the proposed~~
604 ~~comprehensive plan, or element or portion thereof, to the local~~
605 ~~government and the state land planning agency for written~~
606 ~~comment. The state land planning agency shall review and comment~~
607 ~~on such plan, or element or portion thereof, in accordance with~~
608 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
609 ~~applicable to the regional planning agency as if it were a~~
610 ~~governing body. Existing comprehensive plans shall remain in~~
611 ~~effect until they are amended pursuant to subsection (2), this~~
612 ~~subsection, s. 163.3187, or s. 163.3189.~~

613 ~~(3)(4)~~ A municipality established after the effective date
614 of this act shall, within 1 year after incorporation, establish
615 a local planning agency, pursuant to s. 163.3174, and prepare
616 and adopt a comprehensive plan of the type and in the manner set
617 out in this act within 3 years after the date of such
618 incorporation. A county comprehensive plan shall be deemed
619 controlling until the municipality adopts a comprehensive plan
620 in accord with ~~the provisions of this act. If, upon the~~
621 ~~expiration of the 3-year time limit, the municipality has not~~
622 ~~adopted a comprehensive plan, the regional planning agency shall~~



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623 ~~prepare and adopt a comprehensive plan for such municipality.~~

624 ~~(4)(5) Any comprehensive plan, or element or portion~~
625 ~~thereof, adopted pursuant to the provisions of this act, which~~
626 ~~but for its adoption after the deadlines established pursuant to~~
627 ~~previous versions of this act would have been valid, shall be~~
628 ~~valid.~~

629 ~~(6) When a regional planning agency is required to prepare~~
630 ~~or amend a comprehensive plan, or element or portion thereof,~~
631 ~~pursuant to subsections (3) and (4), the regional planning~~
632 ~~agency and the local government may agree to a method of~~
633 ~~compensating the regional planning agency for any verifiable,~~
634 ~~direct costs incurred. If an agreement is not reached within 6~~
635 ~~months after the date the regional planning agency assumes~~
636 ~~planning responsibilities for the local government pursuant to~~
637 ~~subsections (3) and (4) or by the time the plan or element, or~~
638 ~~portion thereof, is completed, whichever is earlier, the~~
639 ~~regional planning agency shall file invoices for verifiable,~~
640 ~~direct costs involved with the governing body. Upon the failure~~
641 ~~of the local government to pay such invoices within 90 days, the~~
642 ~~regional planning agency may, upon filing proper vouchers with~~
643 ~~the Chief Financial Officer, request payment by the Chief~~
644 ~~Financial Officer from unencumbered revenue or other tax sharing~~
645 ~~funds due such local government from the state for work actually~~
646 ~~performed, and the Chief Financial Officer shall pay such~~
647 ~~vouchers; however, the amount of such payment shall not exceed~~
648 ~~50 percent of such funds due such local government in any one~~
649 ~~year.~~

650 ~~(7) A local government that is being requested to pay costs~~
651 ~~may seek an administrative hearing pursuant to ss. 120.569 and~~



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652 ~~120.57 to challenge the amount of costs and to determine if the~~
653 ~~statutory prerequisites for payment have been complied with.~~
654 ~~Final agency action shall be taken by the state land planning~~
655 ~~agency. Payment shall be withheld as to disputed amounts until~~
656 ~~proceedings under this subsection have been completed.~~

657 ~~(5)(8)~~ Nothing in this act shall limit or modify the rights
658 of any person to complete any development that has been
659 authorized as a development of regional impact pursuant to
660 chapter 380 or who has been issued a final local development
661 order and development has commenced and is continuing in good
662 faith.

663 ~~(6)(9)~~ The Reedy Creek Improvement District shall exercise
664 the authority of this part as it applies to municipalities,
665 consistent with the legislative act under which it was
666 established, for the total area under its jurisdiction.

667 ~~(7)(10)~~ Nothing in this part shall supersede any provision
668 of ss. 341.8201-341.842.

669 ~~(11)~~ Each local government is encouraged to articulate a
670 vision of the future physical appearance and qualities of its
671 community as a component of its local comprehensive plan. The
672 vision should be developed through a collaborative planning
673 process with meaningful public participation and shall be
674 adopted by the governing body of the jurisdiction. Neighboring
675 communities, especially those sharing natural resources or
676 physical or economic infrastructure, are encouraged to create
677 collective visions for greater than local areas. Such collective
678 visions shall apply in each city or county only to the extent
679 that each local government chooses to make them applicable. The
680 state land planning agency shall serve as a clearinghouse for



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681 ~~creating a community vision of the future and may utilize the~~
682 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
683 ~~grants to help pay the costs of local visioning programs. When a~~
684 ~~local vision of the future has been created, a local government~~
685 ~~should review its comprehensive plan, land development~~
686 ~~regulations, and capital improvement program to ensure that~~
687 ~~these instruments will help to move the community toward its~~
688 ~~vision in a manner consistent with this act and with the state~~
689 ~~comprehensive plan. A local or regional vision must be~~
690 ~~consistent with the state vision, when adopted, and be~~
691 ~~internally consistent with the local or regional plan of which~~
692 ~~it is a component. The state land planning agency shall not~~
693 ~~adopt minimum criteria for evaluating or judging the form or~~
694 ~~content of a local or regional vision.~~

695 ~~(8)-(12)~~ An initiative or referendum process in regard to
696 any development order or in regard to any local comprehensive
697 plan amendment or map amendment ~~that affects five or fewer~~
698 ~~parcels of land~~ is prohibited.

699 ~~(9)-(13)~~ Each local government shall address in its
700 comprehensive plan, as enumerated in this chapter, the water
701 supply sources necessary to meet and achieve the existing and
702 projected water use demand for the established planning period,
703 considering the applicable plan developed pursuant to s.
704 373.709.

705 ~~(10)-(14)~~ (a) If a local government grants a development
706 order pursuant to its adopted land development regulations and
707 the order is not the subject of a pending appeal and the
708 timeframe for filing an appeal has expired, the development
709 order may not be invalidated by a subsequent judicial



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710 determination that such land development regulations, or any
711 portion thereof that is relevant to the development order, are
712 invalid because of a deficiency in the approval standards.

713 (b) This subsection does not preclude or affect the timely
714 institution of any other remedy available at law or equity,
715 including a common law writ of certiorari proceeding pursuant to
716 Rule 9.190, Florida Rules of Appellate Procedure, or an original
717 proceeding pursuant to s. 163.3215, as applicable.

718 ~~(c) This subsection applies retroactively to any~~
719 ~~development order granted on or after January 1, 2002.~~

720 Section 8. Section 163.3168, Florida Statutes, is created
721 to read:

722 163.3168 Planning innovations and technical assistance.—

723 (1) The Legislature recognizes the need for innovative
724 planning and development strategies to promote a diverse economy
725 and vibrant rural and urban communities, while protecting
726 environmentally sensitive areas. The Legislature further
727 recognizes the substantial advantages of innovative approaches
728 to development directed to meet the needs of urban, rural, and
729 suburban areas.

730 (2) Local governments are encouraged to apply innovative
731 planning tools, including, but not limited to, visioning, sector
732 planning, and rural land stewardship area designations to
733 address future new development areas, urban service area
734 designations, urban growth boundaries, and mixed-use, high-
735 density development in urban areas.

736 (3) The state land planning agency shall help communities
737 find creative solutions to fostering vibrant, healthy
738 communities, while protecting the functions of important state



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739 resources and facilities. The state land planning agency and all
740 other appropriate state and regional agencies may use various
741 means to provide direct and indirect technical assistance within
742 available resources. If plan amendments may adversely impact
743 important state resources or facilities, upon request by the
744 local government, the state land planning agency shall
745 coordinate multi-agency assistance, if needed, in developing an
746 amendment to minimize impacts on such resources or facilities.

747 (4) The state land planning agency shall provide, on its
748 website, guidance on the submittal and adoption of comprehensive
749 plans, plan amendments, and land development regulations. Such
750 guidance shall not be adopted as a rule and is exempt from s.
751 120.54(1)(a).

752 Section 9. Subsection (4) of section 163.3171, Florida
753 Statutes, is amended to read:

754 163.3171 Areas of authority under this act.-

755 ~~(4) The state land planning agency and a~~ Local governments
756 may government shall have the power to enter into agreements
757 with each other and to agree together to enter into agreements
758 with a landowner, developer, or governmental agency as may be
759 necessary or desirable to effectuate the provisions and purposes
760 of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,
761 and 163.3248. It is the Legislature's intent that joint
762 agreements entered into under the authority of this section be
763 liberally, broadly, and flexibly construed to facilitate
764 intergovernmental cooperation between cities and counties and to
765 encourage planning in advance of jurisdictional changes. Joint
766 agreements, executed before or after the effective date of this
767 act, include, but are not limited to, agreements that



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768 contemplate municipal adoption of plans or plan amendments for
769 lands in advance of annexation of such lands into the
770 municipality, and may permit municipalities and counties to
771 exercise nonexclusive extrajurisdictional authority within
772 incorporated and unincorporated areas. The state land planning
773 agency may not interpret, invalidate, or declare inoperative
774 such joint agreements, and the validity of joint agreements may
775 not be a basis for finding plans or plan amendments not in
776 compliance pursuant to chapter law.

777 Section 10. Subsection (1) of section 163.3174, Florida
778 Statutes, is amended to read:

779 163.3174 Local planning agency.—

780 (1) The governing body of each local government,
781 individually or in combination as provided in s. 163.3171, shall
782 designate and by ordinance establish a "local planning agency,"
783 unless the agency is otherwise established by law.

784 Notwithstanding any special act to the contrary, all local
785 planning agencies or equivalent agencies that first review
786 rezoning and comprehensive plan amendments in each municipality
787 and county shall include a representative of the school district
788 appointed by the school board as a nonvoting member of the local
789 planning agency or equivalent agency to attend those meetings at
790 which the agency considers comprehensive plan amendments and
791 rezonings that would, if approved, increase residential density
792 on the property that is the subject of the application. However,
793 this subsection does not prevent the governing body of the local
794 government from granting voting status to the school board
795 member. The governing body may designate itself as the local
796 planning agency pursuant to this subsection with the addition of



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797 a nonvoting school board representative. ~~The governing body~~
798 ~~shall notify the state land planning agency of the establishment~~
799 ~~of its local planning agency.~~ All local planning agencies shall
800 provide opportunities for involvement by applicable community
801 college boards, which may be accomplished by formal
802 representation, membership on technical advisory committees, or
803 other appropriate means. The local planning agency shall prepare
804 the comprehensive plan or plan amendment after hearings to be
805 held after public notice and shall make recommendations to the
806 governing body regarding the adoption or amendment of the plan.
807 The agency may be a local planning commission, the planning
808 department of the local government, or other instrumentality,
809 including a countywide planning entity established by special
810 act or a council of local government officials created pursuant
811 to s. 163.02, provided the composition of the council is fairly
812 representative of all the governing bodies in the county or
813 planning area; however:

814 (a) If a joint planning entity is in existence on the
815 effective date of this act which authorizes the governing bodies
816 to adopt and enforce a land use plan effective throughout the
817 joint planning area, that entity shall be the agency for those
818 local governments until such time as the authority of the joint
819 planning entity is modified by law.

820 (b) In the case of chartered counties, the planning
821 responsibility between the county and the several municipalities
822 therein shall be as stipulated in the charter.

823 Section 11. Subsections (5), (6), and (9) of section
824 163.3175, Florida Statutes, are amended to read:

825 163.3175 Legislative findings on compatibility of



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826 development with military installations; exchange of information
827 between local governments and military installations.—

828 (5) The commanding officer or his or her designee may
829 provide comments to the affected local government on the impact
830 such proposed changes may have on the mission of the military
831 installation. Such comments may include:

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

836 (b) Whether such changes are incompatible with the
837 Installation Environmental Noise Management Program (IENMP) of
838 the United States Army;

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

842 (d) Whether the military installation's mission will be
843 adversely affected by the proposed actions of the county or
844 affected local government.

845

846 The commanding officer's comments, underlying studies, and
847 reports are not binding on the local government.

848 (6) The affected local government shall take into
849 consideration any comments provided by the commanding officer or
850 his or her designee pursuant to subsection (4) and must also be
851 sensitive to private property rights and not be unduly
852 restrictive on those rights. The affected local government shall
853 forward a copy of any comments regarding comprehensive plan
854 amendments to the state land planning agency.



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855 (9) If a local government, as required under s.
856 163.3177(6) (a), does not adopt criteria and address
857 compatibility of lands adjacent to or closely proximate to
858 existing military installations in its future land use plan
859 element by June 30, 2012, the local government, the military
860 installation, the state land planning agency, and other parties
861 as identified by the regional planning council, including, but
862 not limited to, private landowner representatives, shall enter
863 into mediation conducted pursuant to s. 186.509. If the local
864 government comprehensive plan does not contain criteria
865 addressing compatibility by December 31, 2013, the agency may
866 notify the Administration Commission. The Administration
867 Commission may impose sanctions pursuant to s. 163.3184(8) ~~(11)~~.
868 Any local government that amended its comprehensive plan to
869 address military installation compatibility requirements after
870 2004 and was found to be in compliance is deemed to be in
871 compliance with this subsection until the local government
872 conducts its evaluation and appraisal review pursuant to s.
873 163.3191 and determines that amendments are necessary to meet
874 updated general law requirements.

875 Section 12. Section 163.3177, Florida Statutes, is amended
876 to read:

877 163.3177 Required and optional elements of comprehensive
878 plan; studies and surveys.-

879 (1) The comprehensive plan shall provide the ~~consist of~~
880 ~~materials in such descriptive form, written or graphic, as may~~
881 ~~be appropriate to the prescription of principles, guidelines,~~
882 ~~and standards,~~ and strategies for the orderly and balanced
883 future economic, social, physical, environmental, and fiscal



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884 development of the area that reflects community commitments to
885 implement the plan and its elements. These principles and
886 strategies shall guide future decisions in a consistent manner
887 and shall contain programs and activities to ensure
888 comprehensive plans are implemented. The sections of the
889 comprehensive plan containing the principles and strategies,
890 generally provided as goals, objectives, and policies, shall
891 describe how the local government's programs, activities, and
892 land development regulations will be initiated, modified, or
893 continued to implement the comprehensive plan in a consistent
894 manner. It is not the intent of this part to require the
895 inclusion of implementing regulations in the comprehensive plan
896 but rather to require identification of those programs,
897 activities, and land development regulations that will be part
898 of the strategy for implementing the comprehensive plan and the
899 principles that describe how the programs, activities, and land
900 development regulations will be carried out. The plan shall
901 establish meaningful and predictable standards for the use and
902 development of land and provide meaningful guidelines for the
903 content of more detailed land development and use regulations.

904 (a) The comprehensive plan shall consist of elements as
905 described in this section, and may include optional elements.

906 (b) A local government may include, as part of its adopted
907 plan, documents adopted by reference but not incorporated
908 verbatim into the plan. The adoption by reference must identify
909 the title and author of the document and indicate clearly what
910 provisions and edition of the document is being adopted.

911 (c) The format of these principles and guidelines is at the
912 discretion of the local government, but typically is expressed



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913 in goals, objectives, policies, and strategies.

914 (d) The comprehensive plan shall identify procedures for
915 monitoring, evaluating, and appraising implementation of the
916 plan.

917 (e) When a federal, state, or regional agency has
918 implemented a regulatory program, a local government is not
919 required to duplicate or exceed that regulatory program in its
920 local comprehensive plan.

921 (f) All mandatory and optional elements of the
922 comprehensive plan and plan amendments shall be based upon
923 relevant and appropriate data and an analysis by the local
924 government that may include, but not be limited to, surveys,
925 studies, community goals and vision, and other data available at
926 the time of adoption of the comprehensive plan or plan
927 amendment. To be based on data means to react to it in an
928 appropriate way and to the extent necessary indicated by the
929 data available on that particular subject at the time of
930 adoption of the plan or plan amendment at issue.

931 1. Surveys, studies, and data utilized in the preparation
932 of the comprehensive plan may not be deemed a part of the
933 comprehensive plan unless adopted as a part of it. Copies of
934 such studies, surveys, data, and supporting documents for
935 proposed plans and plan amendments shall be made available for
936 public inspection, and copies of such plans shall be made
937 available to the public upon payment of reasonable charges for
938 reproduction. Support data or summaries are not subject to the
939 compliance review process, but the comprehensive plan must be
940 clearly based on appropriate data. Support data or summaries may
941 be used to aid in the determination of compliance and



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942 consistency.

943 2. Data must be taken from professionally accepted sources.
944 The application of a methodology utilized in data collection or
945 whether a particular methodology is professionally accepted may
946 be evaluated. However, the evaluation may not include whether
947 one accepted methodology is better than another. Original data
948 collection by local governments is not required. However, local
949 governments may use original data so long as methodologies are
950 professionally accepted.

951 3. The comprehensive plan shall be based upon permanent and
952 seasonal population estimates and projections, which shall
953 either be those provided by the University of Florida's Bureau
954 of Economic and Business Research or generated by the local
955 government based upon a professionally acceptable methodology.
956 The plan must be based on at least the minimum amount of land
957 required to accommodate the medium projections of the University
958 of Florida's Bureau of Economic and Business Research for at
959 least a 10-year planning period unless otherwise limited under
960 s. 380.05, including related rules of the Administration
961 Commission.

962 (2) Coordination of the several elements of the local
963 comprehensive plan shall be a major objective of the planning
964 process. The several elements of the comprehensive plan shall be
965 consistent. Where data is relevant to several elements,
966 consistent data shall be used, including population estimates
967 and projections unless alternative data can be justified for a
968 plan amendment through new supporting data and analysis. Each
969 map depicting future conditions must reflect the principles,
970 guidelines, and standards within all elements and each such map



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971 ~~must be contained within the comprehensive plan, and the~~
972 ~~comprehensive plan shall be financially feasible. Financial~~
973 ~~feasibility shall be determined using professionally accepted~~
974 ~~methodologies and applies to the 5-year planning period, except~~
975 ~~in the case of a long-term transportation or school concurrency~~
976 ~~management system, in which case a 10-year or 15-year period~~
977 ~~applies.~~

978 (3) (a) The comprehensive plan shall contain a capital
979 improvements element designed to consider the need for and the
980 location of public facilities in order to encourage the
981 efficient use of such facilities and set forth:

982 1. A component that outlines principles for construction,
983 extension, or increase in capacity of public facilities, as well
984 as a component that outlines principles for correcting existing
985 public facility deficiencies, which are necessary to implement
986 the comprehensive plan. The components shall cover at least a 5-
987 year period.

988 2. Estimated public facility costs, including a delineation
989 of when facilities will be needed, the general location of the
990 facilities, and projected revenue sources to fund the
991 facilities.

992 3. Standards to ensure the availability of public
993 facilities and the adequacy of those facilities to meet
994 established ~~including~~ acceptable levels of service.

995 ~~4. Standards for the management of debt.~~

996 ~~4.5.~~ A schedule of capital improvements which includes any
997 publicly funded projects of federal, state, or local government,
998 and which may include privately funded projects for which the
999 local government has no fiscal responsibility. Projects,



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1000 necessary to ensure that any adopted level-of-service standards
1001 are achieved and maintained for the 5-year period must be
1002 identified as either funded or unfunded and given a level of
1003 priority for funding. ~~For capital improvements that will be~~
1004 ~~funded by the developer, financial feasibility shall be~~
1005 ~~demonstrated by being guaranteed in an enforceable development~~
1006 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
1007 ~~or other enforceable agreement. These development agreements and~~
1008 ~~interlocal agreements shall be reflected in the schedule of~~
1009 ~~capital improvements if the capital improvement is necessary to~~
1010 ~~serve development within the 5-year schedule. If the local~~
1011 ~~government uses planned revenue sources that require referenda~~
1012 ~~or other actions to secure the revenue source, the plan must, in~~
1013 ~~the event the referenda are not passed or actions do not secure~~
1014 ~~the planned revenue source, identify other existing revenue~~
1015 ~~sources that will be used to fund the capital projects or~~
1016 ~~otherwise amend the plan to ensure financial feasibility.~~

1017 5.6. The schedule must include transportation improvements
1018 included in the applicable metropolitan planning organization's
1019 transportation improvement program adopted pursuant to s.
1020 339.175(8) to the extent that such improvements are relied upon
1021 to ensure concurrency and financial feasibility. The schedule
1022 must ~~also~~ be coordinated with the applicable metropolitan
1023 planning organization's long-range transportation plan adopted
1024 pursuant to s. 339.175(7).

1025 (b)~~1.~~ The capital improvements element must be reviewed by
1026 the local government on an annual basis. Modifications ~~and~~
1027 ~~modified as necessary in accordance with s. 163.3187 or s.~~
1028 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~



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1029 ~~5-year capital improvement schedule of capital improvements.~~
1030 ~~Corrections and modifications concerning costs; revenue sources;~~
1031 ~~or acceptance of facilities pursuant to dedications which are~~
1032 ~~consistent with the plan may be accomplished by ordinance and~~
1033 ~~may shall not be deemed to be amendments to the local~~
1034 ~~comprehensive plan. A copy of the ordinance shall be transmitted~~
1035 ~~to the state land planning agency. An amendment to the~~
1036 ~~comprehensive plan is required to update the schedule on an~~
1037 ~~annual basis or to eliminate, defer, or delay the construction~~
1038 ~~for any facility listed in the 5-year schedule. All public~~
1039 ~~facilities must be consistent with the capital improvements~~
1040 ~~element. The annual update to the capital improvements element~~
1041 ~~of the comprehensive plan need not comply with the financial~~
1042 ~~feasibility requirement until December 1, 2011. Thereafter, a~~
1043 ~~local government may not amend its future land use map, except~~
1044 ~~for plan amendments to meet new requirements under this part and~~
1045 ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~
1046 ~~December 1, 2011, and every year thereafter, unless and until~~
1047 ~~the local government has adopted the annual update and it has~~
1048 ~~been transmitted to the state land planning agency.~~

1049 ~~2. Capital improvements element amendments adopted after~~
1050 ~~the effective date of this act shall require only a single~~
1051 ~~public hearing before the governing board which shall be an~~
1052 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
1053 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1054 ~~(c) If the local government does not adopt the required~~
1055 ~~annual update to the schedule of capital improvements, the state~~
1056 ~~land planning agency must notify the Administration Commission.~~
1057 ~~A local government that has a demonstrated lack of commitment to~~



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1058 ~~meeting its obligations identified in the capital improvements~~
1059 ~~element may be subject to sanctions by the Administration~~
1060 ~~Commission pursuant to s. 163.3184(11).~~

1061 ~~(d) If a local government adopts a long-term concurrency~~
1062 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
1063 ~~a long-term capital improvements schedule covering up to a 10-~~
1064 ~~year or 15-year period, and must update the long-term schedule~~
1065 ~~annually. The long-term schedule of capital improvements must be~~
1066 ~~financially feasible.~~

1067 ~~(e) At the discretion of the local government and~~
1068 ~~notwithstanding the requirements of this subsection, a~~
1069 ~~comprehensive plan, as revised by an amendment to the plan's~~
1070 ~~future land use map, shall be deemed to be financially feasible~~
1071 ~~and to have achieved and maintained level-of-service standards~~
1072 ~~as required by this section with respect to transportation~~
1073 ~~facilities if the amendment to the future land use map is~~
1074 ~~supported by a:~~

1075 ~~1. Condition in a development order for a development of~~
1076 ~~regional impact or binding agreement that addresses~~
1077 ~~proportionate-share mitigation consistent with s. 163.3180(12);~~
1078 ~~or~~

1079 ~~2. Binding agreement addressing proportionate fair share~~
1080 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~
1081 ~~subject to the amendment to the future land use map is located~~
1082 ~~within an area designated in a comprehensive plan for urban~~
1083 ~~infill, urban redevelopment, downtown revitalization, urban~~
1084 ~~infill and redevelopment, or an urban service area. The binding~~
1085 ~~agreement must be based on the maximum amount of development~~
1086 ~~identified by the future land use map amendment or as may be~~



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1087 ~~otherwise restricted through a special area plan policy or map~~
1088 ~~notation in the comprehensive plan.~~

1089 ~~(f) A local government's comprehensive plan and plan~~
1090 ~~amendments for land uses within all transportation concurrency~~
1091 ~~exception areas that are designated and maintained in accordance~~
1092 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
1093 ~~achieve and maintain level of service standards for~~
1094 ~~transportation.~~

1095 (4) (a) Coordination of the local comprehensive plan with
1096 the comprehensive plans of adjacent municipalities, the county,
1097 adjacent counties, or the region; with the appropriate water
1098 management district's regional water supply plans approved
1099 pursuant to s. 373.709; and with adopted rules pertaining to
1100 designated areas of critical state concern; ~~and with the state~~
1101 ~~comprehensive plan~~ shall be a major objective of the local
1102 comprehensive planning process. To that end, in the preparation
1103 of a comprehensive plan or element thereof, and in the
1104 comprehensive plan or element as adopted, the governing body
1105 shall include a specific policy statement indicating the
1106 relationship of the proposed development of the area to the
1107 comprehensive plans of adjacent municipalities, the county,
1108 adjacent counties, or the region ~~and to the state comprehensive~~
1109 ~~plan~~, as the case may require and as such adopted plans or plans
1110 in preparation may exist.

1111 (b) When all or a portion of the land in a local government
1112 jurisdiction is or becomes part of a designated area of critical
1113 state concern, the local government shall clearly identify those
1114 portions of the local comprehensive plan that shall be
1115 applicable to the critical area and shall indicate the



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1116 relationship of the proposed development of the area to the
1117 rules for the area of critical state concern.

1118 (5) (a) Each local government comprehensive plan must
1119 include at least two planning periods, one covering at least the
1120 first 5-year period occurring after the plan's adoption and one
1121 covering at least a 10-year period. Additional planning periods
1122 for specific components, elements, land use amendments, or
1123 projects shall be permissible and accepted as part of the
1124 planning process.

1125 (b) The comprehensive plan and its elements shall contain
1126 guidelines or policies ~~policy recommendations~~ for the
1127 implementation of the plan and its elements.

1128 (6) In addition to the requirements of subsections (1)-(5)
1129 ~~and (12)~~, the comprehensive plan shall include the following
1130 elements:

1131 (a) A future land use plan element designating proposed
1132 future general distribution, location, and extent of the uses of
1133 land for residential uses, commercial uses, industry,
1134 agriculture, recreation, conservation, education, ~~public~~
1135 ~~buildings and grounds, other~~ public facilities, and other
1136 categories of the public and private uses of land. The
1137 approximate acreage and the general range of density or
1138 intensity of use shall be provided for the gross land area
1139 included in each existing land use category. The element shall
1140 establish the long-term end toward which land use programs and
1141 activities are ultimately directed. ~~Counties are encouraged to~~
1142 ~~designate rural land stewardship areas, pursuant to paragraph~~
1143 ~~(11) (d), as overlays on the future land use map.~~

1144 1. Each future land use category must be defined in terms



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1145 of uses included, and must include standards to be followed in
1146 the control and distribution of population densities and
1147 building and structure intensities. The proposed distribution,
1148 location, and extent of the various categories of land use shall
1149 be shown on a land use map or map series which shall be
1150 supplemented by goals, policies, and measurable objectives.

1151 2. The future land use plan and plan amendments shall be
1152 based upon surveys, studies, and data regarding the area, as
1153 applicable, including:

1154 a. The amount of land required to accommodate anticipated
1155 growth.†

1156 b. The projected permanent and seasonal population of the
1157 area.†

1158 c. The character of undeveloped land.†

1159 d. The availability of water supplies, public facilities,
1160 and services.†

1161 e. The need for redevelopment, including the renewal of
1162 blighted areas and the elimination of nonconforming uses which
1163 are inconsistent with the character of the community.†

1164 f. The compatibility of uses on lands adjacent to or
1165 closely proximate to military installations.†

1166 g. The compatibility of uses on lands adjacent to an
1167 airport as defined in s. 330.35 and consistent with s. 333.02.†

1168 h. ~~The discouragement of urban sprawl.; energy-efficient~~
1169 ~~land use patterns accounting for existing and future electric~~
1170 ~~power generation and transmission systems; greenhouse gas~~
1171 ~~reduction strategies; and, in rural communities,~~

1172 i. The need for job creation, capital investment, and
1173 economic development that will strengthen and diversify the



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1174 community's economy.

1175 j. The need to modify land uses and development patterns
1176 within antiquated subdivisions. The future land use plan may
1177 designate areas for future planned development use involving
1178 combinations of types of uses for which special regulations may
1179 be necessary to ensure development in accord with the principles
1180 and standards of the comprehensive plan and this act.

1181 3. The future land use plan element shall include criteria
1182 to be used to:

1183 a. Achieve the compatibility of lands adjacent or closely
1184 proximate to military installations, considering factors
1185 identified in s. 163.3175(5), and

1186 b. Achieve the compatibility of lands adjacent to an
1187 airport as defined in s. 330.35 and consistent with s. 333.02.

1188 c. Encourage preservation of recreational and commercial
1189 working waterfronts for water dependent uses in coastal
1190 communities.

1191 d. Encourage the location of schools proximate to urban
1192 residential areas to the extent possible.

1193 e. Coordinate future land uses with the topography and soil
1194 conditions, and the availability of facilities and services.

1195 f. Ensure the protection of natural and historic resources.

1196 g. Provide for the compatibility of adjacent land uses.

1197 h. Provide guidelines for the implementation of mixed use
1198 development including the types of uses allowed, the percentage
1199 distribution among the mix of uses, or other standards, and the
1200 density and intensity of each use.

1201 4. In addition, for rural communities, The amount of land
1202 designated for future planned uses industrial use shall provide



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1203 a balance of uses that foster vibrant, viable communities and
1204 economic development opportunities and address outdated
1205 development patterns, such as antiquated subdivisions. The
1206 amount of land designated for future land uses should allow the
1207 operation of real estate markets to provide adequate choices for
1208 permanent and seasonal residents and business and ~~be based upon~~
1209 ~~surveys and studies that reflect the need for job creation,~~
1210 ~~capital investment, and the necessity to strengthen and~~
1211 ~~diversify the local economies, and may not be limited solely by~~
1212 the projected population of the rural community. The element
1213 shall accommodate at least the minimum amount of land required
1214 to accommodate the medium projections of the University of
1215 Florida's Bureau of Economic and Business Research for at least
1216 a 10-year planning period unless otherwise limited under s.
1217 380.05, including related rules of the Administration
1218 Commission.

1219 5. The future land use plan of a county may ~~also~~ designate
1220 areas for possible future municipal incorporation.

1221 6. The land use maps or map series shall generally identify
1222 and depict historic district boundaries and shall designate
1223 historically significant properties meriting protection. ~~For~~
1224 ~~coastal counties, the future land use element must include,~~
1225 ~~without limitation, regulatory incentives and criteria that~~
1226 ~~encourage the preservation of recreational and commercial~~
1227 ~~working waterfronts as defined in s. 342.07.~~

1228 7. The future land use element must clearly identify the
1229 land use categories in which public schools are an allowable
1230 use. When delineating the land use categories in which public
1231 schools are an allowable use, a local government shall include



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1232 in the categories sufficient land proximate to residential
1233 development to meet the projected needs for schools in
1234 coordination with public school boards and may establish
1235 differing criteria for schools of different type or size. Each
1236 local government shall include lands contiguous to existing
1237 school sites, to the maximum extent possible, within the land
1238 use categories in which public schools are an allowable use. ~~The~~
1239 ~~failure by a local government to comply with these school siting~~
1240 ~~requirements will result in the prohibition of the local~~
1241 ~~government's ability to amend the local comprehensive plan,~~
1242 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1243 ~~the school siting requirements are met. Amendments proposed by a~~
1244 ~~local government for purposes of identifying the land use~~
1245 ~~categories in which public schools are an allowable use are~~
1246 ~~exempt from the limitation on the frequency of plan amendments~~
1247 ~~contained in s. 163.3187. The future land use element shall~~
1248 ~~include criteria that encourage the location of schools~~
1249 ~~proximate to urban residential areas to the extent possible and~~
1250 ~~shall require that the local government seek to collocate public~~
1251 ~~facilities, such as parks, libraries, and community centers,~~
1252 ~~with schools to the extent possible and to encourage the use of~~
1253 ~~elementary schools as focal points for neighborhoods. For~~
1254 ~~schools serving predominantly rural counties, defined as a~~
1255 ~~county with a population of 100,000 or fewer, an agricultural~~
1256 ~~land use category is eligible for the location of public school~~
1257 ~~facilities if the local comprehensive plan contains school~~
1258 ~~siting criteria and the location is consistent with such~~
1259 ~~criteria.~~

1260 8. Future land use map amendments shall be based upon the



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1261 following analyses:

1262 a. An analysis of the availability of facilities and
1263 services.

1264 b. An analysis of the suitability of the plan amendment for
1265 its proposed use considering the character of the undeveloped
1266 land, soils, topography, natural resources, and historic
1267 resources on site.

1268 c. An analysis of the minimum amount of land needed as
1269 determined by the local government.

1270 9. The future land use element and any amendment to the
1271 future land use element shall discourage the proliferation of
1272 urban sprawl.

1273 a. The primary indicators that a plan or plan amendment
1274 does not discourage the proliferation of urban sprawl are listed
1275 below. The evaluation of the presence of these indicators shall
1276 consist of an analysis of the plan or plan amendment within the
1277 context of features and characteristics unique to each locality
1278 in order to determine whether the plan or plan amendment:

1279 (I) Promotes, allows, or designates for development
1280 substantial areas of the jurisdiction to develop as low-
1281 intensity, low-density, or single-use development or uses.

1282 (II) Promotes, allows, or designates significant amounts of
1283 urban development to occur in rural areas at substantial
1284 distances from existing urban areas while not using undeveloped
1285 lands that are available and suitable for development.

1286 (III) Promotes, allows, or designates urban development in
1287 radial, strip, isolated, or ribbon patterns generally emanating
1288 from existing urban developments.

1289 (IV) Fails to adequately protect and conserve natural



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1290 resources, such as wetlands, floodplains, native vegetation,
1291 environmentally sensitive areas, natural groundwater aquifer
1292 recharge areas, lakes, rivers, shorelines, beaches, bays,
1293 estuarine systems, and other significant natural systems.

1294 (V) Fails to adequately protect adjacent agricultural areas
1295 and activities, including silviculture, active agricultural and
1296 silvicultural activities, passive agricultural activities, and
1297 dormant, unique, and prime farmlands and soils.

1298 (VI) Fails to maximize use of existing public facilities
1299 and services.

1300 (VII) Fails to maximize use of future public facilities and
1301 services.

1302 (VIII) Allows for land use patterns or timing which
1303 disproportionately increase the cost in time, money, and energy
1304 of providing and maintaining facilities and services, including
1305 roads, potable water, sanitary sewer, stormwater management, law
1306 enforcement, education, health care, fire and emergency
1307 response, and general government.

1308 (IX) Fails to provide a clear separation between rural and
1309 urban uses.

1310 (X) Discourages or inhibits infill development or the
1311 redevelopment of existing neighborhoods and communities.

1312 (XI) Fails to encourage a functional mix of uses.

1313 (XII) Results in poor accessibility among linked or related
1314 land uses.

1315 (XIII) Results in the loss of significant amounts of
1316 functional open space.

1317 b. The future land use element or plan amendment shall be
1318 determined to discourage the proliferation of urban sprawl if it



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1319 incorporates a development pattern or urban form that achieves
1320 four or more of the following:

1321 (I) Directs or locates economic growth and associated land
1322 development to geographic areas of the community in a manner
1323 that does not have an adverse impact on and protects natural
1324 resources and ecosystems.

1325 (II) Promotes the efficient and cost-effective provision or
1326 extension of public infrastructure and services.

1327 (III) Promotes walkable and connected communities and
1328 provides for compact development and a mix of uses at densities
1329 and intensities that will support a range of housing choices and
1330 a multimodal transportation system, including pedestrian,
1331 bicycle, and transit, if available.

1332 (IV) Promotes conservation of water and energy.

1333 (V) Preserves agricultural areas and activities, including
1334 silviculture, and dormant, unique, and prime farmlands and
1335 soils.

1336 (VI) Preserves open space and natural lands and provides
1337 for public open space and recreation needs.

1338 (VII) Creates a balance of land uses based upon demands of
1339 residential population for the nonresidential needs of an area.

1340 (VIII) Provides uses, densities, and intensities of use and
1341 urban form that would remediate an existing or planned
1342 development pattern in the vicinity that constitutes sprawl or
1343 if it provides for an innovative development pattern such as
1344 transit-oriented developments or new towns as defined in s.
1345 163.3164.

1346 10. The future land use element shall include a future land
1347 use map or map series.



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1348 a. The proposed distribution, extent, and location of the
1349 following uses shall be shown on the future land use map or map
1350 series:

1351 (I) Residential.

1352 (II) Commercial.

1353 (III) Industrial.

1354 (IV) Agricultural.

1355 (V) Recreational.

1356 (VI) Conservation.

1357 (VII) Educational.

1358 (VIII) Public.

1359 b. The following areas shall also be shown on the future
1360 land use map or map series, if applicable:

1361 (I) Historic district boundaries and designated
1362 historically significant properties.

1363 (II) Transportation concurrency management area boundaries
1364 or transportation concurrency exception area boundaries.

1365 (III) Multimodal transportation district boundaries.

1366 (IV) Mixed use categories.

1367 c. The following natural resources or conditions shall be
1368 shown on the future land use map or map series, if applicable:

1369 (I) Existing and planned public potable waterwells, cones
1370 of influence, and wellhead protection areas.

1371 (II) Beaches and shores, including estuarine systems.

1372 (III) Rivers, bays, lakes, floodplains, and harbors.

1373 (IV) Wetlands.

1374 (V) Minerals and soils.

1375 (VI) Coastal high hazard areas.

1376 11. Local governments required to update or amend their



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1377 comprehensive plan to include criteria and address compatibility
1378 of lands adjacent or closely proximate to existing military
1379 installations, or lands adjacent to an airport as defined in s.
1380 330.35 and consistent with s. 333.02, in their future land use
1381 plan element shall transmit the update or amendment to the state
1382 land planning agency by June 30, 2012.

1383 (b) A transportation element addressing mobility issues in
1384 relationship to the size and character of the local government.
1385 The purpose of the transportation element shall be to plan for a
1386 multimodal transportation system that places emphasis on public
1387 transportation systems, where feasible. The element shall
1388 provide for a safe, convenient multimodal transportation system,
1389 coordinated with the future land use map or map series and
1390 designed to support all elements of the comprehensive plan. A
1391 local government that has all or part of its jurisdiction
1392 included within the metropolitan planning area of a metropolitan
1393 planning organization (M.P.O.) pursuant to s. 339.175 shall
1394 prepare and adopt a transportation element consistent with this
1395 subsection. Local governments that are not located within the
1396 metropolitan planning area of an M.P.O. shall address traffic
1397 circulation, mass transit, and ports, and aviation and related
1398 facilities consistent with this subsection, except that local
1399 governments with a population of 50,000 or less shall only be
1400 required to address transportation circulation. The element
1401 shall be coordinated with the plans and programs of any
1402 applicable metropolitan planning organization, transportation
1403 authority, Florida Transportation Plan, and Department of
1404 Transportation's adopted work program.

1405 1. Each local government's transportation element shall



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address

~~(b) A traffic circulation, including element consisting of~~
the types, locations, and extent of existing and proposed major
thoroughfares and transportation routes, including bicycle and
pedestrian ways. Transportation corridors, as defined in s.
334.03, may be designated in the transportation traffic
~~circulation~~ element pursuant to s. 337.273. If the
transportation corridors are designated, the local government
may adopt a transportation corridor management ordinance. The
element shall include a map or map series showing the general
location of the existing and proposed transportation system
features and shall be coordinated with the future land use map
or map series. The element shall reflect the data, analysis, and
associated principles and strategies relating to:

a. The existing transportation system levels of service and
system needs and the availability of transportation facilities
and services.

b. The growth trends and travel patterns and interactions
between land use and transportation.

c. Existing and projected intermodal deficiencies and
needs.

d. The projected transportation system levels of service
and system needs based upon the future land use map and the
projected integrated transportation system.

e. How the local government will correct existing facility
deficiencies, meet the identified needs of the projected
transportation system, and advance the purpose of this paragraph
and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area



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1435 designated as an M.P.O. pursuant to s. 339.175 shall also
1436 address:

1437 a. All alternative modes of travel, such as public
1438 transportation, pedestrian, and bicycle travel.

1439 b. Aviation, rail, seaport facilities, access to those
1440 facilities, and intermodal terminals.

1441 c. The capability to evacuate the coastal population before
1442 an impending natural disaster.

1443 d. Airports, projected airport and aviation development,
1444 and land use compatibility around airports, which includes areas
1445 defined in ss. 333.01 and 333.02.

1446 e. An identification of land use densities, building
1447 intensities, and transportation management programs to promote
1448 public transportation systems in designated public
1449 transportation corridors so as to encourage population densities
1450 sufficient to support such systems.

1451 3. Municipalities having populations greater than 50,000,
1452 and counties having populations greater than 75,000, shall
1453 include mass-transit provisions showing proposed methods for the
1454 moving of people, rights-of-way, terminals, and related
1455 facilities and shall address:

1456 a. The provision of efficient public transit services based
1457 upon existing and proposed major trip generators and attractors,
1458 safe and convenient public transit terminals, land uses, and
1459 accommodation of the special needs of the transportation
1460 disadvantaged.

1461 b. Plans for port, aviation, and related facilities
1462 coordinated with the general circulation and transportation
1463 element.



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1464 c. Plans for the circulation of recreational traffic,
1465 including bicycle facilities, exercise trails, riding
1466 facilities, and such other matters as may be related to the
1467 improvement and safety of movement of all types of recreational
1468 traffic.

1469 4. At the option of a local government, an airport master
1470 plan, and any subsequent amendments to the airport master plan,
1471 prepared by a licensed publicly owned and operated airport under
1472 s. 333.06 may be incorporated into the local government
1473 comprehensive plan by the local government having jurisdiction
1474 under this act for the area in which the airport or projected
1475 airport development is located by the adoption of a
1476 comprehensive plan amendment. In the amendment to the local
1477 comprehensive plan that integrates the airport master plan, the
1478 comprehensive plan amendment shall address land use
1479 compatibility consistent with chapter 333 regarding airport
1480 zoning; the provision of regional transportation facilities for
1481 the efficient use and operation of the transportation system and
1482 airport; consistency with the local government transportation
1483 circulation element and applicable M.P.O. long-range
1484 transportation plans; the execution of any necessary interlocal
1485 agreements for the purposes of the provision of public
1486 facilities and services to maintain the adopted level-of-service
1487 standards for facilities subject to concurrency; and may address
1488 airport-related or aviation-related development. Development or
1489 expansion of an airport consistent with the adopted airport
1490 master plan that has been incorporated into the local
1491 comprehensive plan in compliance with this part, and airport-
1492 related or aviation-related development that has been addressed



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1493 in the comprehensive plan amendment that incorporates the
1494 airport master plan, do not constitute a development of regional
1495 impact. Notwithstanding any other general law, an airport that
1496 has received a development-of-regional-impact development order
1497 pursuant to s. 380.06, but which is no longer required to
1498 undergo development-of-regional-impact review pursuant to this
1499 subsection, may rescind its development-of-regional-impact order
1500 upon written notification to the applicable local government.
1501 Upon receipt by the local government, the development-of-
1502 regional-impact development order shall be deemed rescinded. The
1503 ~~traffic circulation element shall incorporate transportation~~
1504 ~~strategies to address reduction in greenhouse gas emissions from~~
1505 ~~the transportation sector.~~

1506 (c) A general sanitary sewer, solid waste, drainage,
1507 potable water, and natural groundwater aquifer recharge element
1508 correlated to principles and guidelines for future land use,
1509 indicating ways to provide for future potable water, drainage,
1510 sanitary sewer, solid waste, and aquifer recharge protection
1511 requirements for the area. The element may be a detailed
1512 engineering plan including a topographic map depicting areas of
1513 prime groundwater recharge.

1514 1. Each local government shall address in the data and
1515 analyses required by this section those facilities that provide
1516 service within the local government's jurisdiction. Local
1517 governments that provide facilities to serve areas within other
1518 local government jurisdictions shall also address those
1519 facilities in the data and analyses required by this section,
1520 using data from the comprehensive plan for those areas for the
1521 purpose of projecting facility needs as required in this



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1522 subsection. For shared facilities, each local government shall
1523 indicate the proportional capacity of the systems allocated to
1524 serve its jurisdiction.

1525 2. The element shall describe the problems and needs and
1526 the general facilities that will be required for solution of the
1527 problems and needs, including correcting existing facility
1528 deficiencies. The element shall address coordinating the
1529 extension of, or increase in the capacity of, facilities to meet
1530 future needs while maximizing the use of existing facilities and
1531 discouraging urban sprawl; conservation of potable water
1532 resources; and protecting the functions of natural groundwater
1533 recharge areas and natural drainage features. The element shall
1534 also include a topographic map depicting any areas adopted by a
1535 regional water management district as prime groundwater recharge
1536 areas for the Floridan or Biscayne aquifers. These areas shall
1537 be given special consideration when the local government is
1538 engaged in zoning or considering future land use for said
1539 designated areas. For areas served by septic tanks, soil surveys
1540 shall be provided which indicate the suitability of soils for
1541 septic tanks.

1542 3. Within 18 months after the governing board approves an
1543 updated regional water supply plan, the element must incorporate
1544 the alternative water supply project or projects selected by the
1545 local government from those identified in the regional water
1546 supply plan pursuant to s. 373.709(2) (a) or proposed by the
1547 local government under s. 373.709(8) (b). If a local government
1548 is located within two water management districts, the local
1549 government shall adopt its comprehensive plan amendment within
1550 18 months after the later updated regional water supply plan.



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1551 The element must identify such alternative water supply projects
1552 and traditional water supply projects and conservation and reuse
1553 necessary to meet the water needs identified in s. 373.709(2)(a)
1554 within the local government's jurisdiction and include a work
1555 plan, covering at least a 10-year planning period, for building
1556 public, private, and regional water supply facilities, including
1557 development of alternative water supplies, which are identified
1558 in the element as necessary to serve existing and new
1559 development. The work plan shall be updated, at a minimum, every
1560 5 years within 18 months after the governing board of a water
1561 management district approves an updated regional water supply
1562 plan. ~~Amendments to incorporate the work plan do not count~~
1563 ~~toward the limitation on the frequency of adoption of amendments~~
1564 ~~to the comprehensive plan.~~ Local governments, public and private
1565 utilities, regional water supply authorities, special districts,
1566 and water management districts are encouraged to cooperatively
1567 plan for the development of multijurisdictional water supply
1568 facilities that are sufficient to meet projected demands for
1569 established planning periods, including the development of
1570 alternative water sources to supplement traditional sources of
1571 groundwater and surface water supplies.

1572 (d) A conservation element for the conservation, use, and
1573 protection of natural resources in the area, including air,
1574 water, water recharge areas, wetlands, waterwells, estuarine
1575 marshes, soils, beaches, shores, flood plains, rivers, bays,
1576 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1577 minerals, and other natural and environmental resources,
1578 including factors that affect energy conservation.

1579 1. The following natural resources, where present within



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1580 the local government's boundaries, shall be identified and
1581 analyzed and existing recreational or conservation uses, known
1582 pollution problems, including hazardous wastes, and the
1583 potential for conservation, recreation, use, or protection shall
1584 also be identified:

1585 a. Rivers, bays, lakes, wetlands including estuarine
1586 marshes, groundwaters, and springs, including information on
1587 quality of the resource available.

1588 b. Floodplains.

1589 c. Known sources of commercially valuable minerals.

1590 d. Areas known to have experienced soil erosion problems.

1591 e. Areas that are the location of recreationally and
1592 commercially important fish or shellfish, wildlife, marine
1593 habitats, and vegetative communities, including forests,
1594 indicating known dominant species present and species listed by
1595 federal, state, or local government agencies as endangered,
1596 threatened, or species of special concern.

1597 2. The element must contain principles, guidelines, and
1598 standards for conservation that provide long-term goals and
1599 which:

1600 a. Protects air quality.

1601 b. Conserves, appropriately uses, and protects the quality
1602 and quantity of current and projected water sources and waters
1603 that flow into estuarine waters or oceanic waters and protect
1604 from activities and land uses known to affect adversely the
1605 quality and quantity of identified water sources, including
1606 natural groundwater recharge areas, wellhead protection areas,
1607 and surface waters used as a source of public water supply.

1608 c. Provides for the emergency conservation of water sources



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1609 in accordance with the plans of the regional water management
1610 district.

1611 d. Conserves, appropriately uses, and protects minerals,
1612 soils, and native vegetative communities, including forests,
1613 from destruction by development activities.

1614 e. Conserves, appropriately uses, and protects fisheries,
1615 wildlife, wildlife habitat, and marine habitat and restricts
1616 activities known to adversely affect the survival of endangered
1617 and threatened wildlife.

1618 f. Protects existing natural reservations identified in the
1619 recreation and open space element.

1620 g. Maintains cooperation with adjacent local governments to
1621 conserve, appropriately use, or protect unique vegetative
1622 communities located within more than one local jurisdiction.

1623 h. Designates environmentally sensitive lands for
1624 protection based on locally determined criteria which further
1625 the goals and objectives of the conservation element.

1626 i. Manages hazardous waste to protect natural resources.

1627 j. Protects and conserves wetlands and the natural
1628 functions of wetlands.

1629 k. Directs future land uses that are incompatible with the
1630 protection and conservation of wetlands and wetland functions
1631 away from wetlands. The type, intensity or density, extent,
1632 distribution, and location of allowable land uses and the types,
1633 values, functions, sizes, conditions, and locations of wetlands
1634 are land use factors that shall be considered when directing
1635 incompatible land uses away from wetlands. Land uses shall be
1636 distributed in a manner that minimizes the effect and impact on
1637 wetlands. The protection and conservation of wetlands by the



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1638 direction of incompatible land uses away from wetlands shall
1639 occur in combination with other principles, guidelines,
1640 standards, and strategies in the comprehensive plan. Where
1641 incompatible land uses are allowed to occur, mitigation shall be
1642 considered as one means to compensate for loss of wetlands
1643 functions.

1644 ~~3. Local governments shall assess their Current and, as~~
1645 ~~well as projected, water needs and sources for at least a 10-~~
1646 ~~year period based on the demands for industrial, agricultural,~~
1647 ~~and potable water use and the quality and quantity of water~~
1648 ~~available to meet these demands shall be analyzed. The analysis~~
1649 ~~shall consider the existing levels of water conservation, use,~~
1650 ~~and protection and applicable policies of the regional water~~
1651 ~~management district and further must consider, considering the~~
1652 ~~appropriate regional water supply plan approved pursuant to s.~~
1653 ~~373.709, or, in the absence of an approved regional water supply~~
1654 ~~plan, the district water management plan approved pursuant to s.~~
1655 ~~373.036(2). This information shall be submitted to the~~
1656 ~~appropriate agencies. The land use map or map series contained~~
1657 ~~in the future land use element shall generally identify and~~
1658 ~~depict the following:~~

1659 ~~1. Existing and planned waterwells and cones of influence~~
1660 ~~where applicable.~~

1661 ~~2. Beaches and shores, including estuarine systems.~~

1662 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~

1663 ~~4. Wetlands.~~

1664 ~~5. Minerals and soils.~~

1665 ~~6. Energy conservation.~~

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1667 ~~The land uses identified on such maps shall be consistent with~~
1668 ~~applicable state law and rules.~~

1669 (e) A recreation and open space element indicating a
1670 comprehensive system of public and private sites for recreation,
1671 including, but not limited to, natural reservations, parks and
1672 playgrounds, parkways, beaches and public access to beaches,
1673 open spaces, waterways, and other recreational facilities.

1674 (f)1. A housing element consisting of ~~standards, plans, and~~
1675 principles, guidelines, standards, and strategies to be followed
1676 in:

1677 a. The provision of housing for all current and anticipated
1678 future residents of the jurisdiction.

1679 b. The elimination of substandard dwelling conditions.

1680 c. The structural and aesthetic improvement of existing
1681 housing.

1682 d. The provision of adequate sites for future housing,
1683 including affordable workforce housing as defined in s.
1684 380.0651(3) (h) ~~(j)~~, housing for low-income, very low-income, and
1685 moderate-income families, mobile homes, and group home
1686 facilities and foster care facilities, with supporting
1687 infrastructure and public facilities.

1688 e. Provision for relocation housing and identification of
1689 historically significant and other housing for purposes of
1690 conservation, rehabilitation, or replacement.

1691 f. The formulation of housing implementation programs.

1692 g. The creation or preservation of affordable housing to
1693 minimize the need for additional local services and avoid the
1694 concentration of affordable housing units only in specific areas
1695 of the jurisdiction.



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1696 ~~h. Energy efficiency in the design and construction of new~~
1697 ~~housing.~~
1698 ~~i. Use of renewable energy resources.~~
1699 ~~j. Each county in which the gap between the buying power of~~
1700 ~~a family of four and the median county home sale price exceeds~~
1701 ~~\$170,000, as determined by the Florida Housing Finance~~
1702 ~~Corporation, and which is not designated as an area of critical~~
1703 ~~state concern shall adopt a plan for ensuring affordable~~
1704 ~~workforce housing. At a minimum, the plan shall identify~~
1705 ~~adequate sites for such housing. For purposes of this sub-~~
1706 ~~subparagraph, the term "workforce housing" means housing that is~~
1707 ~~affordable to natural persons or families whose total household~~
1708 ~~income does not exceed 140 percent of the area median income,~~
1709 ~~adjusted for household size.~~
1710 ~~k. As a precondition to receiving any state affordable~~
1711 ~~housing funding or allocation for any project or program within~~
1712 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
1713 ~~j., a county must, by July 1 of each year, provide certification~~
1714 ~~that the county has complied with the requirements of sub-~~
1715 ~~subparagraph j.~~
1716 2. The principles, guidelines, standards, and strategies
1717 goals, objectives, and policies of the housing element must be
1718 based on the data and analysis prepared on housing needs,
1719 including an inventory taken from the latest decennial United
1720 States Census or more recent estimates, which shall include the
1721 number and distribution of dwelling units by type, tenure, age,
1722 rent, value, monthly cost of owner-occupied units, and rent or
1723 cost to income ratio, and shall show the number of dwelling
1724 units that are substandard. The inventory shall also include the



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1725 methodology used to estimate the condition of housing, a
1726 projection of the anticipated number of households by size,
1727 income range, and age of residents derived from the population
1728 projections, and the minimum housing need of the current and
1729 anticipated future residents of the jurisdiction ~~the affordable~~
1730 ~~housing needs assessment.~~

1731 3. The housing element must express principles, guidelines,
1732 standards, and strategies that reflect, as needed, the creation
1733 and preservation of affordable housing for all current and
1734 anticipated future residents of the jurisdiction, elimination of
1735 substandard housing conditions, adequate sites, and distribution
1736 of housing for a range of incomes and types, including mobile
1737 and manufactured homes. The element must provide for specific
1738 programs and actions to partner with private and nonprofit
1739 sectors to address housing needs in the jurisdiction, streamline
1740 the permitting process, and minimize costs and delays for
1741 affordable housing, establish standards to address the quality
1742 of housing, stabilization of neighborhoods, and identification
1743 and improvement of historically significant housing.

1744 4. State and federal housing plans prepared on behalf of
1745 the local government must be consistent with the goals,
1746 objectives, and policies of the housing element. Local
1747 governments are encouraged to use job training, job creation,
1748 and economic solutions to address a portion of their affordable
1749 housing concerns.

1750 ~~2. To assist local governments in housing data collection~~
1751 ~~and analysis and assure uniform and consistent information~~
1752 ~~regarding the state's housing needs, the state land planning~~
1753 ~~agency shall conduct an affordable housing needs assessment for~~



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1754 ~~all local jurisdictions on a schedule that coordinates the~~
1755 ~~implementation of the needs assessment with the evaluation and~~
1756 ~~appraisal reports required by s. 163.3191. Each local government~~
1757 ~~shall utilize the data and analysis from the needs assessment as~~
1758 ~~one basis for the housing element of its local comprehensive~~
1759 ~~plan. The agency shall allow a local government the option to~~
1760 ~~perform its own needs assessment, if it uses the methodology~~
1761 ~~established by the agency by rule.~~

1762 (g)~~1.~~ For those units of local government identified in s.
1763 380.24, a coastal management element, appropriately related to
1764 the particular requirements of paragraphs (d) and (e) and
1765 meeting the requirements of s. 163.3178(2) and (3). The coastal
1766 management element shall set forth the principles, guidelines,
1767 standards, and strategies ~~policies~~ that shall guide the local
1768 government's decisions and program implementation with respect
1769 to the following objectives:

1770 1.a. Maintain, restore, and enhance ~~Maintenance,~~
1771 ~~restoration, and enhancement~~ of the overall quality of the
1772 coastal zone environment, including, but not limited to, its
1773 amenities and aesthetic values.

1774 2.b. Preserve the continued existence of viable populations
1775 of all species of wildlife and marine life.

1776 3.e. Protect the orderly and balanced utilization and
1777 preservation, consistent with sound conservation principles, of
1778 all living and nonliving coastal zone resources.

1779 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable loss
1780 of coastal zone resources.

1781 5.e. Use ecological planning principles and assumptions ~~to~~
1782 ~~be used~~ in the determination of the suitability ~~and extent~~ of



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1783 permitted development.

1784 ~~f. Proposed management and regulatory techniques.~~

1785 ~~6.g. Limit~~ Limitation of public expenditures that subsidize

1786 development in ~~high-hazard~~ coastal high-hazard areas.

1787 ~~7.h. Protect~~ Protection of human life against the effects

1788 of natural disasters.

1789 ~~8.i. Direct~~ the orderly development, maintenance, and use

1790 of ports identified in s. 403.021(9) to facilitate deepwater

1791 commercial navigation and other related activities.

1792 ~~9.j. Preserve historic and archaeological resources, which~~

1793 include the Preservation, including sensitive adaptive use of

1794 these historic and archaeological resources.

1795 10. At the option of the local government, develop an

1796 adaptation action area designation for those low-lying coastal

1797 zones that are experiencing coastal flooding due to extreme high

1798 tides and storm surge and are vulnerable to the impacts of

1799 rising sea level. Local governments that adopt an adaptation

1800 action area may consider policies within the coastal management

1801 element to improve resilience to coastal flooding resulting from

1802 high-tide events, storm surge, flash floods, stormwater runoff,

1803 and related impacts of sea level rise. Criteria for the

1804 adaptation action area may include, but need not be limited to,

1805 areas for which the land elevations are below, at, or near mean

1806 higher high water, which have an hydrologic connection to

1807 coastal waters, or which are designated as evacuation zones for

1808 storm surge.

1809 ~~2. As part of this element, a local government that has a~~

1810 ~~coastal management element in its comprehensive plan is~~

1811 ~~encouraged to adopt recreational surface water use policies that~~



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1812 ~~include applicable criteria for and consider such factors as~~
1813 ~~natural resources, manatee protection needs, protection of~~
1814 ~~working waterfronts and public access to the water, and~~
1815 ~~recreation and economic demands. Criteria for manatee protection~~
1816 ~~in the recreational surface water use policies should reflect~~
1817 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
1818 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
1819 ~~the local government elects to adopt recreational surface water~~
1820 ~~use policies by comprehensive plan amendment, such comprehensive~~
1821 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
1822 ~~Local governments that wish to adopt recreational surface water~~
1823 ~~use policies may be eligible for assistance with the development~~
1824 ~~of such policies through the Florida Coastal Management Program.~~
1825 ~~The Office of Program Policy Analysis and Government~~
1826 ~~Accountability shall submit a report on the adoption of~~
1827 ~~recreational surface water use policies under this subparagraph~~
1828 ~~to the President of the Senate, the Speaker of the House of~~
1829 ~~Representatives, and the majority and minority leaders of the~~
1830 ~~Senate and the House of Representatives no later than December~~
1831 ~~1, 2010.~~

1832 (h)1. An intergovernmental coordination element showing
1833 relationships and stating principles and guidelines to be used
1834 in coordinating the adopted comprehensive plan with the plans of
1835 school boards, regional water supply authorities, and other
1836 units of local government providing services but not having
1837 regulatory authority over the use of land, with the
1838 comprehensive plans of adjacent municipalities, the county,
1839 adjacent counties, or the region, with the state comprehensive
1840 plan and with the applicable regional water supply plan approved



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1841 pursuant to s. 373.709, as the case may require and as such
1842 adopted plans or plans in preparation may exist. This element of
1843 the local comprehensive plan must demonstrate consideration of
1844 the particular effects of the local plan, when adopted, upon the
1845 development of adjacent municipalities, the county, adjacent
1846 counties, or the region, or upon the state comprehensive plan,
1847 as the case may require.

1848 a. The intergovernmental coordination element must provide
1849 procedures for identifying and implementing joint planning
1850 areas, especially for the purpose of annexation, municipal
1851 incorporation, and joint infrastructure service areas.

1852 ~~b. The intergovernmental coordination element must provide~~
1853 ~~for recognition of campus master plans prepared pursuant to s.~~
1854 ~~1013.30 and airport master plans under paragraph (k).~~

1855 ~~e.~~ The intergovernmental coordination element shall provide
1856 for a dispute resolution process, as established pursuant to s.
1857 186.509, for bringing intergovernmental disputes to closure in a
1858 timely manner.

1859 ~~c.d.~~ The intergovernmental coordination element shall
1860 provide for interlocal agreements as established pursuant to s.
1861 333.03(1)(b).

1862 2. The intergovernmental coordination element shall also
1863 state principles and guidelines to be used in coordinating the
1864 adopted comprehensive plan with the plans of school boards and
1865 other units of local government providing facilities and
1866 services but not having regulatory authority over the use of
1867 land. In addition, the intergovernmental coordination element
1868 must describe joint processes for collaborative planning and
1869 decisionmaking on population projections and public school



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1870 siting, the location and extension of public facilities subject
1871 to concurrency, and siting facilities with countywide
1872 significance, including locally unwanted land uses whose nature
1873 and identity are established in an agreement.

1874 3. Within 1 year after adopting their intergovernmental
1875 coordination elements, each county, all the municipalities
1876 within that county, the district school board, and any unit of
1877 local government service providers in that county shall
1878 establish by interlocal or other formal agreement executed by
1879 all affected entities, the joint processes described in this
1880 subparagraph consistent with their adopted intergovernmental
1881 coordination elements. The element must:

1882 a. Ensure that the local government addresses through
1883 coordination mechanisms the impacts of development proposed in
1884 the local comprehensive plan upon development in adjacent
1885 municipalities, the county, adjacent counties, the region, and
1886 the state. The area of concern for municipalities shall include
1887 adjacent municipalities, the county, and counties adjacent to
1888 the municipality. The area of concern for counties shall include
1889 all municipalities within the county, adjacent counties, and
1890 adjacent municipalities.

1891 b. Ensure coordination in establishing level of service
1892 standards for public facilities with any state, regional, or
1893 local entity having operational and maintenance responsibility
1894 for such facilities.

1895 ~~3. To foster coordination between special districts and~~
1896 ~~local general-purpose governments as local general-purpose~~
1897 ~~governments implement local comprehensive plans, each~~
1898 ~~independent special district must submit a public facilities~~



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1899 ~~report to the appropriate local government as required by s.~~
1900 ~~189.415.~~

1901 ~~4. Local governments shall execute an interlocal agreement~~
1902 ~~with the district school board, the county, and nonexempt~~
1903 ~~municipalities pursuant to s. 163.31777. The local government~~
1904 ~~shall amend the intergovernmental coordination element to ensure~~
1905 ~~that coordination between the local government and school board~~
1906 ~~is pursuant to the agreement and shall state the obligations of~~
1907 ~~the local government under the agreement. Plan amendments that~~
1908 ~~comply with this subparagraph are exempt from the provisions of~~
1909 ~~s. 163.3187(1).~~

1910 ~~5. By January 1, 2004, any county having a population~~
1911 ~~greater than 100,000, and the municipalities and special~~
1912 ~~districts within that county, shall submit a report to the~~
1913 ~~Department of Community Affairs which identifies:~~

1914 ~~a. All existing or proposed interlocal service delivery~~
1915 ~~agreements relating to education; sanitary sewer; public safety;~~
1916 ~~solid waste; drainage; potable water; parks and recreation; and~~
1917 ~~transportation facilities.~~

1918 ~~b. Any deficits or duplication in the provision of~~
1919 ~~services within its jurisdiction, whether capital or~~
1920 ~~operational. Upon request, the Department of Community Affairs~~
1921 ~~shall provide technical assistance to the local governments in~~
1922 ~~identifying deficits or duplication.~~

1923 ~~6. Within 6 months after submission of the report, the~~
1924 ~~Department of Community Affairs shall, through the appropriate~~
1925 ~~regional planning council, coordinate a meeting of all local~~
1926 ~~governments within the regional planning area to discuss the~~
1927 ~~reports and potential strategies to remedy any identified~~



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1928 ~~deficiencies or duplications.~~

1929 ~~7. Each local government shall update its intergovernmental~~
1930 ~~coordination element based upon the findings in the report~~
1931 ~~submitted pursuant to subparagraph 5. The report may be used as~~
1932 ~~supporting data and analysis for the intergovernmental~~
1933 ~~coordination element.~~

1934 ~~(i) The optional elements of the comprehensive plan in~~
1935 ~~paragraphs (7) (a) and (b) are required elements for those~~
1936 ~~municipalities having populations greater than 50,000, and those~~
1937 ~~counties having populations greater than 75,000, as determined~~
1938 ~~under s. 186.901.~~

1939 ~~(j) For each unit of local government within an urbanized~~
1940 ~~area designated for purposes of s. 339.175, a transportation~~
1941 ~~element, which must be prepared and adopted in lieu of the~~
1942 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
1943 ~~and (d) and which shall address the following issues:~~

1944 ~~1. Traffic circulation, including major thoroughfares and~~
1945 ~~other routes, including bicycle and pedestrian ways.~~

1946 ~~2. All alternative modes of travel, such as public~~
1947 ~~transportation, pedestrian, and bicycle travel.~~

1948 ~~3. Parking facilities.~~

1949 ~~4. Aviation, rail, seaport facilities, access to those~~
1950 ~~facilities, and intermodal terminals.~~

1951 ~~5. The availability of facilities and services to serve~~
1952 ~~existing land uses and the compatibility between future land use~~
1953 ~~and transportation elements.~~

1954 ~~6. The capability to evacuate the coastal population prior~~
1955 ~~to an impending natural disaster.~~

1956 ~~7. Airports, projected airport and aviation development,~~



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1957 ~~and land use compatibility around airports, which includes areas~~
1958 ~~defined in ss. 333.01 and 333.02.~~

1959 ~~8. An identification of land use densities, building~~
1960 ~~intensities, and transportation management programs to promote~~
1961 ~~public transportation systems in designated public~~
1962 ~~transportation corridors so as to encourage population densities~~
1963 ~~sufficient to support such systems.~~

1964 ~~9. May include transportation corridors, as defined in s.~~
1965 ~~334.03, intended for future transportation facilities designated~~
1966 ~~pursuant to s. 337.273. If transportation corridors are~~
1967 ~~designated, the local government may adopt a transportation~~
1968 ~~corridor management ordinance.~~

1969 ~~10. The incorporation of transportation strategies to~~
1970 ~~address reduction in greenhouse gas emissions from the~~
1971 ~~transportation sector.~~

1972 ~~(k) An airport master plan, and any subsequent amendments~~
1973 ~~to the airport master plan, prepared by a licensed publicly~~
1974 ~~owned and operated airport under s. 333.06 may be incorporated~~
1975 ~~into the local government comprehensive plan by the local~~
1976 ~~government having jurisdiction under this act for the area in~~
1977 ~~which the airport or projected airport development is located by~~
1978 ~~the adoption of a comprehensive plan amendment. In the amendment~~
1979 ~~to the local comprehensive plan that integrates the airport~~
1980 ~~master plan, the comprehensive plan amendment shall address land~~
1981 ~~use compatibility consistent with chapter 333 regarding airport~~
1982 ~~zoning; the provision of regional transportation facilities for~~
1983 ~~the efficient use and operation of the transportation system and~~
1984 ~~airport; consistency with the local government transportation~~
1985 ~~circulation element and applicable metropolitan planning~~



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1986 ~~organization long range transportation plans; and the execution~~
1987 ~~of any necessary interlocal agreements for the purposes of the~~
1988 ~~provision of public facilities and services to maintain the~~
1989 ~~adopted level of service standards for facilities subject to~~
1990 ~~concurrency; and may address airport-related or aviation-related~~
1991 ~~development. Development or expansion of an airport consistent~~
1992 ~~with the adopted airport master plan that has been incorporated~~
1993 ~~into the local comprehensive plan in compliance with this part,~~
1994 ~~and airport-related or aviation-related development that has~~
1995 ~~been addressed in the comprehensive plan amendment that~~
1996 ~~incorporates the airport master plan, shall not be a development~~
1997 ~~of regional impact. Notwithstanding any other general law, an~~
1998 ~~airport that has received a development of regional impact~~
1999 ~~development order pursuant to s. 380.06, but which is no longer~~
2000 ~~required to undergo development of regional impact review~~
2001 ~~pursuant to this subsection, may abandon its development of~~
2002 ~~regional impact order upon written notification to the~~
2003 ~~applicable local government. Upon receipt by the local~~
2004 ~~government, the development of regional impact development order~~
2005 ~~is void.~~

2006 ~~(7) The comprehensive plan may include the following~~
2007 ~~additional elements, or portions or phases thereof:~~

2008 ~~(a) As a part of the circulation element of paragraph~~
2009 ~~(6) (b) or as a separate element, a mass transit element showing~~
2010 ~~proposed methods for the moving of people, rights of way,~~
2011 ~~terminals, related facilities, and fiscal considerations for the~~
2012 ~~accomplishment of the element.~~

2013 ~~(b) As a part of the circulation element of paragraph~~
2014 ~~(6) (b) or as a separate element, plans for port, aviation, and~~



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2015 ~~related facilities coordinated with the general circulation and~~
2016 ~~transportation element.~~

2017 ~~(c) As a part of the circulation element of paragraph~~
2018 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
2019 ~~applicable, a plan element for the circulation of recreational~~
2020 ~~traffic, including bicycle facilities, exercise trails, riding~~
2021 ~~facilities, and such other matters as may be related to the~~
2022 ~~improvement and safety of movement of all types of recreational~~
2023 ~~traffic.~~

2024 ~~(d) As a part of the circulation element of paragraph~~
2025 ~~(6) (b) or as a separate element, a plan element for the~~
2026 ~~development of offstreet parking facilities for motor vehicles~~
2027 ~~and the fiscal considerations for the accomplishment of the~~
2028 ~~element.~~

2029 ~~(e) A public buildings and related facilities element~~
2030 ~~showing locations and arrangements of civic and community~~
2031 ~~centers, public schools, hospitals, libraries, police and fire~~
2032 ~~stations, and other public buildings. This plan element should~~
2033 ~~show particularly how it is proposed to effect coordination with~~
2034 ~~governmental units, such as school boards or hospital~~
2035 ~~authorities, having public development and service~~
2036 ~~responsibilities, capabilities, and potential but not having~~
2037 ~~land development regulatory authority. This element may include~~
2038 ~~plans for architecture and landscape treatment of their grounds.~~

2039 ~~(f) A recommended community design element which may~~
2040 ~~consist of design recommendations for land subdivision,~~
2041 ~~neighborhood development and redevelopment, design of open space~~
2042 ~~locations, and similar matters to the end that such~~
2043 ~~recommendations may be available as aids and guides to~~



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2044 ~~developers in the future planning and development of land in the~~
2045 ~~area.~~

2046 ~~(g) A general area redevelopment element consisting of~~
2047 ~~plans and programs for the redevelopment of slums and blighted~~
2048 ~~locations in the area and for community redevelopment, including~~
2049 ~~housing sites, business and industrial sites, public buildings~~
2050 ~~sites, recreational facilities, and other purposes authorized by~~
2051 ~~law.~~

2052 ~~(h) A safety element for the protection of residents and~~
2053 ~~property of the area from fire, hurricane, or manmade or natural~~
2054 ~~catastrophe, including such necessary features for protection as~~
2055 ~~evacuation routes and their control in an emergency, water~~
2056 ~~supply requirements, minimum road widths, clearances around and~~
2057 ~~elevations of structures, and similar matters.~~

2058 ~~(i) An historical and scenic preservation element setting~~
2059 ~~out plans and programs for those structures or lands in the area~~
2060 ~~having historical, archaeological, architectural, scenic, or~~
2061 ~~similar significance.~~

2062 ~~(j) An economic element setting forth principles and~~
2063 ~~guidelines for the commercial and industrial development, if~~
2064 ~~any, and the employment and personnel utilization within the~~
2065 ~~area. The element may detail the type of commercial and~~
2066 ~~industrial development sought, correlated to the present and~~
2067 ~~projected employment needs of the area and to other elements of~~
2068 ~~the plans, and may set forth methods by which a balanced and~~
2069 ~~stable economic base will be pursued.~~

2070 ~~(k) Such other elements as may be peculiar to, and~~
2071 ~~necessary for, the area concerned and as are added to the~~
2072 ~~comprehensive plan by the governing body upon the recommendation~~



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2073 ~~of the local planning agency.~~

2074 ~~(1) Local governments that are not required to prepare~~
2075 ~~coastal management elements under s. 163.3178 are encouraged to~~
2076 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
2077 ~~plans should, at a minimum, establish long-term policies~~
2078 ~~regarding redevelopment, infrastructure, densities,~~
2079 ~~nonconforming uses, and future land use patterns. Grants to~~
2080 ~~assist local governments in the preparation of these hazard~~
2081 ~~mitigation/postdisaster redevelopment plans shall be available~~
2082 ~~through the Emergency Management Preparedness and Assistance~~
2083 ~~Account in the Grants and Donations Trust Fund administered by~~
2084 ~~the department, if such account is created by law. The plans~~
2085 ~~must be in compliance with the requirements of this act and~~
2086 ~~chapter 252.~~

2087 ~~(8) All elements of the comprehensive plan, whether~~
2088 ~~mandatory or optional, shall be based upon data appropriate to~~
2089 ~~the element involved. Surveys and studies utilized in the~~
2090 ~~preparation of the comprehensive plan shall not be deemed a part~~
2091 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
2092 ~~of such studies, surveys, and supporting documents shall be made~~
2093 ~~available to public inspection, and copies of such plans shall~~
2094 ~~be made available to the public upon payment of reasonable~~
2095 ~~charges for reproduction.~~

2096 ~~(9) The state land planning agency shall, by February 15,~~
2097 ~~1986, adopt by rule minimum criteria for the review and~~
2098 ~~determination of compliance of the local government~~
2099 ~~comprehensive plan elements required by this act. Such rules~~
2100 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
2101 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~



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2102 ~~become effective only after they have been submitted to the~~
2103 ~~President of the Senate and the Speaker of the House of~~
2104 ~~Representatives for review by the Legislature no later than 30~~
2105 ~~days prior to the next regular session of the Legislature. In~~
2106 ~~its review the Legislature may reject, modify, or take no action~~
2107 ~~relative to the rules. The agency shall conform the rules to the~~
2108 ~~changes made by the Legislature, or, if no action was taken, the~~
2109 ~~agency rules shall become effective. The rule shall include~~
2110 ~~criteria for determining whether:~~

2111 ~~(a) Proposed elements are in compliance with the~~
2112 ~~requirements of part II, as amended by this act.~~

2113 ~~(b) Other elements of the comprehensive plan are related to~~
2114 ~~and consistent with each other.~~

2115 ~~(c) The local government comprehensive plan elements are~~
2116 ~~consistent with the state comprehensive plan and the appropriate~~
2117 ~~regional policy plan pursuant to s. 186.508.~~

2118 ~~(d) Certain bays, estuaries, and harbors that fall under~~
2119 ~~the jurisdiction of more than one local government are managed~~
2120 ~~in a consistent and coordinated manner in the case of local~~
2121 ~~governments required to include a coastal management element in~~
2122 ~~their comprehensive plans pursuant to paragraph (6) (g).~~

2123 ~~(e) Proposed elements identify the mechanisms and~~
2124 ~~procedures for monitoring, evaluating, and appraising~~
2125 ~~implementation of the plan. Specific measurable objectives are~~
2126 ~~included to provide a basis for evaluating effectiveness as~~
2127 ~~required by s. 163.3191.~~

2128 ~~(f) Proposed elements contain policies to guide future~~
2129 ~~decisions in a consistent manner.~~

2130 ~~(g) Proposed elements contain programs and activities to~~



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2131 ~~ensure that comprehensive plans are implemented.~~

2132 ~~(h) Proposed elements identify the need for and the~~
2133 ~~processes and procedures to ensure coordination of all~~
2134 ~~development activities and services with other units of local~~
2135 ~~government, regional planning agencies, water management~~
2136 ~~districts, and state and federal agencies as appropriate.~~

2137
2138 ~~The state land planning agency may adopt procedural rules that~~
2139 ~~are consistent with this section and chapter 120 for the review~~
2140 ~~of local government comprehensive plan elements required under~~
2141 ~~this section. The state land planning agency shall provide model~~
2142 ~~plans and ordinances and, upon request, other assistance to~~
2143 ~~local governments in the adoption and implementation of their~~
2144 ~~revised local government comprehensive plans. The review and~~
2145 ~~comment provisions applicable prior to October 1, 1985, shall~~
2146 ~~continue in effect until the criteria for review and~~
2147 ~~determination are adopted pursuant to this subsection and the~~
2148 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2149 ~~(10) The Legislature recognizes the importance and~~
2150 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
2151 ~~Minimum Criteria for Review of Local Government Comprehensive~~
2152 ~~Plans and Determination of Compliance of the Department of~~
2153 ~~Community Affairs that will be used to determine compliance of~~
2154 ~~local comprehensive plans. The Legislature reserved unto itself~~
2155 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
2156 ~~and to reject, modify, or take no action relative to this rule.~~
2157 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
2158 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
2159 ~~expresses the following legislative intent:~~



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2160 ~~(a) The Legislature finds that in order for the department~~
2161 ~~to review local comprehensive plans, it is necessary to define~~
2162 ~~the term "consistency." Therefore, for the purpose of~~
2163 ~~determining whether local comprehensive plans are consistent~~
2164 ~~with the state comprehensive plan and the appropriate regional~~
2165 ~~policy plan, a local plan shall be consistent with such plans if~~
2166 ~~the local plan is "compatible with" and "furthers" such plans.~~
2167 ~~The term "compatible with" means that the local plan is not in~~
2168 ~~conflict with the state comprehensive plan or appropriate~~
2169 ~~regional policy plan. The term "furthers" means to take action~~
2170 ~~in the direction of realizing goals or policies of the state or~~
2171 ~~regional plan. For the purposes of determining consistency of~~
2172 ~~the local plan with the state comprehensive plan or the~~
2173 ~~appropriate regional policy plan, the state or regional plan~~
2174 ~~shall be construed as a whole and no specific goal and policy~~
2175 ~~shall be construed or applied in isolation from the other goals~~
2176 ~~and policies in the plans.~~

2177 ~~(b) Each local government shall review all the state~~
2178 ~~comprehensive plan goals and policies and shall address in its~~
2179 ~~comprehensive plan the goals and policies which are relevant to~~
2180 ~~the circumstances or conditions in its jurisdiction. The~~
2181 ~~decision regarding which particular state comprehensive plan~~
2182 ~~goals and policies will be furthered by the expenditure of a~~
2183 ~~local government's financial resources in any given year is a~~
2184 ~~decision which rests solely within the discretion of the local~~
2185 ~~government. Intergovernmental coordination, as set forth in~~
2186 ~~paragraph (6) (h), shall be utilized to the extent required to~~
2187 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
2188 ~~Code.~~



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2189 ~~(c) The Legislature declares that if any portion of chapter~~
2190 ~~9J-5, Florida Administrative Code, is found to be in conflict~~
2191 ~~with this part, the appropriate statutory provision shall~~
2192 ~~prevail.~~

2193 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
2194 ~~mandate the creation, limitation, or elimination of regulatory~~
2195 ~~authority, nor does it authorize the adoption or require the~~
2196 ~~repeal of any rules, criteria, or standards of any local,~~
2197 ~~regional, or state agency.~~

2198 ~~(e) It is the Legislature's intent that support data or~~
2199 ~~summaries thereof shall not be subject to the compliance review~~
2200 ~~process, but the Legislature intends that goals and policies be~~
2201 ~~clearly based on appropriate data. The department may utilize~~
2202 ~~support data or summaries thereof to aid in its determination of~~
2203 ~~compliance and consistency. The Legislature intends that the~~
2204 ~~department may evaluate the application of a methodology~~
2205 ~~utilized in data collection or whether a particular methodology~~
2206 ~~is professionally accepted. However, the department shall not~~
2207 ~~evaluate whether one accepted methodology is better than~~
2208 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
2209 ~~construed to require original data collection by local~~
2210 ~~governments; however, Local governments are not to be~~
2211 ~~discouraged from utilizing original data so long as~~
2212 ~~methodologies are professionally accepted.~~

2213 ~~(f) The Legislature recognizes that under this section,~~
2214 ~~local governments are charged with setting levels of service for~~
2215 ~~public facilities in their comprehensive plans in accordance~~
2216 ~~with which development orders and permits will be issued~~
2217 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~



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2218 ~~the authority of state, regional, or local agencies as otherwise~~
2219 ~~provided by law.~~

2220 ~~(g) Definitions contained in chapter 9J-5, Florida~~
2221 ~~Administrative Code, are not intended to modify or amend the~~
2222 ~~definitions utilized for purposes of other programs or rules or~~
2223 ~~to establish or limit regulatory authority. Local governments~~
2224 ~~may establish alternative definitions in local comprehensive~~
2225 ~~plans, as long as such definitions accomplish the intent of this~~
2226 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2227 ~~(h) It is the intent of the Legislature that public~~
2228 ~~facilities and services needed to support development shall be~~
2229 ~~available concurrent with the impacts of such development in~~
2230 ~~accordance with s. 163.3180. In meeting this intent, public~~
2231 ~~facility and service availability shall be deemed sufficient if~~
2232 ~~the public facilities and services for a development are phased,~~
2233 ~~or the development is phased, so that the public facilities and~~
2234 ~~those related services which are deemed necessary by the local~~
2235 ~~government to operate the facilities necessitated by that~~
2236 ~~development are available concurrent with the impacts of the~~
2237 ~~development. The public facilities and services, unless already~~
2238 ~~available, are to be consistent with the capital improvements~~
2239 ~~element of the local comprehensive plan as required by paragraph~~
2240 ~~(3) (a) or guaranteed in an enforceable development agreement.~~
2241 ~~This shall include development agreements pursuant to this~~
2242 ~~chapter or in an agreement or a development order issued~~
2243 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
2244 ~~require a local government to address services in its capital~~
2245 ~~improvements plan or to limit a local government's ability to~~
2246 ~~address any service in its capital improvements plan that it~~



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2247 ~~deems necessary.~~

2248 ~~(i) The department shall take into account the factors~~
2249 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
2250 ~~it provides assistance to local governments and applies the rule~~
2251 ~~in specific situations with regard to the detail of the data and~~
2252 ~~analysis required.~~

2253 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
2254 ~~effective pursuant to subsection (9). The Legislature hereby~~
2255 ~~directs the department to adopt amendments as necessary which~~
2256 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
2257 ~~requirements of this legislative intent by October 1, 1986.~~

2258 ~~(k) In order for local governments to prepare and adopt~~
2259 ~~comprehensive plans with knowledge of the rules that are applied~~
2260 ~~to determine consistency of the plans with this part, there~~
2261 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
2262 ~~Florida Administrative Code, at the close of the 1986~~
2263 ~~legislative session. Therefore, the Legislature declares that~~
2264 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
2265 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
2266 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
2267 ~~Florida Administrative Code, as amended, is subject to rule~~
2268 ~~challenges under s. 120.56(3), as nothing herein indicates~~
2269 ~~approval or disapproval of any portion of chapter 9J-5 not~~
2270 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
2271 ~~Florida Administrative Code, exclusive of the amendments adopted~~
2272 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
2273 ~~to the full chapter 120 process. All amendments shall have~~
2274 ~~effective dates as provided in chapter 120 and submission to the~~
2275 ~~President of the Senate and Speaker of the House of~~



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2276 ~~Representatives shall not be required.~~

2277 ~~(1) The state land planning agency shall consider land use~~
2278 ~~compatibility issues in the vicinity of all airports in~~
2279 ~~coordination with the Department of Transportation and adjacent~~
2280 ~~to or in close proximity to all military installations in~~
2281 ~~coordination with the Department of Defense.~~

2282 ~~(11) (a) The Legislature recognizes the need for innovative~~
2283 ~~planning and development strategies which will address the~~
2284 ~~anticipated demands of continued urbanization of Florida's~~
2285 ~~coastal and other environmentally sensitive areas, and which~~
2286 ~~will accommodate the development of less populated regions of~~
2287 ~~the state which seek economic development and which have~~
2288 ~~suitable land and water resources to accommodate growth in an~~
2289 ~~environmentally acceptable manner. The Legislature further~~
2290 ~~recognizes the substantial advantages of innovative approaches~~
2291 ~~to development which may better serve to protect environmentally~~
2292 ~~sensitive areas, maintain the economic viability of agricultural~~
2293 ~~and other predominantly rural land uses, and provide for the~~
2294 ~~cost efficient delivery of public facilities and services.~~

2295 ~~(b) It is the intent of the Legislature that the local~~
2296 ~~government comprehensive plans and plan amendments adopted~~
2297 ~~pursuant to the provisions of this part provide for a planning~~
2298 ~~process which allows for land use efficiencies within existing~~
2299 ~~urban areas and which also allows for the conversion of rural~~
2300 ~~lands to other uses, where appropriate and consistent with the~~
2301 ~~other provisions of this part and the affected local~~
2302 ~~comprehensive plans, through the application of innovative and~~
2303 ~~flexible planning and development strategies and creative land~~
2304 ~~use planning techniques, which may include, but not be limited~~



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2305 ~~to, urban villages, new towns, satellite communities, area based~~
2306 ~~allocations, clustering and open space provisions, mixed-use~~
2307 ~~development, and sector planning.~~

2308 ~~(c) It is the further intent of the Legislature that local~~
2309 ~~government comprehensive plans and implementing land development~~
2310 ~~regulations shall provide strategies which maximize the use of~~
2311 ~~existing facilities and services through redevelopment, urban~~
2312 ~~infill development, and other strategies for urban~~
2313 ~~revitalization.~~

2314 ~~(d)1. The department, in cooperation with the Department of~~
2315 ~~Agriculture and Consumer Services, the Department of~~
2316 ~~Environmental Protection, water management districts, and~~
2317 ~~regional planning councils, shall provide assistance to local~~
2318 ~~governments in the implementation of this paragraph and rule 9J-~~
2319 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
2320 ~~those provisions shall include a process by which the department~~
2321 ~~may authorize local governments to designate all or portions of~~
2322 ~~lands classified in the future land use element as predominantly~~
2323 ~~agricultural, rural, open, open-rural, or a substantively~~
2324 ~~equivalent land use, as a rural land stewardship area within~~
2325 ~~which planning and economic incentives are applied to encourage~~
2326 ~~the implementation of innovative and flexible planning and~~
2327 ~~development strategies and creative land use planning~~
2328 ~~techniques, including those contained herein and in rule 9J-~~
2329 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
2330 ~~include, but is not limited to:~~

2331 ~~a. Assistance from the Department of Environmental~~
2332 ~~Protection and water management districts in creating the~~
2333 ~~geographic information systems land cover database and aerial~~



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2334 ~~photogrammetry needed to prepare for a rural land stewardship~~
2335 ~~area;~~

2336 ~~b. Support for local government implementation of rural~~
2337 ~~land stewardship concepts by providing information and~~
2338 ~~assistance to local governments regarding land acquisition~~
2339 ~~programs that may be used by the local government or landowners~~
2340 ~~to leverage the protection of greater acreage and maximize the~~
2341 ~~effectiveness of rural land stewardship areas; and~~

2342 ~~e. Expansion of the role of the Department of Community~~
2343 ~~Affairs as a resource agency to facilitate establishment of~~
2344 ~~rural land stewardship areas in smaller rural counties that do~~
2345 ~~not have the staff or planning budgets to create a rural land~~
2346 ~~stewardship area.~~

2347 ~~2. The department shall encourage participation by local~~
2348 ~~governments of different sizes and rural characteristics in~~
2349 ~~establishing and implementing rural land stewardship areas. It~~
2350 ~~is the intent of the Legislature that rural land stewardship~~
2351 ~~areas be used to further the following broad principles of rural~~
2352 ~~sustainability: restoration and maintenance of the economic~~
2353 ~~value of rural land; control of urban sprawl; identification and~~
2354 ~~protection of ecosystems, habitats, and natural resources;~~
2355 ~~promotion of rural economic activity; maintenance of the~~
2356 ~~viability of Florida's agricultural economy; and protection of~~
2357 ~~the character of rural areas of Florida. Rural land stewardship~~
2358 ~~areas may be multicounty in order to encourage coordinated~~
2359 ~~regional stewardship planning.~~

2360 ~~3. A local government, in conjunction with a regional~~
2361 ~~planning council, a stakeholder organization of private land~~
2362 ~~owners, or another local government, shall notify the department~~



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2363 ~~in writing of its intent to designate a rural land stewardship~~
2364 ~~area. The written notification shall describe the basis for the~~
2365 ~~designation, including the extent to which the rural land~~
2366 ~~stewardship area enhances rural land values, controls urban~~
2367 ~~sprawl, provides necessary open space for agriculture and~~
2368 ~~protection of the natural environment, promotes rural economic~~
2369 ~~activity, and maintains rural character and the economic~~
2370 ~~viability of agriculture.~~

2371 ~~4. A rural land stewardship area shall be not less than~~
2372 ~~10,000 acres and shall be located outside of municipalities and~~
2373 ~~established urban growth boundaries, and shall be designated by~~
2374 ~~plan amendment. The plan amendment designating a rural land~~
2375 ~~stewardship area shall be subject to review by the Department of~~
2376 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
2377 ~~the following:~~

2378 ~~a. Criteria for the designation of receiving areas within~~
2379 ~~rural land stewardship areas in which innovative planning and~~
2380 ~~development strategies may be applied. Criteria shall at a~~
2381 ~~minimum provide for the following: adequacy of suitable land to~~
2382 ~~accommodate development so as to avoid conflict with~~
2383 ~~environmentally sensitive areas, resources, and habitats;~~
2384 ~~compatibility between and transition from higher density uses to~~
2385 ~~lower intensity rural uses; the establishment of receiving area~~
2386 ~~service boundaries which provide for a separation between~~
2387 ~~receiving areas and other land uses within the rural land~~
2388 ~~stewardship area through limitations on the extension of~~
2389 ~~services; and connection of receiving areas with the rest of the~~
2390 ~~rural land stewardship area using rural design and rural road~~
2391 ~~corridors.~~



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2392 ~~b. Goals, objectives, and policies setting forth the~~
2393 ~~innovative planning and development strategies to be applied~~
2394 ~~within rural land stewardship areas pursuant to the provisions~~
2395 ~~of this section.~~

2396 ~~e. A process for the implementation of innovative planning~~
2397 ~~and development strategies within the rural land stewardship~~
2398 ~~area, including those described in this subsection and rule 9J-~~
2399 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
2400 ~~functional mix of land uses, including adequate available~~
2401 ~~workforce housing, including low, very low and moderate income~~
2402 ~~housing for the development anticipated in the receiving area~~
2403 ~~and which are applied through the adoption by the local~~
2404 ~~government of zoning and land development regulations applicable~~
2405 ~~to the rural land stewardship area.~~

2406 ~~d. A process which encourages visioning pursuant to s.~~
2407 ~~163.3167(11) to ensure that innovative planning and development~~
2408 ~~strategies comply with the provisions of this section.~~

2409 ~~e. The control of sprawl through the use of innovative~~
2410 ~~strategies and creative land use techniques consistent with the~~
2411 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
2412 ~~Administrative Code.~~

2413 ~~5. A receiving area shall be designated by the adoption of~~
2414 ~~a land development regulation. Prior to the designation of a~~
2415 ~~receiving area, the local government shall provide the~~
2416 ~~Department of Community Affairs a period of 30 days in which to~~
2417 ~~review a proposed receiving area for consistency with the rural~~
2418 ~~land stewardship area plan amendment and to provide comments to~~
2419 ~~the local government. At the time of designation of a~~
2420 ~~stewardship receiving area, a listed species survey will be~~



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2421 ~~performed. If listed species occur on the receiving area site,~~
2422 ~~the developer shall coordinate with each appropriate local,~~
2423 ~~state, or federal agency to determine if adequate provisions~~
2424 ~~have been made to protect those species in accordance with~~
2425 ~~applicable regulations. In determining the adequacy of~~
2426 ~~provisions for the protection of listed species and their~~
2427 ~~habitats, the rural land stewardship area shall be considered as~~
2428 ~~a whole, and the impacts to areas to be developed as receiving~~
2429 ~~areas shall be considered together with the environmental~~
2430 ~~benefits of areas protected as sending areas in fulfilling this~~
2431 ~~criteria.~~

2432 ~~6. Upon the adoption of a plan amendment creating a rural~~
2433 ~~land stewardship area, the local government shall, by ordinance,~~
2434 ~~establish the methodology for the creation, conveyance, and use~~
2435 ~~of transferable rural land use credits, otherwise referred to as~~
2436 ~~stewardship credits, the application of which shall not~~
2437 ~~constitute a right to develop land, nor increase density of~~
2438 ~~land, except as provided by this section. The total amount of~~
2439 ~~transferable rural land use credits within the rural land~~
2440 ~~stewardship area must enable the realization of the long-term~~
2441 ~~vision and goals for the 25-year or greater projected population~~
2442 ~~of the rural land stewardship area, which may take into~~
2443 ~~consideration the anticipated effect of the proposed receiving~~
2444 ~~areas. Transferable rural land use credits are subject to the~~
2445 ~~following limitations:~~

2446 ~~a. Transferable rural land use credits may only exist~~
2447 ~~within a rural land stewardship area.~~

2448 ~~b. Transferable rural land use credits may only be used on~~
2449 ~~lands designated as receiving areas and then solely for the~~



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2450 ~~purpose of implementing innovative planning and development~~
2451 ~~strategies and creative land use planning techniques adopted by~~
2452 ~~the local government pursuant to this section.~~

2453 ~~e. Transferable rural land use credits assigned to a parcel~~
2454 ~~of land within a rural land stewardship area shall cease to~~
2455 ~~exist if the parcel of land is removed from the rural land~~
2456 ~~stewardship area by plan amendment.~~

2457 ~~d. Neither the creation of the rural land stewardship area~~
2458 ~~by plan amendment nor the assignment of transferable rural land~~
2459 ~~use credits by the local government shall operate to displace~~
2460 ~~the underlying density of land uses assigned to a parcel of land~~
2461 ~~within the rural land stewardship area; however, if transferable~~
2462 ~~rural land use credits are transferred from a parcel for use~~
2463 ~~within a designated receiving area, the underlying density~~
2464 ~~assigned to the parcel of land shall cease to exist.~~

2465 ~~e. The underlying density on each parcel of land located~~
2466 ~~within a rural land stewardship area shall not be increased or~~
2467 ~~decreased by the local government, except as a result of the~~
2468 ~~conveyance or use of transferable rural land use credits, as~~
2469 ~~long as the parcel remains within the rural land stewardship~~
2470 ~~area.~~

2471 ~~f. Transferable rural land use credits shall cease to exist~~
2472 ~~on a parcel of land where the underlying density assigned to the~~
2473 ~~parcel of land is utilized.~~

2474 ~~g. An increase in the density of use on a parcel of land~~
2475 ~~located within a designated receiving area may occur only~~
2476 ~~through the assignment or use of transferable rural land use~~
2477 ~~credits and shall not require a plan amendment.~~

2478 ~~h. A change in the density of land use on parcels located~~



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2479 ~~within receiving areas shall be specified in a development order~~
2480 ~~which reflects the total number of transferable rural land use~~
2481 ~~credits assigned to the parcel of land and the infrastructure~~
2482 ~~and support services necessary to provide for a functional mix~~
2483 ~~of land uses corresponding to the plan of development.~~

2484 ~~i. Land within a rural land stewardship area may be removed~~
2485 ~~from the rural land stewardship area through a plan amendment.~~

2486 ~~j. Transferable rural land use credits may be assigned at~~
2487 ~~different ratios of credits per acre according to the natural~~
2488 ~~resource or other beneficial use characteristics of the land and~~
2489 ~~according to the land use remaining following the transfer of~~
2490 ~~credits, with the highest number of credits per acre assigned to~~
2491 ~~the most environmentally valuable land or, in locations where~~
2492 ~~the retention of open space and agricultural land is a priority,~~
2493 ~~to such lands.~~

2494 ~~k. The use or conveyance of transferable rural land use~~
2495 ~~credits must be recorded in the public records of the county in~~
2496 ~~which the property is located as a covenant or restrictive~~
2497 ~~easement running with the land in favor of the county and either~~
2498 ~~the Department of Environmental Protection, Department of~~
2499 ~~Agriculture and Consumer Services, a water management district,~~
2500 ~~or a recognized statewide land trust.~~

2501 ~~7. Owners of land within rural land stewardship areas~~
2502 ~~should be provided incentives to enter into rural land~~
2503 ~~stewardship agreements, pursuant to existing law and rules~~
2504 ~~adopted thereto, with state agencies, water management~~
2505 ~~districts, and local governments to achieve mutually agreed upon~~
2506 ~~conservation objectives. Such incentives may include, but not be~~
2507 ~~limited to, the following:~~



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2508 ~~a. Opportunity to accumulate transferable mitigation~~
2509 ~~credits.~~
2510 ~~b. Extended permit agreements.~~
2511 ~~c. Opportunities for recreational leases and ecotourism.~~
2512 ~~d. Payment for specified land management services on~~
2513 ~~publicly owned land, or property under covenant or restricted~~
2514 ~~easement in favor of a public entity.~~
2515 ~~e. Option agreements for sale to public entities or private~~
2516 ~~land conservation entities, in either fee or easement, upon~~
2517 ~~achievement of conservation objectives.~~
2518 ~~8. The department shall report to the Legislature on an~~
2519 ~~annual basis on the results of implementation of rural land~~
2520 ~~stewardship areas authorized by the department, including~~
2521 ~~successes and failures in achieving the intent of the~~
2522 ~~Legislature as expressed in this paragraph.~~
2523 ~~(c) The Legislature finds that mixed-use, high-density~~
2524 ~~development is appropriate for urban infill and redevelopment~~
2525 ~~areas. Mixed-use projects accommodate a variety of uses,~~
2526 ~~including residential and commercial, and usually at higher~~
2527 ~~densities that promote pedestrian-friendly, sustainable~~
2528 ~~communities. The Legislature recognizes that mixed-use, high-~~
2529 ~~density development improves the quality of life for residents~~
2530 ~~and businesses in urban areas. The Legislature finds that mixed-~~
2531 ~~use, high-density redevelopment and infill benefits residents by~~
2532 ~~creating a livable community with alternative modes of~~
2533 ~~transportation. Furthermore, the Legislature finds that local~~
2534 ~~zoning ordinances often discourage mixed-use, high-density~~
2535 ~~development in areas that are appropriate for urban infill and~~
2536 ~~redevelopment. The Legislature intends to discourage single-use~~



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2537 ~~zoning in urban areas which often leads to lower density, land-~~
2538 ~~intensive development outside an urban service area. Therefore,~~
2539 ~~the Department of Community Affairs shall provide technical~~
2540 ~~assistance to local governments in order to encourage mixed use,~~
2541 ~~high-density urban infill and redevelopment projects.~~

2542 ~~(f) The Legislature finds that a program for the transfer~~
2543 ~~of development rights is a useful tool to preserve historic~~
2544 ~~buildings and create public open spaces in urban areas. A~~
2545 ~~program for the transfer of development rights allows the~~
2546 ~~transfer of density credits from historic properties and public~~
2547 ~~open spaces to areas designated for high-density development.~~
2548 ~~The Legislature recognizes that high-density development is~~
2549 ~~integral to the success of many urban infill and redevelopment~~
2550 ~~projects. The Legislature intends to encourage high-density~~
2551 ~~urban infill and redevelopment while preserving historic~~
2552 ~~structures and open spaces. Therefore, the Department of~~
2553 ~~Community Affairs shall provide technical assistance to local~~
2554 ~~governments in order to promote the transfer of development~~
2555 ~~rights within urban areas for high-density infill and~~
2556 ~~redevelopment projects.~~

2557 ~~(g) The implementation of this subsection shall be subject~~
2558 ~~to the provisions of this chapter, chapters 186 and 187, and~~
2559 ~~applicable agency rules.~~

2560 ~~(h) The department may adopt rules necessary to implement~~
2561 ~~the provisions of this subsection.~~

2562 ~~(12) A public school facilities element adopted to~~
2563 ~~implement a school concurrency program shall meet the~~
2564 ~~requirements of this subsection. Each county and each~~
2565 ~~municipality within the county, unless exempt or subject to a~~



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2566 ~~waiver, must adopt a public school facilities element that is~~
2567 ~~consistent with those adopted by the other local governments~~
2568 ~~within the county and enter the interlocal agreement pursuant to~~
2569 ~~s. 163.31777.~~

2570 ~~(a) The state land planning agency may provide a waiver to~~
2571 ~~a county and to the municipalities within the county if the~~
2572 ~~capacity rate for all schools within the school district is no~~
2573 ~~greater than 100 percent and the projected 5-year capital outlay~~
2574 ~~full-time equivalent student growth rate is less than 10~~
2575 ~~percent. The state land planning agency may allow for a~~
2576 ~~projected 5-year capital outlay full-time equivalent student~~
2577 ~~growth rate to exceed 10 percent when the projected 10-year~~
2578 ~~capital outlay full-time equivalent student enrollment is less~~
2579 ~~than 2,000 students and the capacity rate for all schools within~~
2580 ~~the school district in the tenth year will not exceed the 100-~~
2581 ~~percent limitation. The state land planning agency may allow for~~
2582 ~~a single school to exceed the 100-percent limitation if it can~~
2583 ~~be demonstrated that the capacity rate for that single school is~~
2584 ~~not greater than 105 percent. In making this determination, the~~
2585 ~~state land planning agency shall consider the following~~
2586 ~~criteria:~~

2587 ~~1. Whether the exceedance is due to temporary~~
2588 ~~circumstances;~~

2589 ~~2. Whether the projected 5-year capital outlay full time~~
2590 ~~equivalent student growth rate for the school district is~~
2591 ~~approaching the 10-percent threshold;~~

2592 ~~3. Whether one or more additional schools within the school~~
2593 ~~district are at or approaching the 100-percent threshold; and~~

2594 ~~4. The adequacy of the data and analysis submitted to~~



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2595 ~~support the waiver request.~~

2596 ~~(b) A municipality in a nonexempt county is exempt if the~~
2597 ~~municipality meets all of the following criteria for having no~~
2598 ~~significant impact on school attendance:~~

2599 ~~1. The municipality has issued development orders for fewer~~
2600 ~~than 50 residential dwelling units during the preceding 5 years,~~
2601 ~~or the municipality has generated fewer than 25 additional~~
2602 ~~public school students during the preceding 5 years.~~

2603 ~~2. The municipality has not annexed new land during the~~
2604 ~~preceding 5 years in land use categories that permit residential~~
2605 ~~uses that will affect school attendance rates.~~

2606 ~~3. The municipality has no public schools located within~~
2607 ~~its boundaries.~~

2608 ~~(c) A public school facilities element shall be based upon~~
2609 ~~data and analyses that address, among other items, how level-of-~~
2610 ~~service standards will be achieved and maintained. Such data and~~
2611 ~~analyses must include, at a minimum, such items as: the~~
2612 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
2613 ~~year school district facilities work program adopted pursuant to~~
2614 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
2615 ~~1013.31 and an existing educational and ancillary plant map or~~
2616 ~~map series; information on existing development and development~~
2617 ~~anticipated for the next 5 years and the long-term planning~~
2618 ~~period; an analysis of problems and opportunities for existing~~
2619 ~~schools and schools anticipated in the future; an analysis of~~
2620 ~~opportunities to collocate future schools with other public~~
2621 ~~facilities such as parks, libraries, and community centers; an~~
2622 ~~analysis of the need for supporting public facilities for~~
2623 ~~existing and future schools; an analysis of opportunities to~~



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2624 ~~locate schools to serve as community focal points; projected~~
2625 ~~future population and associated demographics, including~~
2626 ~~development patterns year by year for the upcoming 5-year and~~
2627 ~~long-term planning periods; and anticipated educational and~~
2628 ~~ancillary plants with land area requirements.~~

2629 ~~(d) The element shall contain one or more goals which~~
2630 ~~establish the long-term end toward which public school programs~~
2631 ~~and activities are ultimately directed.~~

2632 ~~(e) The element shall contain one or more objectives for~~
2633 ~~each goal, setting specific, measurable, intermediate ends that~~
2634 ~~are achievable and mark progress toward the goal.~~

2635 ~~(f) The element shall contain one or more policies for each~~
2636 ~~objective which establish the way in which programs and~~
2637 ~~activities will be conducted to achieve an identified goal.~~

2638 ~~(g) The objectives and policies shall address items such~~
2639 ~~as:~~

2640 ~~1. The procedure for an annual update process;~~

2641 ~~2. The procedure for school site selection;~~

2642 ~~3. The procedure for school permitting;~~

2643 ~~4. Provision for infrastructure necessary to support~~
2644 ~~proposed schools, including potable water, wastewater, drainage,~~
2645 ~~solid waste, transportation, and means by which to assure safe~~
2646 ~~access to schools, including sidewalks, bicycle paths, turn~~
2647 ~~lanes, and signalization;~~

2648 ~~5. Provision for colocation of other public facilities,~~
2649 ~~such as parks, libraries, and community centers, in proximity to~~
2650 ~~public schools;~~

2651 ~~6. Provision for location of schools proximate to~~
2652 ~~residential areas and to complement patterns of development,~~



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2653 ~~including the location of future school sites so they serve as~~
2654 ~~community focal points;~~

2655 ~~7. Measures to ensure compatibility of school sites and~~
2656 ~~surrounding land uses;~~

2657 ~~8. Coordination with adjacent local governments and the~~
2658 ~~school district on emergency preparedness issues, including the~~
2659 ~~use of public schools to serve as emergency shelters; and~~

2660 ~~9. Coordination with the future land use element.~~

2661 ~~(h) The element shall include one or more future conditions~~
2662 ~~maps which depict the anticipated location of educational and~~
2663 ~~ancillary plants, including the general location of improvements~~
2664 ~~to existing schools or new schools anticipated over the 5-year~~
2665 ~~or long-term planning period. The maps will of necessity be~~
2666 ~~general for the long-term planning period and more specific for~~
2667 ~~the 5-year period. Maps indicating general locations of future~~
2668 ~~schools or school improvements may not prescribe a land use on a~~
2669 ~~particular parcel of land.~~

2670 ~~(i) The state land planning agency shall establish a phased~~
2671 ~~schedule for adoption of the public school facilities element~~
2672 ~~and the required updates to the public schools interlocal~~
2673 ~~agreement pursuant to s. 163.31777. The schedule shall provide~~
2674 ~~for each county and local government within the county to adopt~~
2675 ~~the element and update to the agreement no later than December~~
2676 ~~1, 2008. Plan amendments to adopt a public school facilities~~
2677 ~~element are exempt from the provisions of s. 163.3187(1).~~

2678 ~~(j) The state land planning agency may issue a notice to~~
2679 ~~the school board and the local government to show cause why~~
2680 ~~sanctions should not be enforced for failure to enter into an~~
2681 ~~approved interlocal agreement as required by s. 163.31777 or for~~



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2682 ~~failure to implement provisions relating to public school~~
2683 ~~concurrency. If the state land planning agency finds that~~
2684 ~~insufficient cause exists for the school board's or local~~
2685 ~~government's failure to enter into an approved interlocal~~
2686 ~~agreement as required by s. 163.31777 or for the school board's~~
2687 ~~or local government's failure to implement the provisions~~
2688 ~~relating to public school concurrency, the state land planning~~
2689 ~~agency shall submit its finding to the Administration Commission~~
2690 ~~which may impose on the local government any of the sanctions~~
2691 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~
2692 ~~district school board any of the sanctions set forth in s.~~
2693 ~~1008.32(4).~~

2694 ~~(13) Local governments are encouraged to develop a~~
2695 ~~community vision that provides for sustainable growth,~~
2696 ~~recognizes its fiscal constraints, and protects its natural~~
2697 ~~resources. At the request of a local government, the applicable~~
2698 ~~regional planning council shall provide assistance in the~~
2699 ~~development of a community vision.~~

2700 ~~(a) As part of the process of developing a community vision~~
2701 ~~under this section, the local government must hold two public~~
2702 ~~meetings with at least one of those meetings before the local~~
2703 ~~planning agency. Before those public meetings, the local~~
2704 ~~government must hold at least one public workshop with~~
2705 ~~stakeholder groups such as neighborhood associations, community~~
2706 ~~organizations, businesses, private property owners, housing and~~
2707 ~~development interests, and environmental organizations.~~

2708 ~~(b) The local government must, at a minimum, discuss five~~
2709 ~~of the following topics as part of the workshops and public~~
2710 ~~meetings required under paragraph (a):~~



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- 2711 ~~1. Future growth in the area using population forecasts~~
2712 ~~from the Bureau of Economic and Business Research;~~
2713 ~~2. Priorities for economic development;~~
2714 ~~3. Preservation of open space, environmentally sensitive~~
2715 ~~lands, and agricultural lands;~~
2716 ~~4. Appropriate areas and standards for mixed-use~~
2717 ~~development;~~
2718 ~~5. Appropriate areas and standards for high-density~~
2719 ~~commercial and residential development;~~
2720 ~~6. Appropriate areas and standards for economic development~~
2721 ~~opportunities and employment centers;~~
2722 ~~7. Provisions for adequate workforce housing;~~
2723 ~~8. An efficient, interconnected multimodal transportation~~
2724 ~~system; and~~
2725 ~~9. Opportunities to create land use patterns that~~
2726 ~~accommodate the issues listed in subparagraphs 1.-8.~~
2727 ~~(c) As part of the workshops and public meetings, the local~~
2728 ~~government must discuss strategies for addressing the topics~~
2729 ~~discussed under paragraph (b), including:~~
2730 ~~1. Strategies to preserve open space and environmentally~~
2731 ~~sensitive lands, and to encourage a healthy agricultural~~
2732 ~~economy, including innovative planning and development~~
2733 ~~strategies, such as the transfer of development rights;~~
2734 ~~2. Incentives for mixed-use development, including~~
2735 ~~increased height and intensity standards for buildings that~~
2736 ~~provide residential use in combination with office or commercial~~
2737 ~~space;~~
2738 ~~3. Incentives for workforce housing;~~
2739 ~~4. Designation of an urban service boundary pursuant to~~



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2740 ~~subsection (2); and~~

2741 ~~5. Strategies to provide mobility within the community and~~
2742 ~~to protect the Strategic Intermodal System, including the~~
2743 ~~development of a transportation corridor management plan under~~
2744 ~~s. 337.273.~~

2745 ~~(d) The community vision must reflect the community's~~
2746 ~~shared concept for growth and development of the community,~~
2747 ~~including visual representations depicting the desired land use~~
2748 ~~patterns and character of the community during a 10-year~~
2749 ~~planning timeframe. The community vision must also take into~~
2750 ~~consideration economic viability of the vision and private~~
2751 ~~property interests.~~

2752 ~~(e) After the workshops and public meetings required under~~
2753 ~~paragraph (a) are held, the local government may amend its~~
2754 ~~comprehensive plan to include the community vision as a~~
2755 ~~component in the plan. This plan amendment must be transmitted~~
2756 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
2757 ~~163.3189 at public hearings of the governing body other than~~
2758 ~~those identified in paragraph (a).~~

2759 ~~(f) Amendments submitted under this subsection are exempt~~
2760 ~~from the limitation on the frequency of plan amendments in s.~~
2761 ~~163.3187.~~

2762 ~~(g) A local government that has developed a community~~
2763 ~~vision or completed a visioning process after July 1, 2000, and~~
2764 ~~before July 1, 2005, which substantially accomplishes the goals~~
2765 ~~set forth in this subsection and the appropriate goals,~~
2766 ~~policies, or objectives have been adopted as part of the~~
2767 ~~comprehensive plan or reflected in subsequently adopted land~~
2768 ~~development regulations and the plan amendment incorporating the~~



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2769 ~~community vision as a component has been found in compliance is~~
2770 ~~eligible for the incentives in s. 163.3184(17).~~

2771 ~~(14) Local governments are also encouraged to designate an~~
2772 ~~urban service boundary. This area must be appropriate for~~
2773 ~~compact, contiguous urban development within a 10-year planning~~
2774 ~~timeframe. The urban service area boundary must be identified on~~
2775 ~~the future land use map or map series. The local government~~
2776 ~~shall demonstrate that the land included within the urban~~
2777 ~~service boundary is served or is planned to be served with~~
2778 ~~adequate public facilities and services based on the local~~
2779 ~~government's adopted level-of-service standards by adopting a~~
2780 ~~10-year facilities plan in the capital improvements element~~
2781 ~~which is financially feasible. The local government shall~~
2782 ~~demonstrate that the amount of land within the urban service~~
2783 ~~boundary does not exceed the amount of land needed to~~
2784 ~~accommodate the projected population growth at densities~~
2785 ~~consistent with the adopted comprehensive plan within the 10-~~
2786 ~~year planning timeframe.~~

2787 ~~(a) As part of the process of establishing an urban service~~
2788 ~~boundary, the local government must hold two public meetings~~
2789 ~~with at least one of those meetings before the local planning~~
2790 ~~agency. Before those public meetings, the local government must~~
2791 ~~hold at least one public workshop with stakeholder groups such~~
2792 ~~as neighborhood associations, community organizations,~~
2793 ~~businesses, private property owners, housing and development~~
2794 ~~interests, and environmental organizations.~~

2795 ~~(b)1. After the workshops and public meetings required~~
2796 ~~under paragraph (a) are held, the local government may amend its~~
2797 ~~comprehensive plan to include the urban service boundary. This~~



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2798 ~~plan amendment must be transmitted and adopted pursuant to the~~
2799 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
2800 ~~governing body other than those required under paragraph (a).~~

2801 ~~2. This subsection does not prohibit new development~~
2802 ~~outside an urban service boundary. However, a local government~~
2803 ~~that establishes an urban service boundary under this subsection~~
2804 ~~is encouraged to require a full-cost accounting analysis for any~~
2805 ~~new development outside the boundary and to consider the results~~
2806 ~~of that analysis when adopting a plan amendment for property~~
2807 ~~outside the established urban service boundary.~~

2808 ~~(c) Amendments submitted under this subsection are exempt~~
2809 ~~from the limitation on the frequency of plan amendments in s.~~
2810 ~~163.3187.~~

2811 ~~(d) A local government that has adopted an urban service~~
2812 ~~boundary before July 1, 2005, which substantially accomplishes~~
2813 ~~the goals set forth in this subsection is not required to comply~~
2814 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
2815 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2816 ~~order to satisfy the provisions of this paragraph, the local~~
2817 ~~government must secure a determination from the state land~~
2818 ~~planning agency that the urban service boundary adopted before~~
2819 ~~July 1, 2005, substantially complies with the criteria of this~~
2820 ~~subsection, based on data and analysis submitted by the local~~
2821 ~~government to support this determination. The determination by~~
2822 ~~the state land planning agency is not subject to administrative~~
2823 ~~challenge.~~

2824 ~~(7)(15)(a) The Legislature finds that:~~

2825 ~~1. There are a number of rural agricultural industrial~~
2826 ~~centers in the state that process, produce, or aid in the~~



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2827 production or distribution of a variety of agriculturally based
2828 products, including, but not limited to, fruits, vegetables,
2829 timber, and other crops, and juices, paper, and building
2830 materials. Rural agricultural industrial centers have a
2831 significant amount of existing associated infrastructure that is
2832 used for processing, producing, or distributing agricultural
2833 products.

2834 2. Such rural agricultural industrial centers are often
2835 located within or near communities in which the economy is
2836 largely dependent upon agriculture and agriculturally based
2837 products. The centers significantly enhance the economy of such
2838 communities. However, these agriculturally based communities are
2839 often socioeconomically challenged and designated as rural areas
2840 of critical economic concern. If such rural agricultural
2841 industrial centers are lost and not replaced with other job-
2842 creating enterprises, the agriculturally based communities will
2843 lose a substantial amount of their economies.

2844 3. The state has a compelling interest in preserving the
2845 viability of agriculture and protecting rural agricultural
2846 communities and the state from the economic upheaval that would
2847 result from short-term or long-term adverse changes in the
2848 agricultural economy. To protect these communities and promote
2849 viable agriculture for the long term, it is essential to
2850 encourage and permit diversification of existing rural
2851 agricultural industrial centers by providing for jobs that are
2852 not solely dependent upon, but are compatible with and
2853 complement, existing agricultural industrial operations and to
2854 encourage the creation and expansion of industries that use
2855 agricultural products in innovative ways. However, the expansion



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2856 and diversification of these existing centers must be
2857 accomplished in a manner that does not promote urban sprawl into
2858 surrounding agricultural and rural areas.

2859 (b) As used in this subsection, the term "rural
2860 agricultural industrial center" means a developed parcel of land
2861 in an unincorporated area on which there exists an operating
2862 agricultural industrial facility or facilities that employ at
2863 least 200 full-time employees in the aggregate and process and
2864 prepare for transport a farm product, as defined in s. 163.3162,
2865 or any biomass material that could be used, directly or
2866 indirectly, for the production of fuel, renewable energy,
2867 bioenergy, or alternative fuel as defined by law. The center may
2868 also include land contiguous to the facility site which is not
2869 used for the cultivation of crops, but on which other existing
2870 activities essential to the operation of such facility or
2871 facilities are located or conducted. The parcel of land must be
2872 located within, or within 10 miles of, a rural area of critical
2873 economic concern.

2874 (c)1. A landowner whose land is located within a rural
2875 agricultural industrial center may apply for an amendment to the
2876 local government comprehensive plan for the purpose of
2877 designating and expanding the existing agricultural industrial
2878 uses of facilities located within the center or expanding the
2879 existing center to include industrial uses or facilities that
2880 are not dependent upon but are compatible with agriculture and
2881 the existing uses and facilities. A local government
2882 comprehensive plan amendment under this paragraph must:

2883 a. Not increase the physical area of the existing rural
2884 agricultural industrial center by more than 50 percent or 320



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2885 acres, whichever is greater.

2886 b. Propose a project that would, upon completion, create at
2887 least 50 new full-time jobs.

2888 c. Demonstrate that sufficient infrastructure capacity
2889 exists or will be provided to support the expanded center at the
2890 level-of-service standards adopted in the local government
2891 comprehensive plan.

2892 d. Contain goals, objectives, and policies that will ensure
2893 that any adverse environmental impacts of the expanded center
2894 will be adequately addressed and mitigation implemented or
2895 demonstrate that the local government comprehensive plan
2896 contains such provisions.

2897 2. Within 6 months after receiving an application as
2898 provided in this paragraph, the local government shall transmit
2899 the application to the state land planning agency for review
2900 pursuant to this chapter together with any needed amendments to
2901 the applicable sections of its comprehensive plan to include
2902 goals, objectives, and policies that provide for the expansion
2903 of rural agricultural industrial centers and discourage urban
2904 sprawl in the surrounding areas. Such goals, objectives, and
2905 policies must promote and be consistent with the findings in
2906 this subsection. An amendment that meets the requirements of
2907 this subsection is presumed not to be urban sprawl as defined in
2908 s. 163.3164 and shall be considered within 90 days after any
2909 review required by the state land planning agency if required by
2910 s. 163.3184. ~~consistent with rule 9J-5.006(5), Florida~~
2911 Administrative Code. This presumption may be rebutted by a
2912 preponderance of the evidence.

2913 (d) This subsection does not apply to an optional sector



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2914 plan adopted pursuant to s. 163.3245, a rural land stewardship
2915 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
2916 comprehensive plan amendment that includes an inland port
2917 terminal or affiliated port development.

2918 (e) Nothing in this subsection shall be construed to confer
2919 the status of rural area of critical economic concern, or any of
2920 the rights or benefits derived from such status, on any land
2921 area not otherwise designated as such pursuant to s.
2922 288.0656(7).

2923 Section 13. Section 163.31777, Florida Statutes, is amended
2924 to read:

2925 163.31777 Public schools interlocal agreement.—

2926 (1) ~~(a)~~ The county and municipalities located within the
2927 geographic area of a school district shall enter into an
2928 interlocal agreement with the district school board which
2929 jointly establishes the specific ways in which the plans and
2930 processes of the district school board and the local governments
2931 are to be coordinated. ~~The interlocal agreements shall be~~
2932 ~~submitted to the state land planning agency and the Office of~~
2933 ~~Educational Facilities in accordance with a schedule published~~
2934 ~~by the state land planning agency.~~

2935 ~~(b) The schedule must establish staggered due dates for~~
2936 ~~submission of interlocal agreements that are executed by both~~
2937 ~~the local government and the district school board, commencing~~
2938 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
2939 ~~set the same date for all governmental entities within a school~~
2940 ~~district. However, if the county where the school district is~~
2941 ~~located contains more than 20 municipalities, the state land~~
2942 ~~planning agency may establish staggered due dates for the~~



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2943 ~~submission of interlocal agreements by these municipalities. The~~
2944 ~~schedule must begin with those areas where both the number of~~
2945 ~~districtwide capital outlay full-time equivalent students equals~~
2946 ~~80 percent or more of the current year's school capacity and the~~
2947 ~~projected 5-year student growth is 1,000 or greater, or where~~
2948 ~~the projected 5-year student growth rate is 10 percent or~~
2949 ~~greater.~~

2950 ~~(c) If the student population has declined over the 5-year~~
2951 ~~period preceding the due date for submittal of an interlocal~~
2952 ~~agreement by the local government and the district school board,~~
2953 ~~the local government and the district school board may petition~~
2954 ~~the state land planning agency for a waiver of one or more~~
2955 ~~requirements of subsection (2). The waiver must be granted if~~
2956 ~~the procedures called for in subsection (2) are unnecessary~~
2957 ~~because of the school district's declining school age~~
2958 ~~population, considering the district's 5-year facilities work~~
2959 ~~program prepared pursuant to s. 1013.35. The state land planning~~
2960 ~~agency may modify or revoke the waiver upon a finding that the~~
2961 ~~conditions upon which the waiver was granted no longer exist.~~
2962 ~~The district school board and local governments must submit an~~
2963 ~~interlocal agreement within 1 year after notification by the~~
2964 ~~state land planning agency that the conditions for a waiver no~~
2965 ~~longer exist.~~

2966 ~~(d) Interlocal agreements between local governments and~~
2967 ~~district school boards adopted pursuant to s. 163.3177 before~~
2968 ~~the effective date of this section must be updated and executed~~
2969 ~~pursuant to the requirements of this section, if necessary.~~
2970 ~~Amendments to interlocal agreements adopted pursuant to this~~
2971 ~~section must be submitted to the state land planning agency~~



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2972 ~~within 30 days after execution by the parties for review~~
2973 ~~consistent with this section.~~ Local governments and the district
2974 school board in each school district are encouraged to adopt a
2975 single interlocal agreement to which all join as parties. ~~The~~
2976 ~~state land planning agency shall assemble and make available~~
2977 ~~model interlocal agreements meeting the requirements of this~~
2978 ~~section and notify local governments and, jointly with the~~
2979 ~~Department of Education, the district school boards of the~~
2980 ~~requirements of this section, the dates for compliance, and the~~
2981 ~~sanctions for noncompliance. The state land planning agency~~
2982 ~~shall be available to informally review proposed interlocal~~
2983 ~~agreements. If the state land planning agency has not received a~~
2984 ~~proposed interlocal agreement for informal review, the state~~
2985 ~~land planning agency shall, at least 60 days before the deadline~~
2986 ~~for submission of the executed agreement, renotify the local~~
2987 ~~government and the district school board of the upcoming~~
2988 ~~deadline and the potential for sanctions.~~

2989 (2) At a minimum, the interlocal agreement must address
2990 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
2991 ~~for exempt local governments as provided in s. 163.3177(12), and~~
2992 ~~must address~~ the following issues:

2993 (a) A process by which each local government and the
2994 district school board agree and base their plans on consistent
2995 projections of the amount, type, and distribution of population
2996 growth and student enrollment. The geographic distribution of
2997 jurisdiction-wide growth forecasts is a major objective of the
2998 process.

2999 (b) A process to coordinate and share information relating
3000 to existing and planned public school facilities, including



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3001 school renovations and closures, and local government plans for
3002 development and redevelopment.

3003 (c) Participation by affected local governments with the
3004 district school board in the process of evaluating potential
3005 school closures, significant renovations to existing schools,
3006 and new school site selection before land acquisition. Local
3007 governments shall advise the district school board as to the
3008 consistency of the proposed closure, renovation, or new site
3009 with the local comprehensive plan, including appropriate
3010 circumstances and criteria under which a district school board
3011 may request an amendment to the comprehensive plan for school
3012 siting.

3013 (d) A process for determining the need for and timing of
3014 onsite and offsite improvements to support new, proposed
3015 expansion, or redevelopment of existing schools. The process
3016 must address identification of the party or parties responsible
3017 for the improvements.

3018 (e) A process for the school board to inform the local
3019 government regarding the effect of comprehensive plan amendments
3020 on school capacity. The capacity reporting must be consistent
3021 with laws and rules relating to measurement of school facility
3022 capacity and must also identify how the district school board
3023 will meet the public school demand based on the facilities work
3024 program adopted pursuant to s. 1013.35.

3025 (f) Participation of the local governments in the
3026 preparation of the annual update to the district school board's
3027 5-year district facilities work program and educational plant
3028 survey prepared pursuant to s. 1013.35.

3029 (g) A process for determining where and how joint use of



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3030 either school board or local government facilities can be shared
3031 for mutual benefit and efficiency.

3032 (h) A procedure for the resolution of disputes between the
3033 district school board and local governments, which may include
3034 the dispute resolution processes contained in chapters 164 and
3035 186.

3036 (i) An oversight process, including an opportunity for
3037 public participation, for the implementation of the interlocal
3038 agreement.

3039 ~~(3)(a) The Office of Educational Facilities shall submit~~
3040 ~~any comments or concerns regarding the executed interlocal~~
3041 ~~agreement to the state land planning agency within 30 days after~~
3042 ~~receipt of the executed interlocal agreement. The state land~~
3043 ~~planning agency shall review the executed interlocal agreement~~
3044 ~~to determine whether it is consistent with the requirements of~~
3045 ~~subsection (2), the adopted local government comprehensive plan,~~
3046 ~~and other requirements of law. Within 60 days after receipt of~~
3047 ~~an executed interlocal agreement, the state land planning agency~~
3048 ~~shall publish a notice of intent in the Florida Administrative~~
3049 ~~Weekly and shall post a copy of the notice on the agency's~~
3050 ~~Internet site. The notice of intent must state whether the~~
3051 ~~interlocal agreement is consistent or inconsistent with the~~
3052 ~~requirements of subsection (2) and this subsection, as~~
3053 ~~appropriate.~~

3054 ~~(b) The state land planning agency's notice is subject to~~
3055 ~~challenge under chapter 120; however, an affected person, as~~
3056 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
3057 ~~administrative proceeding, and this proceeding is the sole means~~
3058 ~~available to challenge the consistency of an interlocal~~



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3059 ~~agreement required by this section with the criteria contained~~
3060 ~~in subsection (2) and this subsection. In order to have~~
3061 ~~standing, each person must have submitted oral or written~~
3062 ~~comments, recommendations, or objections to the local government~~
3063 ~~or the school board before the adoption of the interlocal~~
3064 ~~agreement by the school board and local government. The district~~
3065 ~~school board and local governments are parties to any such~~
3066 ~~proceeding. In this proceeding, when the state land planning~~
3067 ~~agency finds the interlocal agreement to be consistent with the~~
3068 ~~criteria in subsection (2) and this subsection, the interlocal~~
3069 ~~agreement shall be determined to be consistent with subsection~~
3070 ~~(2) and this subsection if the local government's and school~~
3071 ~~board's determination of consistency is fairly debatable. When~~
3072 ~~the state planning agency finds the interlocal agreement to be~~
3073 ~~inconsistent with the requirements of subsection (2) and this~~
3074 ~~subsection, the local government's and school board's~~
3075 ~~determination of consistency shall be sustained unless it is~~
3076 ~~shown by a preponderance of the evidence that the interlocal~~
3077 ~~agreement is inconsistent.~~

3078 ~~(c) If the state land planning agency enters a final order~~
3079 ~~that finds that the interlocal agreement is inconsistent with~~
3080 ~~the requirements of subsection (2) or this subsection, it shall~~
3081 ~~forward it to the Administration Commission, which may impose~~
3082 ~~sanctions against the local government pursuant to s.~~
3083 ~~163.3184(11) and may impose sanctions against the district~~
3084 ~~school board by directing the Department of Education to~~
3085 ~~withhold from the district school board an equivalent amount of~~
3086 ~~funds for school construction available pursuant to ss. 1013.65,~~
3087 ~~1013.68, 1013.70, and 1013.72.~~



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3088 ~~(4) If an executed interlocal agreement is not timely~~
3089 ~~submitted to the state land planning agency for review, the~~
3090 ~~state land planning agency shall, within 15 working days after~~
3091 ~~the deadline for submittal, issue to the local government and~~
3092 ~~the district school board a Notice to Show Cause why sanctions~~
3093 ~~should not be imposed for failure to submit an executed~~
3094 ~~interlocal agreement by the deadline established by the agency.~~
3095 ~~The agency shall forward the notice and the responses to the~~
3096 ~~Administration Commission, which may enter a final order citing~~
3097 ~~the failure to comply and imposing sanctions against the local~~
3098 ~~government and district school board by directing the~~
3099 ~~appropriate agencies to withhold at least 5 percent of state~~
3100 ~~funds pursuant to s. 163.3184(11) and by directing the~~
3101 ~~Department of Education to withhold from the district school~~
3102 ~~board at least 5 percent of funds for school construction~~
3103 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
3104 ~~1013.72.~~

3105 ~~(5) Any local government transmitting a public school~~
3106 ~~element to implement school concurrency pursuant to the~~
3107 ~~requirements of s. 163.3180 before the effective date of this~~
3108 ~~section is not required to amend the element or any interlocal~~
3109 ~~agreement to conform with the provisions of this section if the~~
3110 ~~element is adopted prior to or within 1 year after the effective~~
3111 ~~date of this section and remains in effect until the county~~
3112 ~~conducts its evaluation and appraisal report and identifies~~
3113 ~~changes necessary to more fully conform to the provisions of~~
3114 ~~this section.~~

3115 ~~(6) Except as provided in subsection (7), municipalities~~
3116 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~



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3117 ~~from the requirements of subsections (1), (2), and (3).~~
3118 ~~(7) At the time of the evaluation and appraisal report,~~
3119 ~~each exempt municipality shall assess the extent to which it~~
3120 ~~continues to meet the criteria for exemption under s.~~
3121 ~~163.3177(12). If the municipality continues to meet these~~
3122 ~~criteria, the municipality shall continue to be exempt from the~~
3123 ~~interlocal agreement requirement. Each municipality exempt under~~
3124 ~~s. 163.3177(12) must comply with the provisions of this section~~
3125 ~~within 1 year after the district school board proposes, in its~~
3126 ~~5-year district facilities work program, a new school within the~~
3127 ~~municipality's jurisdiction.~~

3128 Section 14. Subsection (9) of section 163.3178, Florida
3129 Statutes, is amended to read:

3130 163.3178 Coastal management.—

3131 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
3132 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
3133 ~~process provided in this section. A proposed comprehensive plan~~
3134 ~~amendment shall be found in compliance with state coastal high-~~
3135 ~~hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
3136 ~~Florida Administrative Code, if:~~

3137 1. The adopted level of service for out-of-county hurricane
3138 evacuation is maintained for a category 5 storm event as
3139 measured on the Saffir-Simpson scale; or

3140 2. A 12-hour evacuation time to shelter is maintained for a
3141 category 5 storm event as measured on the Saffir-Simpson scale
3142 and shelter space reasonably expected to accommodate the
3143 residents of the development contemplated by a proposed
3144 comprehensive plan amendment is available; or

3145 3. Appropriate mitigation is provided that will satisfy ~~the~~



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3146 ~~provisions~~ of subparagraph 1. or subparagraph 2. Appropriate
3147 mitigation shall include, without limitation, payment of money,
3148 contribution of land, and construction of hurricane shelters and
3149 transportation facilities. Required mitigation may ~~shall~~ not
3150 exceed the amount required for a developer to accommodate
3151 impacts reasonably attributable to development. A local
3152 government and a developer shall enter into a binding agreement
3153 to memorialize the mitigation plan.

3154 (b) For those local governments that have not established a
3155 level of service for out-of-county hurricane evacuation by July
3156 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7.,~~
3157 ~~Florida Administrative Code,~~ by following the process in
3158 paragraph (a), the level of service shall be no greater than 16
3159 hours for a category 5 storm event as measured on the Saffir-
3160 Simpson scale.

3161 (c) This subsection shall become effective immediately and
3162 shall apply to all local governments. No later than July 1,
3163 2008, local governments shall amend their future land use map
3164 and coastal management element to include the new definition of
3165 coastal high-hazard area and to depict the coastal high-hazard
3166 area on the future land use map.

3167 Section 15. Section 163.3180, Florida Statutes, is amended
3168 to read:

3169 163.3180 Concurrency.—

3170 (1) ~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
3171 water, ~~parks and recreation, schools, and transportation~~
3172 ~~facilities, including mass transit, where applicable,~~ are the
3173 only public facilities and services subject to the concurrency
3174 requirement on a statewide basis. Additional public facilities



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3175 and services may not be made subject to concurrency on a
3176 statewide basis without ~~appropriate study and~~ approval by the
3177 Legislature; however, any local government may extend the
3178 concurrency requirement so that it applies to additional public
3179 facilities within its jurisdiction.

3180 (a) If concurrency is applied to other public facilities,
3181 the local government comprehensive plan must provide the
3182 principles, guidelines, standards, and strategies, including
3183 adopted levels of service, to guide its application. In order
3184 for a local government to rescind any optional concurrency
3185 provisions, a comprehensive plan amendment is required. An
3186 amendment rescinding optional concurrency issues is not subject
3187 to state review.

3188 (b) The local government comprehensive plan must
3189 demonstrate, for required or optional concurrency requirements,
3190 that the levels of service adopted can be reasonably met.
3191 Infrastructure needed to ensure that adopted level-of-service
3192 standards are achieved and maintained for the 5-year period of
3193 the capital improvement schedule must be identified pursuant to
3194 the requirements of s. 163.3177(3). The comprehensive plan must
3195 include principles, guidelines, standards, and strategies for
3196 the establishment of a concurrency management system.

3197 ~~(b) Local governments shall use professionally accepted~~
3198 ~~techniques for measuring level of service for automobiles,~~
3199 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
3200 ~~be used to evaluate increased accessibility by multiple modes~~
3201 ~~and reductions in vehicle miles of travel in an area or zone.~~
3202 ~~The Department of Transportation shall develop methodologies to~~
3203 ~~assist local governments in implementing this multimodal level-~~



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3204 ~~of service analysis. The Department of Community Affairs and the~~
3205 ~~Department of Transportation shall provide technical assistance~~
3206 ~~to local governments in applying these methodologies.~~

3207 (2)(a) Consistent with public health and safety, sanitary
3208 sewer, solid waste, drainage, adequate water supplies, and
3209 potable water facilities shall be in place and available to
3210 serve new development no later than the issuance by the local
3211 government of a certificate of occupancy or its functional
3212 equivalent. Prior to approval of a building permit or its
3213 functional equivalent, the local government shall consult with
3214 the applicable water supplier to determine whether adequate
3215 water supplies to serve the new development will be available no
3216 later than the anticipated date of issuance by the local
3217 government of a certificate of occupancy or its functional
3218 equivalent. A local government may meet the concurrency
3219 requirement for sanitary sewer through the use of onsite sewage
3220 treatment and disposal systems approved by the Department of
3221 Health to serve new development.

3222 ~~(b) Consistent with the public welfare, and except as~~
3223 ~~otherwise provided in this section, parks and recreation~~
3224 ~~facilities to serve new development shall be in place or under~~
3225 ~~actual construction no later than 1 year after issuance by the~~
3226 ~~local government of a certificate of occupancy or its functional~~
3227 ~~equivalent. However, the acreage for such facilities shall be~~
3228 ~~dedicated or be acquired by the local government prior to~~
3229 ~~issuance by the local government of a certificate of occupancy~~
3230 ~~or its functional equivalent, or funds in the amount of the~~
3231 ~~developer's fair share shall be committed no later than the~~
3232 ~~local government's approval to commence construction.~~



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3233 ~~(c) Consistent with the public welfare, and except as~~
3234 ~~otherwise provided in this section, transportation facilities~~
3235 ~~needed to serve new development shall be in place or under~~
3236 ~~actual construction within 3 years after the local government~~
3237 ~~approves a building permit or its functional equivalent that~~
3238 ~~results in traffic generation.~~

3239 (3) Governmental entities that are not responsible for
3240 providing, financing, operating, or regulating public facilities
3241 needed to serve development may not establish binding level-of-
3242 service standards on governmental entities that do bear those
3243 responsibilities. ~~This subsection does not limit the authority~~
3244 ~~of any agency to recommend or make objections, recommendations,~~
3245 ~~comments, or determinations during reviews conducted under s.~~
3246 ~~163.3184.~~

3247 (4)(a) The concurrency requirement as implemented in local
3248 comprehensive plans applies to state and other public facilities
3249 and development to the same extent that it applies to all other
3250 facilities and development, as provided by law.

3251 ~~(b) The concurrency requirement as implemented in local~~
3252 ~~comprehensive plans does not apply to public transit facilities.~~
3253 ~~For the purposes of this paragraph, public transit facilities~~
3254 ~~include transit stations and terminals; transit station parking;~~
3255 ~~park-and-ride lots; intermodal public transit connection or~~
3256 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
3257 ~~airport passenger terminals and concourses, air cargo~~
3258 ~~facilities, and hangars for the assembly, manufacture,~~
3259 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
3260 ~~the terms "terminals" and "transit facilities" do not include~~
3261 ~~seaports or commercial or residential development constructed in~~



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3262 ~~conjunction with a public transit facility.~~

3263 ~~(c) The concurrency requirement, except as it relates to~~
3264 ~~transportation facilities and public schools, as implemented in~~
3265 ~~local government comprehensive plans, may be waived by a local~~
3266 ~~government for urban infill and redevelopment areas designated~~
3267 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
3268 ~~public health or safety as defined by the local government in~~
3269 ~~its local government comprehensive plan. The waiver shall be~~
3270 ~~adopted as a plan amendment pursuant to the process set forth in~~
3271 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~
3272 ~~exception pursuant to subsection (5) for transportation~~
3273 ~~facilities located within these urban infill and redevelopment~~
3274 ~~areas.~~

3275 (5)(a) If concurrency is applied to transportation
3276 facilities, the local government comprehensive plan must provide
3277 the principles, guidelines, standards, and strategies, including
3278 adopted levels of service to guide its application.

3279 (b) Local governments shall use professionally accepted
3280 studies to evaluate the appropriate levels of service. Local
3281 governments should consider the number of facilities that will
3282 be necessary to meet level-of-service demands when determining
3283 the appropriate levels of service. The schedule of facilities
3284 that are necessary to meet the adopted level of service shall be
3285 reflected in the capital improvement element.

3286 (c) Local governments shall use professionally accepted
3287 techniques for measuring levels of service when evaluating
3288 potential impacts of a proposed development.

3289 (d) The premise of concurrency is that the public
3290 facilities will be provided in order to achieve and maintain the



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3291 adopted level of service standard. A comprehensive plan that
3292 imposes transportation concurrency shall contain appropriate
3293 amendments to the capital improvements element of the
3294 comprehensive plan, consistent with the requirements of s.
3295 163.3177(3). The capital improvements element shall identify
3296 facilities necessary to meet adopted levels of service during a
3297 5-year period.

3298 (e) If a local government applies transportation
3299 concurrency in its jurisdiction, it is encouraged to develop
3300 policy guidelines and techniques to address potential negative
3301 impacts on future development:

3302 1. In urban infill and redevelopment, and urban service
3303 areas.

3304 2. With special part-time demands on the transportation
3305 system.

3306 3. With de minimis impacts.

3307 4. On community desired types of development, such as
3308 redevelopment, or job creation projects.

3309 (f) Local governments are encouraged to develop tools and
3310 techniques to complement the application of transportation
3311 concurrency such as:

3312 1. Adoption of long-term strategies to facilitate
3313 development patterns that support multimodal solutions,
3314 including urban design, and appropriate land use mixes,
3315 including intensity and density.

3316 2. Adoption of an areawide level of service not dependent
3317 on any single road segment function.

3318 3. Exempting or discounting impacts of locally desired
3319 development, such as development in urban areas, redevelopment,



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3320 job creation, and mixed use on the transportation system.
3321 4. Assigning secondary priority to vehicle mobility and
3322 primary priority to ensuring a safe, comfortable, and attractive
3323 pedestrian environment, with convenient interconnection to
3324 transit.
3325 5. Establishing multimodal level of service standards that
3326 rely primarily on nonvehicular modes of transportation where
3327 existing or planned community design will provide adequate level
3328 of mobility.
3329 6. Reducing impact fees or local access fees to promote
3330 development within urban areas, multimodal transportation
3331 districts, and a balance of mixed use development in certain
3332 areas or districts, or for affordable or workforce housing.
3333 (g) Local governments are encouraged to coordinate with
3334 adjacent local governments for the purpose of using common
3335 methodologies for measuring impacts on transportation
3336 facilities.
3337 (h) Local governments that implement transportation
3338 concurrency must:
3339 1. Consult with the Department of Transportation when
3340 proposed plan amendments affect facilities on the strategic
3341 intermodal system.
3342 2. Exempt public transit facilities from concurrency. For
3343 the purposes of this subparagraph, public transit facilities
3344 include transit stations and terminals; transit station parking;
3345 park-and-ride lots; intermodal public transit connection or
3346 transfer facilities; fixed bus, guideway, and rail stations; and
3347 airport passenger terminals and concourses, air cargo
3348 facilities, and hangars for the assembly, manufacture,



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3349 maintenance, or storage of aircraft. As used in this
3350 subparagraph, the terms "terminals" and "transit facilities" do
3351 not include seaports or commercial or residential development
3352 constructed in conjunction with a public transit facility.

3353 3. Allow an applicant for a development-of-regional-impact
3354 development order, a rezoning, or other land use development
3355 permit to satisfy the transportation concurrency requirements of
3356 the local comprehensive plan, the local government's concurrency
3357 management system, and s. 380.06, when applicable, if:

3358 a. The applicant enters into a binding agreement to pay for
3359 or construct its proportionate share of required improvements.

3360 b. The proportionate-share contribution or construction is
3361 sufficient to accomplish one or more mobility improvements that
3362 will benefit a regionally significant transportation facility.

3363 c.(I) The local government has provided a means by which the
3364 landowner will be assessed a proportionate share of the cost of
3365 providing the transportation facilities necessary to serve the
3366 proposed development. An applicant shall not be held responsible
3367 for the additional cost of reducing or eliminating deficiencies.

3368 (II) When an applicant contributes or constructs its
3369 proportionate share pursuant to this subparagraph, a local
3370 government may not require payment or construction of
3371 transportation facilities whose costs would be greater than a
3372 development's proportionate share of the improvements necessary
3373 to mitigate the development's impacts.

3374 (A) The proportionate-share contribution shall be
3375 calculated based upon the number of trips from the proposed
3376 development expected to reach roadways during the peak hour from
3377 the stage or phase being approved, divided by the change in the



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3378 peak hour maximum service volume of roadways resulting from
3379 construction of an improvement necessary to maintain or achieve
3380 the adopted level of service, multiplied by the construction
3381 cost, at the time of development payment, of the improvement
3382 necessary to maintain or achieve the adopted level of service.

3383 (B) In using the proportionate-share formula provided in
3384 this subparagraph, the applicant, in its traffic analysis, shall
3385 identify those roads or facilities that have a transportation
3386 deficiency in accordance with the transportation deficiency as
3387 defined in sub-subparagraph e. The proportionate-share formula
3388 provided in this subparagraph shall be applied only to those
3389 facilities that are determined to be significantly impacted by
3390 the project traffic under review. If any road is determined to
3391 be transportation deficient without the project traffic under
3392 review, the costs of correcting that deficiency shall be removed
3393 from the project's proportionate-share calculation and the
3394 necessary transportation improvements to correct that deficiency
3395 shall be considered to be in place for purposes of the
3396 proportionate-share calculation. The improvement necessary to
3397 correct the transportation deficiency is the funding
3398 responsibility of the entity that has maintenance responsibility
3399 for the facility. The development's proportionate share shall be
3400 calculated only for the needed transportation improvements that
3401 are greater than the identified deficiency.

3402 (C) When the provisions of this subparagraph have been
3403 satisfied for a particular stage or phase of development, all
3404 transportation impacts from that stage or phase for which
3405 mitigation was required and provided shall be deemed fully
3406 mitigated in any transportation analysis for a subsequent stage



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3407 or phase of development. Trips from a previous stage or phase
3408 that did not result in impacts for which mitigation was required
3409 or provided may be cumulatively analyzed with trips from a
3410 subsequent stage or phase to determine whether an impact
3411 requires mitigation for the subsequent stage or phase.

3412 (D) In projecting the number of trips to be generated by
3413 the development under review, any trips assigned to a toll-
3414 financed facility shall be eliminated from the analysis.

3415 (E) The applicant shall receive a credit on a dollar-for-
3416 dollar basis for impact fees, mobility fees, and other
3417 transportation concurrency mitigation requirements paid or
3418 payable in the future for the project. The credit shall be
3419 reduced up to 20 percent by the percentage share that the
3420 project's traffic represents of the added capacity of the
3421 selected improvement, or by the amount specified by local
3422 ordinance, whichever yields the greater credit.

3423 d. This subsection does not require a local government to
3424 approve a development that is not otherwise qualified for
3425 approval pursuant to the applicable local comprehensive plan and
3426 land development regulations.

3427 e. As used in this subsection, the term "transportation
3428 deficiency" means a facility or facilities on which the adopted
3429 level-of-service standard is exceeded by the existing,
3430 committed, and vested trips, plus additional projected
3431 background trips from any source other than the development
3432 project under review, and trips that are forecast by established
3433 traffic standards, including traffic modeling, consistent with
3434 the University of Florida's Bureau of Economic and Business
3435 Research medium population projections. Additional projected



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3436 background trips are to be coincident with the particular stage
3437 or phase of development under review.

3438 ~~(a) The Legislature finds that under limited circumstances,~~
3439 ~~countervailing planning and public policy goals may come into~~
3440 ~~conflict with the requirement that adequate public~~
3441 ~~transportation facilities and services be available concurrent~~
3442 ~~with the impacts of such development. The Legislature further~~
3443 ~~finds that the unintended result of the concurrency requirement~~
3444 ~~for transportation facilities is often the discouragement of~~
3445 ~~urban infill development and redevelopment. Such unintended~~
3446 ~~results directly conflict with the goals and policies of the~~
3447 ~~state comprehensive plan and the intent of this part. The~~
3448 ~~Legislature also finds that in urban centers transportation~~
3449 ~~cannot be effectively managed and mobility cannot be improved~~
3450 ~~solely through the expansion of roadway capacity, that the~~
3451 ~~expansion of roadway capacity is not always physically or~~
3452 ~~financially possible, and that a range of transportation~~
3453 ~~alternatives is essential to satisfy mobility needs, reduce~~
3454 ~~congestion, and achieve healthy, vibrant centers.~~

3455 ~~(b)1. The following are transportation concurrency~~
3456 ~~exception areas:~~

3457 ~~a. A municipality that qualifies as a dense urban land area~~
3458 ~~under s. 163.3164;~~

3459 ~~b. An urban service area under s. 163.3164 that has been~~
3460 ~~adopted into the local comprehensive plan and is located within~~
3461 ~~a county that qualifies as a dense urban land area under s.~~
3462 ~~163.3164; and~~

3463 ~~e. A county, including the municipalities located therein,~~
3464 ~~which has a population of at least 900,000 and qualifies as a~~



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3465 ~~dense urban land area under s. 163.3164, but does not have an~~
3466 ~~urban service area designated in the local comprehensive plan.~~

3467 ~~2. A municipality that does not qualify as a dense urban~~
3468 ~~land area pursuant to s. 163.3164 may designate in its local~~
3469 ~~comprehensive plan the following areas as transportation~~
3470 ~~concurrency exception areas:~~

- 3471 ~~a. Urban infill as defined in s. 163.3164;~~
- 3472 ~~b. Community redevelopment areas as defined in s. 163.340;~~
- 3473 ~~c. Downtown revitalization areas as defined in s. 163.3164;~~
- 3474 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3475 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
3476 ~~within a designated urban service boundary under s.~~
3477 ~~163.3177(14).~~

3478 ~~3. A county that does not qualify as a dense urban land~~
3479 ~~area pursuant to s. 163.3164 may designate in its local~~
3480 ~~comprehensive plan the following areas as transportation~~
3481 ~~concurrency exception areas:~~

- 3482 ~~a. Urban infill as defined in s. 163.3164;~~
- 3483 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
- 3484 ~~c. Urban service areas as defined in s. 163.3164.~~

3485 ~~4. A local government that has a transportation concurrency~~
3486 ~~exception area designated pursuant to subparagraph 1.,~~
3487 ~~subparagraph 2., or subparagraph 3. shall, within 2 years after~~
3488 ~~the designated area becomes exempt, adopt into its local~~
3489 ~~comprehensive plan land use and transportation strategies to~~
3490 ~~support and fund mobility within the exception area, including~~
3491 ~~alternative modes of transportation. Local governments are~~
3492 ~~encouraged to adopt complementary land use and transportation~~
3493 ~~strategies that reflect the region's shared vision for its~~



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3494 ~~future. If the state land planning agency finds insufficient~~
3495 ~~cause for the failure to adopt into its comprehensive plan land~~
3496 ~~use and transportation strategies to support and fund mobility~~
3497 ~~within the designated exception area after 2 years, it shall~~
3498 ~~submit the finding to the Administration Commission, which may~~
3499 ~~impose any of the sanctions set forth in s. 163.3184(11) (a) and~~
3500 ~~(b) against the local government.~~

3501 ~~5. Transportation concurrency exception areas designated~~
3502 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
3503 ~~do not apply to designated transportation concurrency districts~~
3504 ~~located within a county that has a population of at least 1.5~~
3505 ~~million, has implemented and uses a transportation-related~~
3506 ~~concurrency assessment to support alternative modes of~~
3507 ~~transportation, including, but not limited to, mass transit, and~~
3508 ~~does not levy transportation impact fees within the concurrency~~
3509 ~~district.~~

3510 ~~6. Transportation concurrency exception areas designated~~
3511 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
3512 ~~not apply in any county that has exempted more than 40 percent~~
3513 ~~of the area inside the urban service area from transportation~~
3514 ~~concurrency for the purpose of urban infill.~~

3515 ~~7. A local government that does not have a transportation~~
3516 ~~concurrency exception area designated pursuant to subparagraph~~
3517 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
3518 ~~from the concurrency requirement for transportation facilities~~
3519 ~~if the proposed development is otherwise consistent with the~~
3520 ~~adopted local government comprehensive plan and is a project~~
3521 ~~that promotes public transportation or is located within an area~~
3522 ~~designated in the comprehensive plan for:~~



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3523 ~~a. Urban infill development;~~
3524 ~~b. Urban redevelopment;~~
3525 ~~c. Downtown revitalization;~~
3526 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
3527 ~~e. An urban service area specifically designated as a~~
3528 ~~transportation concurrency exception area which includes lands~~
3529 ~~appropriate for compact, contiguous urban development, which~~
3530 ~~does not exceed the amount of land needed to accommodate the~~
3531 ~~projected population growth at densities consistent with the~~
3532 ~~adopted comprehensive plan within the 10-year planning period,~~
3533 ~~and which is served or is planned to be served with public~~
3534 ~~facilities and services as provided by the capital improvements~~
3535 ~~element.~~

3536 ~~(c) The Legislature also finds that developments located~~
3537 ~~within urban infill, urban redevelopment, urban service, or~~
3538 ~~downtown revitalization areas or areas designated as urban~~
3539 ~~infill and redevelopment areas under s. 163.2517, which pose~~
3540 ~~only special part-time demands on the transportation system, are~~
3541 ~~exempt from the concurrency requirement for transportation~~
3542 ~~facilities. A special part-time demand is one that does not have~~
3543 ~~more than 200 scheduled events during any calendar year and does~~
3544 ~~not affect the 100 highest traffic volume hours.~~

3545 ~~(d) Except for transportation concurrency exception areas~~
3546 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
3547 ~~or subparagraph (b)3., the following requirements apply:~~

3548 ~~1. The local government shall both adopt into the~~
3549 ~~comprehensive plan and implement long-term strategies to support~~
3550 ~~and fund mobility within the designated exception area,~~
3551 ~~including alternative modes of transportation. The plan~~



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3552 ~~amendment must also demonstrate how strategies will support the~~
3553 ~~purpose of the exception and how mobility within the designated~~
3554 ~~exception area will be provided.~~

3555 ~~2. The strategies must address urban design; appropriate~~
3556 ~~land use mixes, including intensity and density; and network~~
3557 ~~connectivity plans needed to promote urban infill,~~
3558 ~~redevelopment, or downtown revitalization. The comprehensive~~
3559 ~~plan amendment designating the concurrency exception area must~~
3560 ~~be accompanied by data and analysis supporting the local~~
3561 ~~government's determination of the boundaries of the~~
3562 ~~transportation concurrency exception area.~~

3563 ~~(c) Before designating a concurrency exception area~~
3564 ~~pursuant to subparagraph (b)7., the state land planning agency~~
3565 ~~and the Department of Transportation shall be consulted by the~~
3566 ~~local government to assess the impact that the proposed~~
3567 ~~exception area is expected to have on the adopted level of~~
3568 ~~service standards established for regional transportation~~
3569 ~~facilities identified pursuant to s. 186.507, including the~~
3570 ~~Strategic Intermodal System and roadway facilities funded in~~
3571 ~~accordance with s. 339.2819. Further, the local government shall~~
3572 ~~provide a plan for the mitigation of impacts to the Strategic~~
3573 ~~Intermodal System, including, if appropriate, access management,~~
3574 ~~parallel reliever roads, transportation demand management, and~~
3575 ~~other measures.~~

3576 ~~(f) The designation of a transportation concurrency~~
3577 ~~exception area does not limit a local government's home rule~~
3578 ~~power to adopt ordinances or impose fees. This subsection does~~
3579 ~~not affect any contract or agreement entered into or development~~
3580 ~~order rendered before the creation of the transportation~~



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3581 ~~concurrency exception area except as provided in s.~~
3582 ~~380.06(29)(c).~~

3583 ~~(g) The Office of Program Policy Analysis and Government~~
3584 ~~Accountability shall submit to the President of the Senate and~~
3585 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3586 ~~a report on transportation concurrency exception areas created~~
3587 ~~pursuant to this subsection. At a minimum, the report shall~~
3588 ~~address the methods that local governments have used to~~
3589 ~~implement and fund transportation strategies to achieve the~~
3590 ~~purposes of designated transportation concurrency exception~~
3591 ~~areas, and the effects of the strategies on mobility,~~
3592 ~~congestion, urban design, the density and intensity of land use~~
3593 ~~mixes, and network connectivity plans used to promote urban~~
3594 ~~infill, redevelopment, or downtown revitalization.~~

3595 ~~(6) The Legislature finds that a de minimis impact is~~
3596 ~~consistent with this part. A de minimis impact is an impact that~~
3597 ~~would not affect more than 1 percent of the maximum volume at~~
3598 ~~the adopted level of service of the affected transportation~~
3599 ~~facility as determined by the local government. No impact will~~
3600 ~~be de minimis if the sum of existing roadway volumes and the~~
3601 ~~projected volumes from approved projects on a transportation~~
3602 ~~facility would exceed 110 percent of the maximum volume at the~~
3603 ~~adopted level of service of the affected transportation~~
3604 ~~facility; provided however, that an impact of a single family~~
3605 ~~home on an existing lot will constitute a de minimis impact on~~
3606 ~~all roadways regardless of the level of the deficiency of the~~
3607 ~~roadway. Further, no impact will be de minimis if it would~~
3608 ~~exceed the adopted level of service standard of any affected~~
3609 ~~designated hurricane evacuation routes. Each local government~~



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3610 ~~shall maintain sufficient records to ensure that the 110-percent~~
3611 ~~critterion is not exceeded. Each local government shall submit~~
3612 ~~annually, with its updated capital improvements element, a~~
3613 ~~summary of the de minimis records. If the state land planning~~
3614 ~~agency determines that the 110-percent critterion has been~~
3615 ~~exceeded, the state land planning agency shall notify the local~~
3616 ~~government of the exceedance and that no further de minimis~~
3617 ~~exceptions for the applicable roadway may be granted until such~~
3618 ~~time as the volume is reduced below the 110 percent. The local~~
3619 ~~government shall provide proof of this reduction to the state~~
3620 ~~land planning agency before issuing further de minimis~~
3621 ~~exceptions.~~

3622 ~~(7) In order to promote infill development and~~
3623 ~~redevelopment, one or more transportation concurrency management~~
3624 ~~areas may be designated in a local government comprehensive~~
3625 ~~plan. A transportation concurrency management area must be a~~
3626 ~~compact geographic area with an existing network of roads where~~
3627 ~~multiple, viable alternative travel paths or modes are available~~
3628 ~~for common trips. A local government may establish an areawide~~
3629 ~~level-of-service standard for such a transportation concurrency~~
3630 ~~management area based upon an analysis that provides for a~~
3631 ~~justification for the areawide level of service, how urban~~
3632 ~~infill development or redevelopment will be promoted, and how~~
3633 ~~mobility will be accomplished within the transportation~~
3634 ~~concurrency management area. Prior to the designation of a~~
3635 ~~concurrency management area, the Department of Transportation~~
3636 ~~shall be consulted by the local government to assess the impact~~
3637 ~~that the proposed concurrency management area is expected to~~
3638 ~~have on the adopted level-of-service standards established for~~



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3639 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
3640 ~~and roadway facilities funded in accordance with s. 339.2819.~~
3641 ~~Further, the local government shall, in cooperation with the~~
3642 ~~Department of Transportation, develop a plan to mitigate any~~
3643 ~~impacts to the Strategic Intermodal System, including, if~~
3644 ~~appropriate, the development of a long-term concurrency~~
3645 ~~management system pursuant to subsection (9) and s.~~
3646 ~~163.3177(3)(d). Transportation concurrency management areas~~
3647 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3648 ~~provisions of this section by July 1, 2006, or at the time of~~
3649 ~~the comprehensive plan update pursuant to the evaluation and~~
3650 ~~appraisal report, whichever occurs last. The state land planning~~
3651 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
3652 ~~be consistent with this subsection.~~

3653 ~~(8) When assessing the transportation impacts of proposed~~
3654 ~~urban redevelopment within an established existing urban service~~
3655 ~~area, 110 percent of the actual transportation impact caused by~~
3656 ~~the previously existing development must be reserved for the~~
3657 ~~redevelopment, even if the previously existing development has a~~
3658 ~~lesser or nonexistent impact pursuant to the calculations of the~~
3659 ~~local government. Redevelopment requiring less than 110 percent~~
3660 ~~of the previously existing capacity shall not be prohibited due~~
3661 ~~to the reduction of transportation levels of service below the~~
3662 ~~adopted standards. This does not preclude the appropriate~~
3663 ~~assessment of fees or accounting for the impacts within the~~
3664 ~~concurrency management system and capital improvements program~~
3665 ~~of the affected local government. This paragraph does not affect~~
3666 ~~local government requirements for appropriate development~~
3667 ~~permits.~~



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3668 ~~(9) (a) Each local government may adopt as a part of its~~
3669 ~~plan, long-term transportation and school concurrency management~~
3670 ~~systems with a planning period of up to 10 years for specially~~
3671 ~~designated districts or areas where significant backlogs exist.~~
3672 ~~The plan may include interim level-of-service standards on~~
3673 ~~certain facilities and shall rely on the local government's~~
3674 ~~schedule of capital improvements for up to 10 years as a basis~~
3675 ~~for issuing development orders that authorize commencement of~~
3676 ~~construction in these designated districts or areas. The~~
3677 ~~concurrency management system must be designed to correct~~
3678 ~~existing deficiencies and set priorities for addressing~~
3679 ~~backlogged facilities. The concurrency management system must be~~
3680 ~~financially feasible and consistent with other portions of the~~
3681 ~~adopted local plan, including the future land use map.~~

3682 ~~(b) If a local government has a transportation or school~~
3683 ~~facility backlog for existing development which cannot be~~
3684 ~~adequately addressed in a 10-year plan, the state land planning~~
3685 ~~agency may allow it to develop a plan and long-term schedule of~~
3686 ~~capital improvements covering up to 15 years for good and~~
3687 ~~sufficient cause, based on a general comparison between that~~
3688 ~~local government and all other similarly situated local~~
3689 ~~jurisdictions, using the following factors:~~

- 3690 ~~1. The extent of the backlog.~~
3691 ~~2. For roads, whether the backlog is on local or state~~
3692 ~~roads.~~
3693 ~~3. The cost of eliminating the backlog.~~
3694 ~~4. The local government's tax and other revenue-raising~~
3695 ~~efforts.~~

3696 ~~(c) The local government may issue approvals to commence~~



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3697 ~~construction notwithstanding this section, consistent with and~~
3698 ~~in areas that are subject to a long-term concurrency management~~
3699 ~~system.~~

3700 ~~(d) If the local government adopts a long-term concurrency~~
3701 ~~management system, it must evaluate the system periodically. At~~
3702 ~~a minimum, the local government must assess its progress toward~~
3703 ~~improving levels of service within the long-term concurrency~~
3704 ~~management district or area in the evaluation and appraisal~~
3705 ~~report and determine any changes that are necessary to~~
3706 ~~accelerate progress in meeting acceptable levels of service.~~

3707 ~~(10) Except in transportation concurrency exception areas,~~
3708 ~~with regard to roadway facilities on the Strategic Intermodal~~
3709 ~~System designated in accordance with s. 339.63, local~~
3710 ~~governments shall adopt the level-of-service standard~~
3711 ~~established by the Department of Transportation by rule.~~
3712 ~~However, if the Office of Tourism, Trade, and Economic~~
3713 ~~Development concurs in writing with the local government that~~
3714 ~~the proposed development is for a qualified job creation project~~
3715 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
3716 ~~after consulting with the Department of Transportation, may~~
3717 ~~provide for a waiver of transportation concurrency for the~~
3718 ~~project. For all other roads on the State Highway System, local~~
3719 ~~governments shall establish an adequate level-of-service~~
3720 ~~standard that need not be consistent with any level-of-service~~
3721 ~~standard established by the Department of Transportation. In~~
3722 ~~establishing adequate level-of-service standards for any~~
3723 ~~arterial roads, or collector roads as appropriate, which~~
3724 ~~traverse multiple jurisdictions, local governments shall~~
3725 ~~consider compatibility with the roadway facility's adopted~~



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3726 ~~level of service standards in adjacent jurisdictions. Each local~~
3727 ~~government within a county shall use a professionally accepted~~
3728 ~~methodology for measuring impacts on transportation facilities~~
3729 ~~for the purposes of implementing its concurrency management~~
3730 ~~system. Counties are encouraged to coordinate with adjacent~~
3731 ~~counties, and local governments within a county are encouraged~~
3732 ~~to coordinate, for the purpose of using common methodologies for~~
3733 ~~measuring impacts on transportation facilities for the purpose~~
3734 ~~of implementing their concurrency management systems.~~

3735 ~~(11) In order to limit the liability of local governments,~~
3736 ~~a local government may allow a landowner to proceed with~~
3737 ~~development of a specific parcel of land notwithstanding a~~
3738 ~~failure of the development to satisfy transportation~~
3739 ~~concurrency, when all the following factors are shown to exist:~~

3740 ~~(a) The local government with jurisdiction over the~~
3741 ~~property has adopted a local comprehensive plan that is in~~
3742 ~~compliance.~~

3743 ~~(b) The proposed development would be consistent with the~~
3744 ~~future land use designation for the specific property and with~~
3745 ~~pertinent portions of the adopted local plan, as determined by~~
3746 ~~the local government.~~

3747 ~~(c) The local plan includes a financially feasible capital~~
3748 ~~improvements element that provides for transportation facilities~~
3749 ~~adequate to serve the proposed development, and the local~~
3750 ~~government has not implemented that element.~~

3751 ~~(d) The local government has provided a means by which the~~
3752 ~~landowner will be assessed a fair share of the cost of providing~~
3753 ~~the transportation facilities necessary to serve the proposed~~
3754 ~~development.~~



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3755 ~~(c) The landowner has made a binding commitment to the~~
3756 ~~local government to pay the fair share of the cost of providing~~
3757 ~~the transportation facilities to serve the proposed development.~~

3758 ~~(12) (a) A development of regional impact may satisfy the~~
3759 ~~transportation concurrency requirements of the local~~
3760 ~~comprehensive plan, the local government's concurrency~~
3761 ~~management system, and s. 380.06 by payment of a proportionate-~~
3762 ~~share contribution for local and regionally significant traffic~~
3763 ~~impacts, if:~~

3764 ~~1. The development of regional impact which, based on its~~
3765 ~~location or mix of land uses, is designed to encourage~~
3766 ~~pedestrian or other nonautomotive modes of transportation;~~

3767 ~~2. The proportionate share contribution for local and~~
3768 ~~regionally significant traffic impacts is sufficient to pay for~~
3769 ~~one or more required mobility improvements that will benefit a~~
3770 ~~regionally significant transportation facility;~~

3771 ~~3. The owner and developer of the development of regional~~
3772 ~~impact pays or assures payment of the proportionate-share~~
3773 ~~contribution; and~~

3774 ~~4. If the regionally significant transportation facility to~~
3775 ~~be constructed or improved is under the maintenance authority of~~
3776 ~~a governmental entity, as defined by s. 334.03(12), other than~~
3777 ~~the local government with jurisdiction over the development of~~
3778 ~~regional impact, the developer is required to enter into a~~
3779 ~~binding and legally enforceable commitment to transfer funds to~~
3780 ~~the governmental entity having maintenance authority or to~~
3781 ~~otherwise assure construction or improvement of the facility.~~

3782
3783 ~~The proportionate-share contribution may be applied to any~~



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3784 ~~transportation facility to satisfy the provisions of this~~
3785 ~~subsection and the local comprehensive plan, but, for the~~
3786 ~~purposes of this subsection, the amount of the proportionate-~~
3787 ~~share contribution shall be calculated based upon the cumulative~~
3788 ~~number of trips from the proposed development expected to reach~~
3789 ~~roadways during the peak hour from the complete buildout of a~~
3790 ~~stage or phase being approved, divided by the change in the peak~~
3791 ~~hour maximum service volume of roadways resulting from~~
3792 ~~construction of an improvement necessary to maintain the adopted~~
3793 ~~level of service, multiplied by the construction cost, at the~~
3794 ~~time of developer payment, of the improvement necessary to~~
3795 ~~maintain the adopted level of service. For purposes of this~~
3796 ~~subsection, "construction cost" includes all associated costs of~~
3797 ~~the improvement. Proportionate-share mitigation shall be limited~~
3798 ~~to ensure that a development of regional impact meeting the~~
3799 ~~requirements of this subsection mitigates its impact on the~~
3800 ~~transportation system but is not responsible for the additional~~
3801 ~~cost of reducing or eliminating backlogs. This subsection also~~
3802 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
3803 ~~and to detailed specific area plans implementing optional sector~~
3804 ~~plans pursuant to s. 163.3245.~~

3805 ~~(b) As used in this subsection, the term "backlog" means a~~
3806 ~~facility or facilities on which the adopted level-of-service~~
3807 ~~standard is exceeded by the existing trips, plus additional~~
3808 ~~projected background trips from any source other than the~~
3809 ~~development project under review that are forecast by~~
3810 ~~established traffic standards, including traffic modeling,~~
3811 ~~consistent with the University of Florida Bureau of Economic and~~
3812 ~~Business Research medium population projections. Additional~~



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3813 ~~projected background trips are to be coincident with the~~
3814 ~~particular stage or phase of development under review.~~
3815 ~~(13) School concurrency shall be established on a~~
3816 ~~districtwide basis and shall include all public schools in the~~
3817 ~~district and all portions of the district, whether located in a~~
3818 ~~municipality or an unincorporated area unless exempt from the~~
3819 ~~public school facilities element pursuant to s. 163.3177(12).~~
3820 (6) (a) If concurrency is applied to public education
3821 facilities, The application of school concurrency to development
3822 shall be based upon the adopted comprehensive plan, as amended.
3823 all local governments within a county, except as provided in
3824 paragraph (i) ~~(f)~~, shall include principles, guidelines,
3825 standards, and strategies, including adopted levels of service,
3826 in their comprehensive plans and adopt and transmit to the state
3827 land planning agency the necessary plan amendments, along with
3828 the interlocal agreements. If the county and one or more
3829 municipalities have adopted school concurrency into its
3830 comprehensive plan and interlocal agreement that represents at
3831 least 80 percent of the total countywide population, the failure
3832 of one or more municipalities to adopt the concurrency and enter
3833 into the interlocal agreement does not preclude implementation
3834 of school concurrency within jurisdictions of the school
3835 district that have opted to implement concurrency. agreement,
3836 for a compliance review pursuant to s. 163.3184(7) and (8). The
3837 minimum requirements for school concurrency are the following:
3838 ~~(a) Public school facilities element. A local government~~
3839 ~~shall adopt and transmit to the state land planning agency a~~
3840 ~~plan or plan amendment which includes a public school facilities~~
3841 ~~element which is consistent with the requirements of s.~~



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3842 ~~163.3177(12) and which is determined to be in compliance as~~
3843 ~~defined in s. 163.3184(1)(b).~~ All local government provisions
3844 included in comprehensive plans regarding school concurrency
3845 ~~public school facilities plan elements~~ within a county must be
3846 consistent with each other as well as the requirements of this
3847 part.

3848 (b) ~~Level of service standards. The Legislature recognizes~~
3849 ~~that an essential requirement for a concurrency management~~
3850 ~~system is the level of service at which a public facility is~~
3851 ~~expected to operate.~~

3852 ~~1.~~ Local governments and school boards imposing school
3853 concurrency shall exercise authority in conjunction with each
3854 other to establish jointly adequate level-of-service standards,
3855 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
3856 necessary to implement the adopted local government
3857 comprehensive plan, based on data and analysis.

3858 (c) ~~2.~~ Public school level-of-service standards shall be
3859 included and adopted into the capital improvements element of
3860 the local comprehensive plan and shall apply districtwide to all
3861 schools of the same type. Types of schools may include
3862 elementary, middle, and high schools as well as special purpose
3863 facilities such as magnet schools.

3864 (d) ~~3.~~ Local governments and school boards may ~~shall have~~
3865 ~~the option to~~ utilize tiered level-of-service standards to allow
3866 time to achieve an adequate and desirable level of service as
3867 circumstances warrant.

3868 (e) ~~4.~~ ~~For the purpose of determining whether levels of~~
3869 ~~service have been achieved, for the first 3 years of school~~
3870 ~~concurrency implementation,~~ A school district that includes



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3871 relocatable facilities in its inventory of student stations
3872 shall include the capacity of such relocatable facilities as
3873 provided in s. 1013.35(2)(b)2.f., provided the relocatable
3874 facilities were purchased after 1998 and the relocatable
3875 facilities meet the standards for long-term use pursuant to s.
3876 1013.20.

3877 ~~(c) Service areas. The Legislature recognizes that an~~
3878 ~~essential requirement for a concurrency system is a designation~~
3879 ~~of the area within which the level of service will be measured~~
3880 ~~when an application for a residential development permit is~~
3881 ~~reviewed for school concurrency purposes. This delineation is~~
3882 ~~also important for purposes of determining whether the local~~
3883 ~~government has a financially feasible public school capital~~
3884 ~~facilities program that will provide schools which will achieve~~
3885 ~~and maintain the adopted level of service standards.~~

3886 (f)1. In order to balance competing interests, preserve the
3887 constitutional concept of uniformity, and avoid disruption of
3888 existing educational and growth management processes, local
3889 governments are encouraged, if they elect to adopt school
3890 concurrency, to ~~initially~~ apply school concurrency to
3891 development ~~only~~ on a districtwide basis so that a concurrency
3892 determination for a specific development will be based upon the
3893 availability of school capacity districtwide. ~~To ensure that~~
3894 ~~development is coordinated with schools having available~~
3895 ~~capacity, within 5 years after adoption of school concurrency,~~
3896 2. If a local government elects to ~~governments shall~~ apply
3897 school concurrency on a less than districtwide basis, by such as
3898 using school attendance zones or concurrency service areas; ~~as~~
3899 ~~provided in subparagraph 2.~~



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3900 ~~a.2. For local governments applying school concurrency on a~~
3901 ~~less than districtwide basis, such as utilizing school~~
3902 ~~attendance zones or larger school concurrency service areas,~~
3903 Local governments and school boards shall have the burden to
3904 demonstrate that the utilization of school capacity is maximized
3905 to the greatest extent possible in the comprehensive plan and
3906 amendment, taking into account transportation costs and court-
3907 approved desegregation plans, as well as other factors. In
3908 addition, in order to achieve concurrency within the service
3909 area boundaries selected by local governments and school boards,
3910 the service area boundaries, together with the standards for
3911 establishing those boundaries, shall be identified and included
3912 as supporting data and analysis for the comprehensive plan.

3913 ~~b.3.~~ Where school capacity is available on a districtwide
3914 basis but school concurrency is applied on a less than
3915 districtwide basis in the form of concurrency service areas, if
3916 the adopted level-of-service standard cannot be met in a
3917 particular service area as applied to an application for a
3918 development permit and if the needed capacity for the particular
3919 service area is available in one or more contiguous service
3920 areas, as adopted by the local government, then the local
3921 government may not deny an application for site plan or final
3922 subdivision approval or the functional equivalent for a
3923 development or phase of a development on the basis of school
3924 concurrency, and if issued, development impacts shall be
3925 subtracted from the ~~shifted to~~ contiguous service area's areas
3926 with schools having available capacity totals. Students from the
3927 development may not be required to go to the adjacent service
3928 area unless the school board rezones the area in which the



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3929 development occurs.

3930 (g)(d) Financial feasibility. ~~The Legislature recognizes~~
3931 ~~that financial feasibility is an important issue because The~~
3932 ~~premise of concurrency is that the public facilities will be~~
3933 ~~provided in order to achieve and maintain the adopted level-of-~~
3934 ~~service standard. This part and chapter 9J-5, Florida~~
3935 ~~Administrative Code, contain specific standards to determine the~~
3936 ~~financial feasibility of capital programs. These standards were~~
3937 ~~adopted to make concurrency more predictable and local~~
3938 ~~governments more accountable.~~

3939 1. A comprehensive plan that imposes ~~amendment seeking to~~
3940 ~~impose~~ school concurrency shall contain appropriate amendments
3941 to the capital improvements element of the comprehensive plan,
3942 consistent with the requirements of s. 163.3177(3) and rule 9J-
3943 5.016, Florida Administrative Code. The capital improvements
3944 element shall identify facilities necessary to meet adopted
3945 levels of service during a 5-year period consistent with the
3946 school board's educational set forth a financially feasible
3947 public school capital facilities plan program, established in
3948 conjunction with the school board, that demonstrates that the
3949 adopted level-of-service standards will be achieved and
3950 maintained.

3951 (h)1. In order to limit the liability of local governments,
3952 a local government may allow a landowner to proceed with
3953 development of a specific parcel of land notwithstanding a
3954 failure of the development to satisfy school concurrency, if all
3955 the following factors are shown to exist:

3956 a. The proposed development would be consistent with the
3957 future land use designation for the specific property and with



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3958 pertinent portions of the adopted local plan, as determined by
3959 the local government.

3960 b. The local government's capital improvements element and
3961 the school board's educational facilities plan provide for
3962 school facilities adequate to serve the proposed development,
3963 and the local government or school board has not implemented
3964 that element or the project includes a plan that demonstrates
3965 that the capital facilities needed as a result of the project
3966 can be reasonably provided.

3967 c. The local government and school board have provided a
3968 means by which the landowner will be assessed a proportionate
3969 share of the cost of providing the school facilities necessary
3970 to serve the proposed development.

3971 ~~2. Such amendments shall demonstrate that the public school~~
3972 ~~capital facilities program meets all of the financial~~
3973 ~~feasibility standards of this part and chapter 9J-5, Florida~~
3974 ~~Administrative Code, that apply to capital programs which~~
3975 ~~provide the basis for mandatory concurrency on other public~~
3976 ~~facilities and services.~~

3977 ~~3. When the financial feasibility of a public school~~
3978 ~~capital facilities program is evaluated by the state land~~
3979 ~~planning agency for purposes of a compliance determination, the~~
3980 ~~evaluation shall be based upon the service areas selected by the~~
3981 ~~local governments and school board.~~

3982 ~~2.(e) Availability standard. Consistent with the public~~
3983 ~~welfare, If a local government applies school concurrency, it~~
3984 ~~may not deny an application for site plan, final subdivision~~
3985 ~~approval, or the functional equivalent for a development or~~
3986 ~~phase of a development authorizing residential development for~~



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3987 failure to achieve and maintain the level-of-service standard
3988 for public school capacity in a local school concurrency
3989 management system where adequate school facilities will be in
3990 place or under actual construction within 3 years after the
3991 issuance of final subdivision or site plan approval, or the
3992 functional equivalent. School concurrency is satisfied if the
3993 developer executes a legally binding commitment to provide
3994 mitigation proportionate to the demand for public school
3995 facilities to be created by actual development of the property,
3996 including, but not limited to, the options described in sub-
3997 subparagraph a. subparagraph 1. Options for proportionate-share
3998 mitigation of impacts on public school facilities must be
3999 established in the comprehensive plan ~~public school facilities~~
4000 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.

4001 a.1. Appropriate mitigation options include the
4002 contribution of land; the construction, expansion, or payment
4003 for land acquisition or construction of a public school
4004 facility; the construction of a charter school that complies
4005 with the requirements of s. 1002.33(18); or the creation of
4006 mitigation banking based on the construction of a public school
4007 facility in exchange for the right to sell capacity credits.
4008 Such options must include execution by the applicant and the
4009 local government of a development agreement that constitutes a
4010 legally binding commitment to pay proportionate-share mitigation
4011 for the additional residential units approved by the local
4012 government in a development order and actually developed on the
4013 property, taking into account residential density allowed on the
4014 property prior to the plan amendment that increased the overall
4015 residential density. The district school board must be a party



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4016 to such an agreement. As a condition of its entry into such a
4017 development agreement, the local government may require the
4018 landowner to agree to continuing renewal of the agreement upon
4019 its expiration.

4020 ~~b.2.~~ If the interlocal agreement ~~education facilities plan~~
4021 and the local government comprehensive plan ~~public educational~~
4022 ~~facilities element~~ authorize a contribution of land; the
4023 construction, expansion, or payment for land acquisition; the
4024 construction or expansion of a public school facility, or a
4025 portion thereof; or the construction of a charter school that
4026 complies with the requirements of s. 1002.33(18), as
4027 proportionate-share mitigation, the local government shall
4028 credit such a contribution, construction, expansion, or payment
4029 toward any other impact fee or exaction imposed by local
4030 ordinance for the same need, on a dollar-for-dollar basis at
4031 fair market value.

4032 ~~c.3.~~ Any proportionate-share mitigation must be directed by
4033 the school board toward a school capacity improvement identified
4034 in the a financially feasible 5-year school board's educational
4035 facilities district work plan that satisfies the demands created
4036 by the development in accordance with a binding developer's
4037 agreement.

4038 ~~4. If a development is precluded from commencing because~~
4039 ~~there is inadequate classroom capacity to mitigate the impacts~~
4040 ~~of the development, the development may nevertheless commence if~~
4041 ~~there are accelerated facilities in an approved capital~~
4042 ~~improvement element scheduled for construction in year four or~~
4043 ~~later of such plan which, when built, will mitigate the proposed~~
4044 ~~development, or if such accelerated facilities will be in the~~



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4045 ~~next annual update of the capital facilities element, the~~
4046 ~~developer enters into a binding, financially guaranteed~~
4047 ~~agreement with the school district to construct an accelerated~~
4048 ~~facility within the first 3 years of an approved capital~~
4049 ~~improvement plan, and the cost of the school facility is equal~~
4050 ~~to or greater than the development's proportionate share. When~~
4051 ~~the completed school facility is conveyed to the school~~
4052 ~~district, the developer shall receive impact fee credits usable~~
4053 ~~within the zone where the facility is constructed or any~~
4054 ~~attendance zone contiguous with or adjacent to the zone where~~
4055 ~~the facility is constructed.~~

4056 3.5. This paragraph does not limit the authority of a local
4057 government to deny a development permit or its functional
4058 equivalent pursuant to its home rule regulatory powers, except
4059 as provided in this part.

4060 ~~(i)(f) Intergovernmental coordination.~~

4061 ~~1. When establishing concurrency requirements for public~~
4062 ~~schools, a local government shall satisfy the requirements for~~
4063 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
4064 ~~and 2., except that~~ A municipality is not required to be a
4065 signatory to the interlocal agreement required by paragraph (j)
4066 ~~ss. 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for~~
4067 ~~imposition of school concurrency, and as a nonsignatory, may~~
4068 ~~shall~~ not participate in the adopted local school concurrency
4069 system, if the municipality meets all of the following criteria
4070 for having no significant impact on school attendance:

4071 1.a. The municipality has issued development orders for
4072 fewer than 50 residential dwelling units during the preceding 5
4073 years, or the municipality has generated fewer than 25



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4074 additional public school students during the preceding 5 years.

4075 ~~2.b.~~ The municipality has not annexed new land during the
4076 preceding 5 years in land use categories which permit
4077 residential uses that will affect school attendance rates.

4078 ~~3.e.~~ The municipality has no public schools located within
4079 its boundaries.

4080 ~~4.d.~~ At least 80 percent of the developable land within the
4081 boundaries of the municipality has been built upon.

4082 ~~2. A municipality which qualifies as having no significant~~
4083 ~~impact on school attendance pursuant to the criteria of~~
4084 ~~subparagraph 1. must review and determine at the time of its~~
4085 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
4086 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
4087 ~~If the municipality determines that it no longer meets the~~
4088 ~~criteria, it must adopt appropriate school concurrency goals,~~
4089 ~~objectives, and policies in its plan amendments based on the~~
4090 ~~evaluation and appraisal report, and enter into the existing~~
4091 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
4092 ~~163.31777, in order to fully participate in the school~~
4093 ~~concurrency system. If such a municipality fails to do so, it~~
4094 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4095 ~~(j)(g) Interlocal agreement for school concurrency.~~ When
4096 establishing concurrency requirements for public schools, a
4097 local government must enter into an interlocal agreement that
4098 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
4099 163.31777 and the requirements of this subsection. The
4100 interlocal agreement shall acknowledge both the school board's
4101 constitutional and statutory obligations to provide a uniform
4102 system of free public schools on a countywide basis, and the



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4103 land use authority of local governments, including their
4104 authority to approve or deny comprehensive plan amendments and
4105 development orders. ~~The interlocal agreement shall be submitted~~
4106 ~~to the state land planning agency by the local government as a~~
4107 ~~part of the compliance review, along with the other necessary~~
4108 ~~amendments to the comprehensive plan required by this part. In~~
4109 ~~addition to the requirements of ss. 163.3177(6) (h) and~~
4110 ~~163.31777,~~ The interlocal agreement shall meet the following
4111 requirements:

4112 1. Establish the mechanisms for coordinating the
4113 development, adoption, and amendment of each local government's
4114 school concurrency related provisions of the comprehensive plan
4115 ~~public school facilities element~~ with each other and the plans
4116 of the school board to ensure a uniform districtwide school
4117 concurrency system.

4118 ~~2. Establish a process for the development of siting~~
4119 ~~criteria which encourages the location of public schools~~
4120 ~~proximate to urban residential areas to the extent possible and~~
4121 ~~seeks to collocate schools with other public facilities such as~~
4122 ~~parks, libraries, and community centers to the extent possible.~~

4123 ~~2.3.~~ Specify uniform, districtwide level-of-service
4124 standards for public schools of the same type and the process
4125 for modifying the adopted level-of-service standards.

4126 ~~4. Establish a process for the preparation, amendment, and~~
4127 ~~joint approval by each local government and the school board of~~
4128 ~~a public school capital facilities program which is financially~~
4129 ~~feasible, and a process and schedule for incorporation of the~~
4130 ~~public school capital facilities program into the local~~
4131 ~~government comprehensive plans on an annual basis.~~



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4132 3.5. Define the geographic application of school
4133 concurrency. If school concurrency is to be applied on a less
4134 than districtwide basis in the form of concurrency service
4135 areas, the agreement shall establish criteria and standards for
4136 the establishment and modification of school concurrency service
4137 areas. ~~The agreement shall also establish a process and schedule~~
4138 ~~for the mandatory incorporation of the school concurrency~~
4139 ~~service areas and the criteria and standards for establishment~~
4140 ~~of the service areas into the local government comprehensive~~
4141 ~~plans.~~ The agreement shall ensure maximum utilization of school
4142 capacity, taking into account transportation costs and court-
4143 approved desegregation plans, as well as other factors. ~~The~~
4144 ~~agreement shall also ensure the achievement and maintenance of~~
4145 ~~the adopted level of service standards for the geographic area~~
4146 ~~of application throughout the 5 years covered by the public~~
4147 ~~school capital facilities plan and thereafter by adding a new~~
4148 ~~fifth year during the annual update.~~

4149 4.6. Establish a uniform districtwide procedure for
4150 implementing school concurrency which provides for:

4151 a. The evaluation of development applications for
4152 compliance with school concurrency requirements, including
4153 information provided by the school board on affected schools,
4154 impact on levels of service, and programmed improvements for
4155 affected schools and any options to provide sufficient capacity;

4156 b. An opportunity for the school board to review and
4157 comment on the effect of comprehensive plan amendments and
4158 rezonings on the public school facilities plan; and

4159 c. The monitoring and evaluation of the school concurrency
4160 system.



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4161 ~~7. Include provisions relating to amendment of the~~
4162 ~~agreement.~~

4163 ~~5.8.~~ A process and uniform methodology for determining
4164 proportionate-share mitigation pursuant to paragraph (h)
4165 ~~subparagraph (e)1.~~

4166 ~~(k)(h) Local government authority.~~ This subsection does not
4167 limit the authority of a local government to grant or deny a
4168 development permit or its functional equivalent prior to the
4169 implementation of school concurrency.

4170 ~~(14) The state land planning agency shall, by October 1,~~
4171 ~~1998, adopt by rule minimum criteria for the review and~~
4172 ~~determination of compliance of a public school facilities~~
4173 ~~element adopted by a local government for purposes of imposition~~
4174 ~~of school concurrency.~~

4175 ~~(15) (a) Multimodal transportation districts may be~~
4176 ~~established under a local government comprehensive plan in areas~~
4177 ~~delineated on the future land use map for which the local~~
4178 ~~comprehensive plan assigns secondary priority to vehicle~~
4179 ~~mobility and primary priority to assuring a safe, comfortable,~~
4180 ~~and attractive pedestrian environment, with convenient~~
4181 ~~interconnection to transit. Such districts must incorporate~~
4182 ~~community design features that will reduce the number of~~
4183 ~~automobile trips or vehicle miles of travel and will support an~~
4184 ~~integrated, multimodal transportation system. Prior to the~~
4185 ~~designation of multimodal transportation districts, the~~
4186 ~~Department of Transportation shall be consulted by the local~~
4187 ~~government to assess the impact that the proposed multimodal~~
4188 ~~district area is expected to have on the adopted level of~~
4189 ~~service standards established for Strategic Intermodal System~~



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4190 ~~facilities, as defined in s. 339.64, and roadway facilities~~
4191 ~~funded in accordance with s. 339.2819. Further, the local~~
4192 ~~government shall, in cooperation with the Department of~~
4193 ~~Transportation, develop a plan to mitigate any impacts to the~~
4194 ~~Strategic Intermodal System, including the development of a~~
4195 ~~long-term concurrency management system pursuant to subsection~~
4196 ~~(9) and s. 163.3177(3) (d). Multimodal transportation districts~~
4197 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
4198 ~~provisions of this section by July 1, 2006, or at the time of~~
4199 ~~the comprehensive plan update pursuant to the evaluation and~~
4200 ~~appraisal report, whichever occurs last.~~

4201 ~~(b) Community design elements of such a district include: a~~
4202 ~~complementary mix and range of land uses, including educational,~~
4203 ~~recreational, and cultural uses; interconnected networks of~~
4204 ~~streets designed to encourage walking and bicycling, with~~
4205 ~~traffic-calming where desirable; appropriate densities and~~
4206 ~~intensities of use within walking distance of transit stops;~~
4207 ~~daily activities within walking distance of residences, allowing~~
4208 ~~independence to persons who do not drive; public uses, streets,~~
4209 ~~and squares that are safe, comfortable, and attractive for the~~
4210 ~~pedestrian, with adjoining buildings open to the street and with~~
4211 ~~parking not interfering with pedestrian, transit, automobile,~~
4212 ~~and truck travel modes.~~

4213 ~~(c) Local governments may establish multimodal level-of-~~
4214 ~~service standards that rely primarily on nonvehicular modes of~~
4215 ~~transportation within the district, when justified by an~~
4216 ~~analysis demonstrating that the existing and planned community~~
4217 ~~design will provide an adequate level of mobility within the~~
4218 ~~district based upon professionally accepted multimodal level-of-~~



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4219 ~~service methodologies. The analysis must also demonstrate that~~
4220 ~~the capital improvements required to promote community design~~
4221 ~~are financially feasible over the development or redevelopment~~
4222 ~~timeframe for the district and that community design features~~
4223 ~~within the district provide convenient interconnection for a~~
4224 ~~multimodal transportation system. Local governments may issue~~
4225 ~~development permits in reliance upon all planned community~~
4226 ~~design capital improvements that are financially feasible over~~
4227 ~~the development or redevelopment timeframe for the district,~~
4228 ~~without regard to the period of time between development or~~
4229 ~~redevelopment and the scheduled construction of the capital~~
4230 ~~improvements. A determination of financial feasibility shall be~~
4231 ~~based upon currently available funding or funding sources that~~
4232 ~~could reasonably be expected to become available over the~~
4233 ~~planning period.~~

4234 ~~(d) Local governments may reduce impact fees or local~~
4235 ~~access fees for development within multimodal transportation~~
4236 ~~districts based on the reduction of vehicle trips per household~~
4237 ~~or vehicle miles of travel expected from the development pattern~~
4238 ~~planned for the district.~~

4239 ~~(16) It is the intent of the Legislature to provide a~~
4240 ~~method by which the impacts of development on transportation~~
4241 ~~facilities can be mitigated by the cooperative efforts of the~~
4242 ~~public and private sectors. The methodology used to calculate~~
4243 ~~proportionate fair share mitigation under this section shall be~~
4244 ~~as provided for in subsection (12).~~

4245 ~~(a) By December 1, 2006, each local government shall adopt~~
4246 ~~by ordinance a methodology for assessing proportionate fair-~~
4247 ~~share mitigation options. By December 1, 2005, the Department of~~



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4248 ~~Transportation shall develop a model transportation concurrency~~
4249 ~~management ordinance with methodologies for assessing~~
4250 ~~proportionate fair share mitigation options.~~

4251 ~~(b)1. In its transportation concurrency management system,~~
4252 ~~a local government shall, by December 1, 2006, include~~
4253 ~~methodologies that will be applied to calculate proportionate~~
4254 ~~fair share mitigation. A developer may choose to satisfy all~~
4255 ~~transportation concurrency requirements by contributing or~~
4256 ~~paying proportionate fair share mitigation if transportation~~
4257 ~~facilities or facility segments identified as mitigation for~~
4258 ~~traffic impacts are specifically identified for funding in the~~
4259 ~~5-year schedule of capital improvements in the capital~~
4260 ~~improvements element of the local plan or the long term~~
4261 ~~concurrency management system or if such contributions or~~
4262 ~~payments to such facilities or segments are reflected in the 5-~~
4263 ~~year schedule of capital improvements in the next regularly~~
4264 ~~scheduled update of the capital improvements element. Updates to~~
4265 ~~the 5-year capital improvements element which reflect~~
4266 ~~proportionate fair share contributions may not be found not in~~
4267 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4268 ~~additional contributions, payments or funding sources are~~
4269 ~~reasonably anticipated during a period not to exceed 10 years to~~
4270 ~~fully mitigate impacts on the transportation facilities.~~

4271 ~~2. Proportionate fair share mitigation shall be applied as~~
4272 ~~a credit against impact fees to the extent that all or a portion~~
4273 ~~of the proportionate fair share mitigation is used to address~~
4274 ~~the same capital infrastructure improvements contemplated by the~~
4275 ~~local government's impact fee ordinance.~~

4276 ~~(c) Proportionate fair share mitigation includes, without~~



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4277 ~~limitation, separately or collectively, private funds,~~
4278 ~~contributions of land, and construction and contribution of~~
4279 ~~facilities and may include public funds as determined by the~~
4280 ~~local government. Proportionate fair share mitigation may be~~
4281 ~~directed toward one or more specific transportation improvements~~
4282 ~~reasonably related to the mobility demands created by the~~
4283 ~~development and such improvements may address one or more modes~~
4284 ~~of travel. The fair market value of the proportionate fair share~~
4285 ~~mitigation shall not differ based on the form of mitigation. A~~
4286 ~~local government may not require a development to pay more than~~
4287 ~~its proportionate fair share contribution regardless of the~~
4288 ~~method of mitigation. Proportionate fair share mitigation shall~~
4289 ~~be limited to ensure that a development meeting the requirements~~
4290 ~~of this section mitigates its impact on the transportation~~
4291 ~~system but is not responsible for the additional cost of~~
4292 ~~reducing or eliminating backlogs.~~

4293 ~~(d) This subsection does not require a local government to~~
4294 ~~approve a development that is not otherwise qualified for~~
4295 ~~approval pursuant to the applicable local comprehensive plan and~~
4296 ~~land development regulations.~~

4297 ~~(e) Mitigation for development impacts to facilities on the~~
4298 ~~Strategic Intermodal System made pursuant to this subsection~~
4299 ~~requires the concurrence of the Department of Transportation.~~

4300 ~~(f) If the funds in an adopted 5-year capital improvements~~
4301 ~~element are insufficient to fully fund construction of a~~
4302 ~~transportation improvement required by the local government's~~
4303 ~~concurrency management system, a local government and a~~
4304 ~~developer may still enter into a binding proportionate share~~
4305 ~~agreement authorizing the developer to construct that amount of~~



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4306 ~~development on which the proportionate share is calculated if~~
4307 ~~the proportionate share amount in such agreement is sufficient~~
4308 ~~to pay for one or more improvements which will, in the opinion~~
4309 ~~of the governmental entity or entities maintaining the~~
4310 ~~transportation facilities, significantly benefit the impacted~~
4311 ~~transportation system. The improvements funded by the~~
4312 ~~proportionate share component must be adopted into the 5-year~~
4313 ~~capital improvements schedule of the comprehensive plan at the~~
4314 ~~next annual capital improvements element update. The funding of~~
4315 ~~any improvements that significantly benefit the impacted~~
4316 ~~transportation system satisfies concurrency requirements as a~~
4317 ~~mitigation of the development's impact upon the overall~~
4318 ~~transportation system even if there remains a failure of~~
4319 ~~concurrency on other impacted facilities.~~

4320 ~~(g) Except as provided in subparagraph (b)1., this section~~
4321 ~~may not prohibit the Department of Community Affairs from~~
4322 ~~finding other portions of the capital improvements element~~
4323 ~~amendments not in compliance as provided in this chapter.~~

4324 ~~(h) The provisions of this subsection do not apply to a~~
4325 ~~development of regional impact satisfying the requirements of~~
4326 ~~subsection (12).~~

4327 ~~(i) As used in this subsection, the term "backlog" means a~~
4328 ~~facility or facilities on which the adopted level-of-service~~
4329 ~~standard is exceeded by the existing trips, plus additional~~
4330 ~~projected background trips from any source other than the~~
4331 ~~development project under review that are forecast by~~
4332 ~~established traffic standards, including traffic modeling,~~
4333 ~~consistent with the University of Florida Bureau of Economic and~~
4334 ~~Business Research medium population projections. Additional~~



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4335 ~~projected background trips are to be coincident with the~~
4336 ~~particular stage or phase of development under review.~~

4337 ~~(17) A local government and the developer of affordable~~
4338 ~~workforce housing units developed in accordance with s.~~
4339 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
4340 ~~or centers in close proximity to the affordable workforce~~
4341 ~~housing units. If at least 50 percent of the units are occupied~~
4342 ~~by an employee or employees of an identified employment center~~
4343 ~~or centers, all of the affordable workforce housing units are~~
4344 ~~exempt from transportation concurrency requirements, and the~~
4345 ~~local government may not reduce any transportation trip-~~
4346 ~~generation entitlements of an approved development-of-regional-~~
4347 ~~impact development order. As used in this subsection, the term~~
4348 ~~"close proximity" means 5 miles from the nearest point of the~~
4349 ~~development of regional impact to the nearest point of the~~
4350 ~~employment center, and the term "employment center" means a~~
4351 ~~place of employment that employs at least 25 or more full-time~~
4352 ~~employees.~~

4353 Section 16. Section 163.3182, Florida Statutes, is amended
4354 to read:

4355 163.3182 Transportation deficiencies ~~concurrency backlogs.~~-

4356 (1) DEFINITIONS.-For purposes of this section, the term:

4357 (a) "Transportation deficiency ~~concurrency backlog~~ area"
4358 means the geographic area within the unincorporated portion of a
4359 county or within the municipal boundary of a municipality
4360 designated in a local government comprehensive plan for which a
4361 transportation development ~~concurrency backlog~~ authority is
4362 created pursuant to this section. A transportation deficiency
4363 ~~concurrency backlog~~ area created within the corporate boundary



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4364 of a municipality shall be made pursuant to an interlocal
4365 agreement between a county, a municipality or municipalities,
4366 and any affected taxing authority or authorities.

4367 (b) "Authority" or "transportation development ~~concurrency~~
4368 ~~backlog~~ authority" means the governing body of a county or
4369 municipality within which an authority is created.

4370 (c) "Governing body" means the council, commission, or
4371 other legislative body charged with governing the county or
4372 municipality within which an ~~a transportation concurrency~~
4373 ~~backlog~~ authority is created pursuant to this section.

4374 (d) "Transportation deficiency ~~concurrency backlog~~" means
4375 an identified need ~~deficiency~~ where the existing and projected
4376 extent of traffic volume exceeds the level of service standard
4377 adopted in a local government comprehensive plan for a
4378 transportation facility.

4379 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
4380 means the plan adopted as part of a local government
4381 comprehensive plan by the governing body of a county or
4382 municipality acting as a transportation development ~~concurrency~~
4383 ~~backlog~~ authority.

4384 (f) "Transportation ~~concurrency backlog~~ project" means any
4385 designated transportation project identified for construction
4386 within the jurisdiction of a transportation development
4387 ~~concurrency backlog~~ authority.

4388 (g) "Debt service millage" means any millage levied
4389 pursuant to s. 12, Art. VII of the State Constitution.

4390 (h) "Increment revenue" means the amount calculated
4391 pursuant to subsection (5).

4392 (i) "Taxing authority" means a public body that levies or



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4393 is authorized to levy an ad valorem tax on real property located
4394 within a transportation deficiency ~~concurrency backlog~~ area,
4395 except a school district.

4396 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
4397 ~~BACKLOG~~ AUTHORITIES.—

4398 (a) A county or municipality may create a transportation
4399 development ~~concurrency backlog~~ authority if it has an
4400 identified transportation deficiency ~~concurrency backlog~~.

4401 (b) Acting as the transportation development ~~concurrency~~
4402 ~~backlog~~ authority within the authority's jurisdictional
4403 boundary, the governing body of a county or municipality shall
4404 adopt and implement a plan to eliminate all identified
4405 transportation deficiencies ~~concurrency backlogs~~ within the
4406 authority's jurisdiction using funds provided pursuant to
4407 subsection (5) and as otherwise provided pursuant to this
4408 section.

4409 (c) The Legislature finds and declares that there exist in
4410 many counties and municipalities areas that have significant
4411 transportation deficiencies and inadequate transportation
4412 facilities; that many insufficiencies and inadequacies severely
4413 limit or prohibit the satisfaction of transportation level of
4414 service ~~concurrency~~ standards; that the transportation
4415 insufficiencies and inadequacies affect the health, safety, and
4416 welfare of the residents of these counties and municipalities;
4417 that the transportation insufficiencies and inadequacies
4418 adversely affect economic development and growth of the tax base
4419 for the areas in which these insufficiencies and inadequacies
4420 exist; and that the elimination of transportation deficiencies
4421 and inadequacies and the satisfaction of transportation



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4422 concurrency standards are paramount public purposes for the
4423 state and its counties and municipalities.

4424 (3) POWERS OF A TRANSPORTATION DEVELOPMENT CONCURRENCY
4425 BACKLOG AUTHORITY.—Each transportation development concurrency
4426 backlog authority created pursuant to this section has the
4427 powers necessary or convenient to carry out the purposes of this
4428 section, including the following powers in addition to others
4429 granted in this section:

4430 (a) To make and execute contracts and other instruments
4431 necessary or convenient to the exercise of its powers under this
4432 section.

4433 (b) To undertake and carry out transportation concurrency
4434 backlog projects for transportation facilities designed to
4435 relieve transportation deficiencies ~~that have a concurrency~~
4436 backlog within the authority's jurisdiction. Transportation
4437 Concurrency backlog projects may include transportation
4438 facilities that provide for alternative modes of travel
4439 including sidewalks, bikeways, and mass transit which are
4440 related to a deficient backlogged transportation facility.

4441 (c) To invest any transportation concurrency backlog funds
4442 held in reserve, sinking funds, or any such funds not required
4443 for immediate disbursement in property or securities in which
4444 savings banks may legally invest funds subject to the control of
4445 the authority and to redeem such bonds as have been issued
4446 pursuant to this section at the redemption price established
4447 therein, or to purchase such bonds at less than redemption
4448 price. All such bonds redeemed or purchased shall be canceled.

4449 (d) To borrow money, including, but not limited to, issuing
4450 debt obligations such as, but not limited to, bonds, notes,



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4451 certificates, and similar debt instruments; to apply for and
4452 accept advances, loans, grants, contributions, and any other
4453 forms of financial assistance from the Federal Government or the
4454 state, county, or any other public body or from any sources,
4455 public or private, for the purposes of this part; to give such
4456 security as may be required; to enter into and carry out
4457 contracts or agreements; and to include in any contracts for
4458 financial assistance with the Federal Government for or with
4459 respect to a transportation ~~concurrency backlog~~ project and
4460 related activities such conditions imposed under federal laws as
4461 the transportation development ~~concurrency backlog~~ authority
4462 considers reasonable and appropriate and which are not
4463 inconsistent with the purposes of this section.

4464 (e) To make or have made all surveys and plans necessary to
4465 the carrying out of the purposes of this section; to contract
4466 with any persons, public or private, in making and carrying out
4467 such plans; and to adopt, approve, modify, or amend such
4468 transportation sufficiency ~~concurrency backlog~~ plans.

4469 (f) To appropriate such funds and make such expenditures as
4470 are necessary to carry out the purposes of this section, and to
4471 enter into agreements with other public bodies, which agreements
4472 may extend over any period notwithstanding any provision or rule
4473 of law to the contrary.

4474 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.-

4475 ~~(a)~~ Each transportation development ~~concurrency backlog~~
4476 authority shall adopt a transportation sufficiency ~~concurrency~~
4477 ~~backlog~~ plan as a part of the local government comprehensive
4478 plan within 6 months after the creation of the authority. The
4479 plan must:



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4480 (a)1. Identify all transportation facilities that have been
4481 designated as deficient and require the expenditure of moneys to
4482 upgrade, modify, or mitigate the deficiency.

4483 (b)2. Include a priority listing of all transportation
4484 facilities that have been designated as deficient and do not
4485 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
4486 the applicable local government comprehensive plan.

4487 (c)3. Establish a schedule for financing and construction
4488 of transportation ~~concurrency backlog~~ projects that will
4489 eliminate transportation deficiencies ~~concurrency backlogs~~
4490 within the jurisdiction of the authority within 10 years after
4491 the transportation sufficiency ~~concurrency backlog~~ plan
4492 adoption. The schedule shall be adopted as part of the local
4493 government comprehensive plan.

4494 ~~(b) The adoption of the transportation concurrency backlog~~
4495 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4496
4497 Notwithstanding such schedule requirements, as long as the
4498 schedule provides for the elimination of all transportation
4499 deficiencies ~~concurrency backlogs~~ within 10 years after the
4500 adoption of the transportation sufficiency ~~concurrency backlog~~
4501 plan, the final maturity date of any debt incurred to finance or
4502 refinance the related projects may be no later than 40 years
4503 after the date the debt is incurred and the authority may
4504 continue operations and administer the trust fund established as
4505 provided in subsection (5) for as long as the debt remains
4506 outstanding.

4507 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
4508 development ~~concurrency backlog~~ authority shall establish a



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4509 local transportation ~~concurrency backlog~~ trust fund upon
4510 creation of the authority. Each local trust fund shall be
4511 administered by the transportation development ~~concurrency~~
4512 ~~backlog~~ authority within which a transportation deficiencies
4513 have ~~concurrency backlog~~ has been identified. Each local trust
4514 fund must continue to be funded under this section for as long
4515 as the projects set forth in the related transportation
4516 sufficiency ~~concurrency backlog~~ plan remain to be completed or
4517 until any debt incurred to finance or refinance the related
4518 projects is no longer outstanding, whichever occurs later.
4519 Beginning in the first fiscal year after the creation of the
4520 authority, each local trust fund shall be funded by the proceeds
4521 of an ad valorem tax increment collected within each
4522 transportation deficiency ~~concurrency backlog~~ area to be
4523 determined annually and shall be a minimum of 25 percent of the
4524 difference between the amounts set forth in paragraphs (a) and
4525 (b), except that if all of the affected taxing authorities agree
4526 under an interlocal agreement, a particular local trust fund may
4527 be funded by the proceeds of an ad valorem tax increment greater
4528 than 25 percent of the difference between the amounts set forth
4529 in paragraphs (a) and (b):

4530 (a) The amount of ad valorem tax levied each year by each
4531 taxing authority, exclusive of any amount from any debt service
4532 millage, on taxable real property contained within the
4533 jurisdiction of the transportation development ~~concurrency~~
4534 ~~backlog~~ authority and within the transportation deficiency
4535 ~~backlog~~ area; and

4536 (b) The amount of ad valorem taxes which would have been
4537 produced by the rate upon which the tax is levied each year by



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4538 or for each taxing authority, exclusive of any debt service
4539 millage, upon the total of the assessed value of the taxable
4540 real property within the transportation deficiency ~~concurrency~~
4541 ~~backlog~~ area as shown on the most recent assessment roll used in
4542 connection with the taxation of such property of each taxing
4543 authority prior to the effective date of the ordinance funding
4544 the trust fund.

4545 (6) EXEMPTIONS.—

4546 (a) The following public bodies or taxing authorities are
4547 exempt from ~~the provisions of~~ this section:

4548 1. A special district that levies ad valorem taxes on
4549 taxable real property in more than one county.

4550 2. A special district for which the sole available source
4551 of revenue is the authority to levy ad valorem taxes at the time
4552 an ordinance is adopted under this section. However, revenues or
4553 aid that may be dispensed or appropriated to a district as
4554 defined in s. 388.011 at the discretion of an entity other than
4555 such district are ~~shall~~ not be deemed available.

4556 3. A library district.

4557 4. A neighborhood improvement district created under the
4558 Safe Neighborhoods Act.

4559 5. A metropolitan transportation authority.

4560 6. A water management district created under s. 373.069.

4561 7. A community redevelopment agency.

4562 (b) A transportation development ~~concurrency exemption~~
4563 authority may also exempt from this section a special district
4564 that levies ad valorem taxes within the transportation
4565 deficiency ~~concurrency backlog~~ area pursuant to s.
4566 163.387(2)(d).



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4567 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
4568 of a transportation sufficiency ~~concurrency backlog~~ plan as a
4569 part of the local government comprehensive plan, and the plan
4570 going into effect, the area subject to the plan shall be deemed
4571 to have achieved and maintained transportation level-of-service
4572 standards, ~~and to have met requirements for financial~~
4573 ~~feasibility for transportation facilities, and for the purpose~~
4574 ~~of proposed development transportation concurrency has been~~
4575 ~~satisfied~~. Proportionate fair-share mitigation shall be limited
4576 to ensure that a development inside a transportation deficiency
4577 ~~concurrency backlog~~ area is not responsible for the additional
4578 costs of eliminating deficiencies ~~backlogs~~.

4579 (8) DISSOLUTION.—Upon completion of all transportation
4580 ~~concurrency backlog~~ projects identified in the transportation
4581 sufficiency plan and repayment or defeasance of all debt issued
4582 to finance or refinance such projects, a transportation
4583 development ~~concurrency backlog~~ authority shall be dissolved,
4584 and its assets and liabilities transferred to the county or
4585 municipality within which the authority is located. All
4586 remaining assets of the authority must be used for
4587 implementation of transportation projects within the
4588 jurisdiction of the authority. The local government
4589 comprehensive plan shall be amended to remove the transportation
4590 concurrency backlog plan.

4591 Section 17. Section 163.3184, Florida Statutes, is amended
4592 to read:

4593 163.3184 Process for adoption of comprehensive plan or plan
4594 amendment.—

4595 (1) DEFINITIONS.—As used in this section, the term:



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4596 (a) "Affected person" includes the affected local
4597 government; persons owning property, residing, or owning or
4598 operating a business within the boundaries of the local
4599 government whose plan is the subject of the review; owners of
4600 real property abutting real property that is the subject of a
4601 proposed change to a future land use map; and adjoining local
4602 governments that can demonstrate that the plan or plan amendment
4603 will produce substantial impacts on the increased need for
4604 publicly funded infrastructure or substantial impacts on areas
4605 designated for protection or special treatment within their
4606 jurisdiction. Each person, other than an adjoining local
4607 government, in order to qualify under this definition, shall
4608 also have submitted oral or written comments, recommendations,
4609 or objections to the local government during the period of time
4610 beginning with the transmittal hearing for the plan or plan
4611 amendment and ending with the adoption of the plan or plan
4612 amendment.

4613 (b) "In compliance" means consistent with the requirements
4614 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and
4615 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
4616 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
4617 ~~Administrative Code, where such rule is not inconsistent with~~
4618 ~~this part~~ and with the principles for guiding development in
4619 designated areas of critical state concern and with part III of
4620 chapter 369, where applicable.

4621 (c) "Reviewing agencies" means:

- 4622 1. The state land planning agency;
4623 2. The appropriate regional planning council;
4624 3. The appropriate water management district;



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- 4625 4. The Department of Environmental Protection;
4626 5. The Department of State;
4627 6. The Department of Transportation;
4628 7. In the case of plan amendments relating to public
4629 schools, the Department of Education;
4630 8. In the case of plans or plan amendments that affect a
4631 military installation listed in s. 163.3175, the commanding
4632 officer of the affected military installation;
4633 9. In the case of county plans and plan amendments, the
4634 Fish and Wildlife Conservation Commission and the Department of
4635 Agriculture and Consumer Services; and
4636 10. In the case of municipal plans and plan amendments, the
4637 county in which the municipality is located.
4638 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
4639 (a) Plan amendments adopted by local governments shall
4640 follow the expedited state review process in subsection (3),
4641 except as set forth in paragraphs (b) and (c).
4642 (b) Plan amendments that qualify as small-scale development
4643 amendments may follow the small-scale review process in s.
4644 163.3187.
4645 (c) Plan amendments that are in an area of critical state
4646 concern designated pursuant to s. 380.05; propose a rural land
4647 stewardship area pursuant to s. 163.3248; propose a sector plan
4648 pursuant to s. 163.3245; update a comprehensive plan based on an
4649 evaluation and appraisal pursuant to s. 163.3191; or are new
4650 plans for newly incorporated municipalities adopted pursuant to
4651 s. 163.3167 shall follow the state coordinated review process in
4652 subsection (4).
4653 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF



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4654 COMPREHENSIVE PLAN AMENDMENTS.—

4655 (a) The process for amending a comprehensive plan described
4656 in this subsection shall apply to all amendments except as
4657 provided in paragraphs (2) (b) and (c) and shall be applicable
4658 statewide.

4659 (b)1. The local government, after the initial public
4660 hearing held pursuant to subsection (11), shall transmit within
4661 10 days the amendment or amendments and appropriate supporting
4662 data and analyses to the reviewing agencies. The local governing
4663 body shall also transmit a copy of the amendments and supporting
4664 data and analyses to any other local government or governmental
4665 agency that has filed a written request with the governing body.

4666 2. The reviewing agencies and any other local government or
4667 governmental agency specified in subparagraph 1. may provide
4668 comments regarding the amendment or amendments to the local
4669 government. State agencies shall only comment on important state
4670 resources and facilities that will be adversely impacted by the
4671 amendment if adopted. Comments provided by state agencies shall
4672 state with specificity how the plan amendment will adversely
4673 impact an important state resource or facility and shall
4674 identify measures the local government may take to eliminate,
4675 reduce, or mitigate the adverse impacts. Such comments, if not
4676 resolved, may result in a challenge by the state land planning
4677 agency to the plan amendment. Agencies and local governments
4678 must transmit their comments to the affected local government
4679 such that they are received by the local government not later
4680 than 30 days from the date on which the agency or government
4681 received the amendment or amendments. Reviewing agencies shall
4682 also send a copy of their comments to the state land planning



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4683 agency.

4684 3. Comments to the local government from a regional
4685 planning council, county, or municipality shall be limited as
4686 follows:

4687 a. The regional planning council review and comments shall
4688 be limited to adverse effects on regional resources or
4689 facilities identified in the strategic regional policy plan and
4690 extrajurisdictional impacts that would be inconsistent with the
4691 comprehensive plan of any affected local government within the
4692 region. A regional planning council may not review and comment
4693 on a proposed comprehensive plan amendment prepared by such
4694 council unless the plan amendment has been changed by the local
4695 government subsequent to the preparation of the plan amendment
4696 by the regional planning council.

4697 b. County comments shall be in the context of the
4698 relationship and effect of the proposed plan amendments on the
4699 county plan.

4700 c. Municipal comments shall be in the context of the
4701 relationship and effect of the proposed plan amendments on the
4702 municipal plan.

4703 d. Military installation comments shall be provided in
4704 accordance with s. 163.3175.

4705 4. Comments to the local government from state agencies
4706 shall be limited to the following subjects as they relate to
4707 important state resources and facilities that will be adversely
4708 impacted by the amendment if adopted:

4709 a. The Department of Environmental Protection shall limit
4710 its comments to the subjects of air and water pollution;
4711 wetlands and other surface waters of the state; federal and



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4712 state-owned lands and interest in lands, including state parks,
4713 greenways and trails, and conservation easements; solid waste;
4714 water and wastewater treatment; and the Everglades ecosystem
4715 restoration.

4716 b. The Department of State shall limit its comments to the
4717 subjects of historic and archeological resources.

4718 c. The Department of Transportation shall limit its
4719 comments to issues within the agency's jurisdiction as it
4720 relates to transportation resources and facilities of state
4721 importance.

4722 d. The Fish and Wildlife Conservation Commission shall
4723 limit its comments to subjects relating to fish and wildlife
4724 habitat and listed species and their habitat.

4725 e. The Department of Agriculture and Consumer Services
4726 shall limit its comments to the subjects of agriculture,
4727 forestry, and aquaculture issues.

4728 f. The Department of Education shall limit its comments to
4729 the subject of public school facilities.

4730 g. The appropriate water management district shall limit
4731 its comments to flood protection and floodplain management,
4732 wetlands and other surface waters, and regional water supply.

4733 h. The state land planning agency shall limit its comments
4734 to important state resources and facilities outside the
4735 jurisdiction of other commenting state agencies and may include
4736 comments on countervailing planning policies and objectives
4737 served by the plan amendment that should be balanced against
4738 potential adverse impacts to important state resources and
4739 facilities.

4740 (c)1. The local government shall hold its second public



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4741 hearing, which shall be a hearing on whether to adopt one or
4742 more comprehensive plan amendments pursuant to subsection (11).
4743 If the local government fails, within 180 days after receipt of
4744 agency comments, to hold the second public hearing, the
4745 amendments shall be deemed withdrawn unless extended by
4746 agreement with notice to the state land planning agency and any
4747 affected person that provided comments on the amendment. The
4748 180-day limitation does not apply to amendments processed
4749 pursuant to s. 380.06.

4750 2. All comprehensive plan amendments adopted by the
4751 governing body, along with the supporting data and analysis,
4752 shall be transmitted within 10 days after the second public
4753 hearing to the state land planning agency and any other agency
4754 or local government that provided timely comments under
4755 subparagraph (b)2.

4756 3. The state land planning agency shall notify the local
4757 government of any deficiencies within 5 working days after
4758 receipt of an amendment package. For purposes of completeness,
4759 an amendment shall be deemed complete if it contains a full,
4760 executed copy of the adoption ordinance or ordinances; in the
4761 case of a text amendment, a full copy of the amended language in
4762 legislative format with new words inserted in the text
4763 underlined, and words deleted stricken with hyphens; in the case
4764 of a future land use map amendment, a copy of the future land
4765 use map clearly depicting the parcel, its existing future land
4766 use designation, and its adopted designation; and a copy of any
4767 data and analyses the local government deems appropriate.

4768 4. An amendment adopted under this paragraph does not
4769 become effective until 31 days after the state land planning



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4770 agency notifies the local government that the plan amendment
4771 package is complete. If timely challenged, an amendment does not
4772 become effective until the state land planning agency or the
4773 Administration Commission enters a final order determining the
4774 adopted amendment to be in compliance.

4775 (4) STATE COORDINATED REVIEW PROCESS.-

4776 (a) ~~(2)~~ Coordination.-The state land planning agency shall
4777 only use the state coordinated review process described in this
4778 subsection for review of comprehensive plans and plan amendments
4779 described in paragraph (2) (c). Each comprehensive plan or plan
4780 amendment proposed to be adopted pursuant to this subsection
4781 part shall be transmitted, adopted, and reviewed in the manner
4782 prescribed in this subsection section. The state land planning
4783 agency shall have responsibility for plan review, coordination,
4784 and the preparation and transmission of comments, pursuant to
4785 this subsection section, to the local governing body responsible
4786 for the comprehensive plan or plan amendment. The state land
4787 planning agency shall maintain a single file concerning any
4788 proposed or adopted plan amendment submitted by a local
4789 government for any review under this section. Copies of all
4790 correspondence, papers, notes, memoranda, and other documents
4791 received or generated by the state land planning agency must be
4792 placed in the appropriate file. Paper copies of all electronic
4793 mail correspondence must be placed in the file. The file and its
4794 contents must be available for public inspection and copying as
4795 provided in chapter 119.

4796 (b) ~~(3)~~ Local government transmittal of proposed plan or
4797 amendment.-

4798 (a) Each local governing body proposing a plan or plan



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4799 amendment specified in paragraph (2)(c) shall transmit the
4800 complete proposed comprehensive plan or plan amendment to the
4801 reviewing agencies ~~state land planning agency, the appropriate~~
4802 ~~regional planning council and water management district, the~~
4803 ~~Department of Environmental Protection, the Department of State,~~
4804 ~~and the Department of Transportation, and, in the case of~~
4805 ~~municipal plans, to the appropriate county, and, in the case of~~
4806 ~~county plans, to the Fish and Wildlife Conservation Commission~~
4807 ~~and the Department of Agriculture and Consumer Services,~~
4808 immediately following the first a public hearing pursuant to
4809 subsection (11). The transmitted document shall clearly indicate
4810 on the cover sheet that this plan amendment is subject to the
4811 state coordinated review process of s. 163.3184(4) (15) as
4812 ~~specified in the state land planning agency's procedural rules.~~
4813 The local governing body shall also transmit a copy of the
4814 complete proposed comprehensive plan or plan amendment to any
4815 other unit of local government or government agency in the state
4816 that has filed a written request with the governing body for the
4817 plan or plan amendment. ~~The local government may request a~~
4818 ~~review by the state land planning agency pursuant to subsection~~
4819 ~~(6) at the time of the transmittal of an amendment.~~

4820 (b) ~~A local governing body shall not transmit portions of a~~
4821 ~~plan or plan amendment unless it has previously provided to all~~
4822 ~~state agencies designated by the state land planning agency a~~
4823 ~~complete copy of its adopted comprehensive plan pursuant to~~
4824 ~~subsection (7) and as specified in the agency's procedural~~
4825 ~~rules. In the case of comprehensive plan amendments, the local~~
4826 ~~governing body shall transmit to the state land planning agency,~~
4827 ~~the appropriate regional planning council and water management~~



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4828 ~~district, the Department of Environmental Protection, the~~
4829 ~~Department of State, and the Department of Transportation, and,~~
4830 ~~in the case of municipal plans, to the appropriate county and,~~
4831 ~~in the case of county plans, to the Fish and Wildlife~~
4832 ~~Conservation Commission and the Department of Agriculture and~~
4833 ~~Consumer Services the materials specified in the state land~~
4834 ~~planning agency's procedural rules and, in cases in which the~~
4835 ~~plan amendment is a result of an evaluation and appraisal report~~
4836 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
4837 ~~appraisal report. Local governing bodies shall consolidate all~~
4838 ~~proposed plan amendments into a single submission for each of~~
4839 ~~the two plan amendment adoption dates during the calendar year~~
4840 ~~pursuant to s. 163.3187.~~

4841 ~~(c) A local government may adopt a proposed plan amendment~~
4842 ~~previously transmitted pursuant to this subsection, unless~~
4843 ~~review is requested or otherwise initiated pursuant to~~
4844 ~~subsection (6).~~

4845 ~~(d) In cases in which a local government transmits multiple~~
4846 ~~individual amendments that can be clearly and legally separated~~
4847 ~~and distinguished for the purpose of determining whether to~~
4848 ~~review the proposed amendment, and the state land planning~~
4849 ~~agency elects to review several or a portion of the amendments~~
4850 ~~and the local government chooses to immediately adopt the~~
4851 ~~remaining amendments not reviewed, the amendments immediately~~
4852 ~~adopted and any reviewed amendments that the local government~~
4853 ~~subsequently adopts together constitute one amendment cycle in~~
4854 ~~accordance with s. 163.3187(1).~~

4855 ~~(e) At the request of an applicant, a local government~~
4856 ~~shall consider an application for zoning changes that would be~~



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4857 ~~required to properly enact the provisions of any proposed plan~~
4858 ~~amendment transmitted pursuant to this subsection. Zoning~~
4859 ~~changes approved by the local government are contingent upon the~~
4860 ~~comprehensive plan or plan amendment transmitted becoming~~
4861 ~~effective.~~

4862 (c) (4) Reviewing agency comments INTERGOVERNMENTAL REVIEW. -

4863 ~~The governmental agencies specified in paragraph (b) may~~
4864 ~~paragraph (3) (a) shall provide comments regarding the plan or~~
4865 ~~plan amendments in accordance with subparagraphs (3) (b) 2.-4.~~
4866 ~~However, comments on plans or plan amendments required to be~~
4867 ~~reviewed under the state coordinated review process shall be~~
4868 ~~sent to the state land planning agency within 30 days after~~
4869 ~~receipt by the state land planning agency of the complete~~
4870 ~~proposed plan or plan amendment from the local government. If~~
4871 ~~the state land planning agency comments on a plan or plan~~
4872 ~~amendment adopted under the state coordinated review process, it~~
4873 ~~shall provide comments according to paragraph (d). Any other~~
4874 ~~unit of local government or government agency specified in~~
4875 ~~paragraph (b) may provide comments to the state land planning~~
4876 ~~agency in accordance with subparagraphs (3) (b) 2.-4. within 30~~
4877 ~~days after receipt by the state land planning agency of the~~
4878 ~~complete proposed plan or plan amendment. If the plan or plan~~
4879 ~~amendment includes or relates to the public school facilities~~
4880 ~~element pursuant to s. 163.3177(12), the state land planning~~
4881 ~~agency shall submit a copy to the Office of Educational~~
4882 ~~Facilities of the Commissioner of Education for review and~~
4883 ~~comment. The appropriate regional planning council shall also~~
4884 ~~provide its written comments to the state land planning agency~~
4885 ~~within 30 days after receipt by the state land planning agency~~



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4886 ~~of the complete proposed plan amendment and shall specify any~~
4887 ~~objections, recommendations for modifications, and comments of~~
4888 ~~any other regional agencies to which the regional planning~~
4889 ~~council may have referred the proposed plan amendment. Written~~
4890 ~~comments submitted by the public shall be sent directly to the~~
4891 ~~local government within 30 days after notice of transmittal by~~
4892 ~~the local government of the proposed plan amendment will be~~
4893 ~~considered as if submitted by governmental agencies. All written~~
4894 ~~agency and public comments must be made part of the file~~
4895 ~~maintained under subsection (2).~~

4896 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
4897 ~~the regional planning council pursuant to subsection (4) shall~~
4898 ~~be limited to effects on regional resources or facilities~~
4899 ~~identified in the strategic regional policy plan and~~
4900 ~~extrajurisdictional impacts which would be inconsistent with the~~
4901 ~~comprehensive plan of the affected local government. However,~~
4902 ~~any inconsistency between a local plan or plan amendment and a~~
4903 ~~strategic regional policy plan must not be the sole basis for a~~
4904 ~~notice of intent to find a local plan or plan amendment not in~~
4905 ~~compliance with this act. A regional planning council shall not~~
4906 ~~review and comment on a proposed comprehensive plan it prepared~~
4907 ~~itself unless the plan has been changed by the local government~~
4908 ~~subsequent to the preparation of the plan by the regional~~
4909 ~~planning agency. The review of the county land planning agency~~
4910 ~~pursuant to subsection (4) shall be primarily in the context of~~
4911 ~~the relationship and effect of the proposed plan amendment on~~
4912 ~~any county comprehensive plan element. Any review by~~
4913 ~~municipalities will be primarily in the context of the~~
4914 ~~relationship and effect on the municipal plan.~~



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4915 ~~(d)-(6) State land planning agency review.-~~

4916 ~~(a) The state land planning agency shall review a proposed~~
4917 ~~plan amendment upon request of a regional planning council,~~
4918 ~~affected person, or local government transmitting the plan~~
4919 ~~amendment. The request from the regional planning council or~~
4920 ~~affected person must be received within 30 days after~~
4921 ~~transmittal of the proposed plan amendment pursuant to~~
4922 ~~subsection (3). A regional planning council or affected person~~
4923 ~~requesting a review shall do so by submitting a written request~~
4924 ~~to the agency with a notice of the request to the local~~
4925 ~~government and any other person who has requested notice.~~

4926 ~~(b) The state land planning agency may review any proposed~~
4927 ~~plan amendment regardless of whether a request for review has~~
4928 ~~been made, if the agency gives notice to the local government,~~
4929 ~~and any other person who has requested notice, of its intention~~
4930 ~~to conduct such a review within 35 days after receipt of the~~
4931 ~~complete proposed plan amendment.~~

4932 ~~1.(c) The state land planning agency shall establish by~~
4933 ~~rule a schedule for receipt of comments from the various~~
4934 ~~government agencies, as well as written public comments,~~
4935 ~~pursuant to subsection (4). If the state land planning agency~~
4936 ~~elects to review a plan or plan the amendment or the agency is~~
4937 ~~required to review the amendment as specified in paragraph~~
4938 ~~(2)(c)-(a), the agency shall issue a report giving its~~
4939 ~~objections, recommendations, and comments regarding the proposed~~
4940 ~~plan or plan amendment within 60 days after receipt of the~~
4941 ~~complete proposed plan or plan amendment by the state land~~
4942 ~~planning agency. Notwithstanding the limitation on comments in~~
4943 ~~sub-subparagraph (3)(b)4.g., the state land planning agency may~~



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4944 make objections, recommendations, and comments in its report
4945 regarding whether the plan or plan amendment is in compliance
4946 and whether the plan or plan amendment will adversely impact
4947 important state resources and facilities. Any objection
4948 regarding an important state resource or facility that will be
4949 adversely impacted by the adopted plan or plan amendment shall
4950 also state with specificity how the plan or plan amendment will
4951 adversely impact the important state resource or facility and
4952 shall identify measures the local government may take to
4953 eliminate, reduce, or mitigate the adverse impacts. When a
4954 federal, state, or regional agency has implemented a permitting
4955 program, ~~the state land planning agency shall not require a~~
4956 local government is not required to duplicate or exceed that
4957 permitting program in its comprehensive plan or to implement
4958 such a permitting program in its land development regulations.
4959 This subparagraph does not ~~Nothing contained herein shall~~
4960 prohibit the state land planning agency in conducting its review
4961 of local plans or plan amendments from making objections,
4962 recommendations, and comments ~~or making compliance~~
4963 ~~determinations~~ regarding densities and intensities consistent
4964 with ~~the provisions of~~ this part. In preparing its comments, the
4965 state land planning agency shall only base its considerations on
4966 written, and not oral, comments, ~~from any source.~~

4967 2.(d) The state land planning agency review shall identify
4968 all written communications with the agency regarding the
4969 proposed plan amendment. ~~If the state land planning agency does~~
4970 ~~not issue such a review, it shall identify in writing to the~~
4971 ~~local government all written communications received 30 days~~
4972 ~~after transmittal.~~ The written identification must include a



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4973 list of all documents received or generated by the agency, which
4974 list must be of sufficient specificity to enable the documents
4975 to be identified and copies requested, if desired, and the name
4976 of the person to be contacted to request copies of any
4977 identified document. ~~The list of documents must be made a part~~
4978 ~~of the public records of the state land planning agency.~~

4979 (e) ~~(7)~~ Local government review of comments; adoption of
4980 plan or amendments and transmittal.-

4981 1. ~~(a)~~ The local government shall review the report written
4982 ~~comments~~ submitted to it by the state land planning agency, if
4983 any, and written comments submitted to it by any other person,
4984 agency, or government. ~~Any comments, recommendations, or~~
4985 ~~objections and any reply to them shall be public documents, a~~
4986 ~~part of the permanent record in the matter, and admissible in~~
4987 ~~any proceeding in which the comprehensive plan or plan amendment~~
4988 ~~may be at issue.~~ The local government, upon receipt of the
4989 report written comments from the state land planning agency,
4990 shall hold its second public hearing, which shall be a hearing
4991 to determine whether to adopt the comprehensive plan or one or
4992 more comprehensive plan amendments pursuant to subsection (11).
4993 If the local government fails to hold the second hearing within
4994 180 days after receipt of the state land planning agency's
4995 report, the amendments shall be deemed withdrawn unless extended
4996 by agreement with notice to the state land planning agency and
4997 any affected person that provided comments on the amendment. The
4998 180-day limitation does not apply to amendments processed
4999 pursuant to s. 380.06.

5000 2. All comprehensive plan amendments adopted by the
5001 governing body, along with the supporting data and analysis,



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5002 shall be transmitted within 10 days after the second public
5003 hearing to the state land planning agency and any other agency
5004 or local government that provided timely comments under
5005 paragraph (c).

5006 3. The state land planning agency shall notify the local
5007 government of any deficiencies within 5 working days after
5008 receipt of a plan or plan amendment package. For purposes of
5009 completeness, a plan or plan amendment shall be deemed complete
5010 if it contains a full, executed copy of the adoption ordinance
5011 or ordinances; in the case of a text amendment, a full copy of
5012 the amended language in legislative format with new words
5013 inserted in the text underlined, and words deleted stricken with
5014 hyphens; in the case of a future land use map amendment, a copy
5015 of the future land use map clearly depicting the parcel, its
5016 existing future land use designation, and its adopted
5017 designation; and a copy of any data and analyses the local
5018 government deems appropriate.

5019 4. After the state land planning agency makes a
5020 determination of completeness regarding the adopted plan or plan
5021 amendment, the state land planning agency shall have 45 days to
5022 determine if the plan or plan amendment is in compliance with
5023 this act. Unless the plan or plan amendment is substantially
5024 changed from the one commented on, the state land planning
5025 agency's compliance determination shall be limited to objections
5026 raised in the objections, recommendations, and comments report.
5027 During the period provided for in this subparagraph, the state
5028 land planning agency shall issue, through a senior administrator
5029 or the secretary, a notice of intent to find that the plan or
5030 plan amendment is in compliance or not in compliance. The state



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5031 land planning agency shall post a copy of the notice of intent
5032 on the agency's Internet site. Publication by the state land
5033 planning agency of the notice of intent on the state land
5034 planning agency's Internet site shall be prima facie evidence of
5035 compliance with the publication requirements of this
5036 subparagraph.

5037 5. A plan or plan amendment adopted under the state
5038 coordinated review process shall go into effect pursuant to the
5039 state land planning agency's notice of intent. If timely
5040 challenged, an amendment does not become effective until the
5041 state land planning agency or the Administration Commission
5042 enters a final order determining the adopted amendment to be in
5043 compliance.

5044 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
5045 AMENDMENTS.—

5046 (a) Any affected person as defined in paragraph (1)(a) may
5047 file a petition with the Division of Administrative Hearings
5048 pursuant to ss. 120.569 and 120.57, with a copy served on the
5049 affected local government, to request a formal hearing to
5050 challenge whether the plan or plan amendments are in compliance
5051 as defined in paragraph (1)(b). This petition must be filed with
5052 the division within 30 days after the local government adopts
5053 the amendment. The state land planning agency may not intervene
5054 in a proceeding initiated by an affected person.

5055 (b) The state land planning agency may file a petition with
5056 the Division of Administrative Hearings pursuant to ss. 120.569
5057 and 120.57, with a copy served on the affected local government,
5058 to request a formal hearing to challenge whether the plan or
5059 plan amendment is in compliance as defined in paragraph (1)(b).



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5060 The state land planning agency's petition must clearly state the
5061 reasons for the challenge. Under the expedited state review
5062 process, this petition must be filed with the division within 30
5063 days after the state land planning agency notifies the local
5064 government that the plan amendment package is complete according
5065 to subparagraph (3)(c)3. Under the state coordinated review
5066 process, this petition must be filed with the division within 45
5067 days after the state land planning agency notifies the local
5068 government that the plan amendment package is complete according
5069 to subparagraph (3)(c)3.

5070 1. The state land planning agency's challenge to plan
5071 amendments adopted under the expedited state review process
5072 shall be limited to the comments provided by the reviewing
5073 agencies pursuant to subparagraphs (3)(b)2.-4., upon a
5074 determination by the state land planning agency that an
5075 important state resource or facility will be adversely impacted
5076 by the adopted plan amendment. The state land planning agency's
5077 petition shall state with specificity how the plan amendment
5078 will adversely impact the important state resource or facility.
5079 The state land planning agency may challenge a plan amendment
5080 that has substantially changed from the version on which the
5081 agencies provided comments but only upon a determination by the
5082 state land planning agency that an important state resource or
5083 facility will be adversely impacted.

5084 2. If the state land planning agency issues a notice of
5085 intent to find the comprehensive plan or plan amendment not in
5086 compliance with this act, the notice of intent shall be
5087 forwarded to the Division of Administrative Hearings of the
5088 Department of Management Services, which shall conduct a



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5089 proceeding under ss. 120.569 and 120.57 in the county of and
5090 convenient to the affected local jurisdiction. The parties to
5091 the proceeding shall be the state land planning agency, the
5092 affected local government, and any affected person who
5093 intervenes. No new issue may be alleged as a reason to find a
5094 plan or plan amendment not in compliance in an administrative
5095 pleading filed more than 21 days after publication of notice
5096 unless the party seeking that issue establishes good cause for
5097 not alleging the issue within that time period. Good cause does
5098 not include excusable neglect.

5099 (c) An administrative law judge shall hold a hearing in the
5100 affected local jurisdiction on whether the plan or plan
5101 amendment is in compliance.

5102 1. In challenges filed by an affected person, the
5103 comprehensive plan or plan amendment shall be determined to be
5104 in compliance if the local government's determination of
5105 compliance is fairly debatable.

5106 2.a. In challenges filed by the state land planning agency,
5107 the local government's determination that the comprehensive plan
5108 or plan amendment is in compliance is presumed to be correct,
5109 and the local government's determination shall be sustained
5110 unless it is shown by a preponderance of the evidence that the
5111 comprehensive plan or plan amendment is not in compliance.

5112 b. In challenges filed by the state land planning agency,
5113 the local government's determination that elements of its plan
5114 are related to and consistent with each other shall be sustained
5115 if the determination is fairly debatable.

5116 3. In challenges filed by the state land planning agency
5117 that require a determination by the agency that an important



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5118 state resource or facility will be adversely impacted by the
5119 adopted plan or plan amendment, the local government may contest
5120 the agency's determination of an important state resource or
5121 facility. The state land planning agency shall prove its
5122 determination by clear and convincing evidence.

5123 (d) If the administrative law judge recommends that the
5124 amendment be found not in compliance, the judge shall submit the
5125 recommended order to the Administration Commission for final
5126 agency action. The Administration Commission shall enter a final
5127 order within 45 days after its receipt of the recommended order.

5128 (e) If the administrative law judge recommends that the
5129 amendment be found in compliance, the judge shall submit the
5130 recommended order to the state land planning agency.

5131 1. If the state land planning agency determines that the
5132 plan amendment should be found not in compliance, the agency
5133 shall refer, within 30 days after receipt of the recommended
5134 order, the recommended order and its determination to the
5135 Administration Commission for final agency action.

5136 2. If the state land planning agency determines that the
5137 plan amendment should be found in compliance, the agency shall
5138 enter its final order not later than 30 days after receipt of
5139 the recommended order.

5140 (f) Parties to a proceeding under this subsection may enter
5141 into compliance agreements using the process in subsection (6).

5142 (6) COMPLIANCE AGREEMENT.—

5143 (a) At any time after the filing of a challenge, the state
5144 land planning agency and the local government may voluntarily
5145 enter into a compliance agreement to resolve one or more of the
5146 issues raised in the proceedings. Affected persons who have



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5147 initiated a formal proceeding or have intervened in a formal
5148 proceeding may also enter into a compliance agreement with the
5149 local government. All parties granted intervenor status shall be
5150 provided reasonable notice of the commencement of a compliance
5151 agreement negotiation process and a reasonable opportunity to
5152 participate in such negotiation process. Negotiation meetings
5153 with local governments or intervenors shall be open to the
5154 public. The state land planning agency shall provide each party
5155 granted intervenor status with a copy of the compliance
5156 agreement within 10 days after the agreement is executed. The
5157 compliance agreement shall list each portion of the plan or plan
5158 amendment that has been challenged, and shall specify remedial
5159 actions that the local government has agreed to complete within
5160 a specified time in order to resolve the challenge, including
5161 adoption of all necessary plan amendments. The compliance
5162 agreement may also establish monitoring requirements and
5163 incentives to ensure that the conditions of the compliance
5164 agreement are met.

5165 (b) Upon the filing of a compliance agreement executed by
5166 the parties to a challenge and the local government with the
5167 Division of Administrative Hearings, any administrative
5168 proceeding under ss. 120.569 and 120.57 regarding the plan or
5169 plan amendment covered by the compliance agreement shall be
5170 stayed.

5171 (c) Before its execution of a compliance agreement, the
5172 local government must approve the compliance agreement at a
5173 public hearing advertised at least 10 days before the public
5174 hearing in a newspaper of general circulation in the area in
5175 accordance with the advertisement requirements of chapter 125 or



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5176 chapter 166, as applicable.

5177 (d) The local government shall hold a single public hearing
5178 for adopting remedial amendments.

5179 (e) For challenges to amendments adopted under the
5180 expedited review process, if the local government adopts a
5181 comprehensive plan amendment pursuant to a compliance agreement,
5182 an affected person or the state land planning agency may file a
5183 revised challenge with the Division of Administrative Hearings
5184 within 15 days after the adoption of the remedial amendment.

5185 (f) For challenges to amendments adopted under the state
5186 coordinated process, the state land planning agency, upon
5187 receipt of a plan or plan amendment adopted pursuant to a
5188 compliance agreement, shall issue a cumulative notice of intent
5189 addressing both the remedial amendment and the plan or plan
5190 amendment that was the subject of the agreement.

5191 1. If the local government adopts a comprehensive plan or
5192 plan amendment pursuant to a compliance agreement and a notice
5193 of intent to find the plan amendment in compliance is issued,
5194 the state land planning agency shall forward the notice of
5195 intent to the Division of Administrative Hearings and the
5196 administrative law judge shall realign the parties in the
5197 pending proceeding under ss. 120.569 and 120.57, which shall
5198 thereafter be governed by the process contained in paragraph
5199 (5) (a) and subparagraph (5) (c)1., including provisions relating
5200 to challenges by an affected person, burden of proof, and issues
5201 of a recommended order and a final order. Parties to the
5202 original proceeding at the time of realignment may continue as
5203 parties without being required to file additional pleadings to
5204 initiate a proceeding, but may timely amend their pleadings to



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5205 raise any challenge to the amendment that is the subject of the
5206 cumulative notice of intent, and must otherwise conform to the
5207 rules of procedure of the Division of Administrative Hearings.
5208 Any affected person not a party to the realigned proceeding may
5209 challenge the plan amendment that is the subject of the
5210 cumulative notice of intent by filing a petition with the agency
5211 as provided in subsection (5). The agency shall forward the
5212 petition filed by the affected person not a party to the
5213 realigned proceeding to the Division of Administrative Hearings
5214 for consolidation with the realigned proceeding. If the
5215 cumulative notice of intent is not challenged, the state land
5216 planning agency shall request that the Division of
5217 Administrative Hearings relinquish jurisdiction to the state
5218 land planning agency for issuance of a final order.

5219 2. If the local government adopts a comprehensive plan
5220 amendment pursuant to a compliance agreement and a notice of
5221 intent is issued that finds the plan amendment not in
5222 compliance, the state land planning agency shall forward the
5223 notice of intent to the Division of Administrative Hearings,
5224 which shall consolidate the proceeding with the pending
5225 proceeding and immediately set a date for a hearing in the
5226 pending proceeding under ss. 120.569 and 120.57. Affected
5227 persons who are not a party to the underlying proceeding under
5228 ss. 120.569 and 120.57 may challenge the plan amendment adopted
5229 pursuant to the compliance agreement by filing a petition
5230 pursuant to paragraph (5) (a).

5231 (g) This subsection does not prohibit a local government
5232 from amending portions of its comprehensive plan other than
5233 those that are the subject of a challenge. However, such



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5234 amendments to the plan may not be inconsistent with the
5235 compliance agreement.

5236 (h) This subsection does not require settlement by any
5237 party against its will or preclude the use of other informal
5238 dispute resolution methods in the course of or in addition to
5239 the method described in this subsection.

5240 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5241 (a) At any time after the matter has been forwarded to the
5242 Division of Administrative Hearings, the local government
5243 proposing the amendment may demand formal mediation or the local
5244 government proposing the amendment or an affected person who is
5245 a party to the proceeding may demand informal mediation or
5246 expeditious resolution of the amendment proceedings by serving
5247 written notice on the state land planning agency if a party to
5248 the proceeding, all other parties to the proceeding, and the
5249 administrative law judge.

5250 (b) Upon receipt of a notice pursuant to paragraph (a), the
5251 administrative law judge shall set the matter for final hearing
5252 no more than 30 days after receipt of the notice. Once a final
5253 hearing has been set, no continuance in the hearing, and no
5254 additional time for post-hearing submittals, may be granted
5255 without the written agreement of the parties absent a finding by
5256 the administrative law judge of extraordinary circumstances.
5257 Extraordinary circumstances do not include matters relating to
5258 workload or need for additional time for preparation,
5259 negotiation, or mediation.

5260 (c) Absent a showing of extraordinary circumstances, the
5261 administrative law judge shall issue a recommended order, in a
5262 case proceeding under subsection (5), within 30 days after



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5263 filing of the transcript, unless the parties agree in writing to
5264 a longer time.

5265 (d) Absent a showing of extraordinary circumstances, the
5266 Administration Commission shall issue a final order, in a case
5267 proceeding under subsection (5), within 45 days after the
5268 issuance of the recommended order, unless the parties agree in
5269 writing to a longer time. have 120 days to adopt or adopt with
5270 changes the proposed comprehensive plan or s. 163.3191 plan
5271 amendments. In the case of comprehensive plan amendments other
5272 than those proposed pursuant to s. 163.3191, the local
5273 government shall have 60 days to adopt the amendment, adopt the
5274 amendment with changes, or determine that it will not adopt the
5275 amendment. The adoption of the proposed plan or plan amendment
5276 or the determination not to adopt a plan amendment, other than a
5277 plan amendment proposed pursuant to s. 163.3191, shall be made
5278 in the course of a public hearing pursuant to subsection (15).
5279 The local government shall transmit the complete adopted
5280 comprehensive plan or plan amendment, including the names and
5281 addresses of persons compiled pursuant to paragraph (15)(c), to
5282 the state land planning agency as specified in the agency's
5283 procedural rules within 10 working days after adoption. The
5284 local governing body shall also transmit a copy of the adopted
5285 comprehensive plan or plan amendment to the regional planning
5286 agency and to any other unit of local government or governmental
5287 agency in the state that has filed a written request with the
5288 governing body for a copy of the plan or plan amendment.

5289 (b) If the adopted plan amendment is unchanged from the
5290 proposed plan amendment transmitted pursuant to subsection (3)
5291 and an affected person as defined in paragraph (1)(a) did not



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5292 ~~raise any objection, the state land planning agency did not~~
5293 ~~review the proposed plan amendment, and the state land planning~~
5294 ~~agency did not raise any objections during its review pursuant~~
5295 ~~to subsection (6), the local government may state in the~~
5296 ~~transmittal letter that the plan amendment is unchanged and was~~
5297 ~~not the subject of objections.~~

5298 ~~(8) NOTICE OF INTENT.—~~

5299 ~~(a) If the transmittal letter correctly states that the~~
5300 ~~plan amendment is unchanged and was not the subject of review or~~
5301 ~~objections pursuant to paragraph (7) (b), the state land planning~~
5302 ~~agency has 20 days after receipt of the transmittal letter~~
5303 ~~within which to issue a notice of intent that the plan amendment~~
5304 ~~is in compliance.~~

5305 ~~(b) Except as provided in paragraph (a) or in s.~~
5306 ~~163.3187(3), the state land planning agency, upon receipt of a~~
5307 ~~local government's complete adopted comprehensive plan or plan~~
5308 ~~amendment, shall have 45 days for review and to determine if the~~
5309 ~~plan or plan amendment is in compliance with this act, unless~~
5310 ~~the amendment is the result of a compliance agreement entered~~
5311 ~~into under subsection (16), in which case the time period for~~
5312 ~~review and determination shall be 30 days. If review was not~~
5313 ~~conducted under subsection (6), the agency's determination must~~
5314 ~~be based upon the plan amendment as adopted. If review was~~
5315 ~~conducted under subsection (6), the agency's determination of~~
5316 ~~compliance must be based only upon one or both of the following:~~

5317 ~~1. The state land planning agency's written comments to the~~
5318 ~~local government pursuant to subsection (6); or~~

5319 ~~2. Any changes made by the local government to the~~
5320 ~~comprehensive plan or plan amendment as adopted.~~



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5321 ~~(c)1. During the time period provided for in this~~
5322 ~~subsection, the state land planning agency shall issue, through~~
5323 ~~a senior administrator or the secretary, as specified in the~~
5324 ~~agency's procedural rules, a notice of intent to find that the~~
5325 ~~plan or plan amendment is in compliance or not in compliance. A~~
5326 ~~notice of intent shall be issued by publication in the manner~~
5327 ~~provided by this paragraph and by mailing a copy to the local~~
5328 ~~government. The advertisement shall be placed in that portion of~~
5329 ~~the newspaper where legal notices appear. The advertisement~~
5330 ~~shall be published in a newspaper that meets the size and~~
5331 ~~circulation requirements set forth in paragraph (15)(c) and that~~
5332 ~~has been designated in writing by the affected local government~~
5333 ~~at the time of transmittal of the amendment. Publication by the~~
5334 ~~state land planning agency of a notice of intent in the~~
5335 ~~newspaper designated by the local government shall be prima~~
5336 ~~facie evidence of compliance with the publication requirements~~
5337 ~~of this section. The state land planning agency shall post a~~
5338 ~~copy of the notice of intent on the agency's Internet site. The~~
5339 ~~agency shall, no later than the date the notice of intent is~~
5340 ~~transmitted to the newspaper, send by regular mail a courtesy~~
5341 ~~informational statement to persons who provide their names and~~
5342 ~~addresses to the local government at the transmittal hearing or~~
5343 ~~at the adoption hearing where the local government has provided~~
5344 ~~the names and addresses of such persons to the department at the~~
5345 ~~time of transmittal of the adopted amendment. The informational~~
5346 ~~statements shall include the name of the newspaper in which the~~
5347 ~~notice of intent will appear, the approximate date of~~
5348 ~~publication, the ordinance number of the plan or plan amendment,~~
5349 ~~and a statement that affected persons have 21 days after the~~



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5350 ~~actual date of publication of the notice to file a petition.~~

5351 ~~2. A local government that has an Internet site shall post~~
5352 ~~a copy of the state land planning agency's notice of intent on~~
5353 ~~the site within 5 days after receipt of the mailed copy of the~~
5354 ~~agency's notice of intent.~~

5355 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

5356 ~~(a) If the state land planning agency issues a notice of~~
5357 ~~intent to find that the comprehensive plan or plan amendment~~
5358 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
5359 ~~or s. 163.3191 is in compliance with this act, any affected~~
5360 ~~person may file a petition with the agency pursuant to ss.~~
5361 ~~120.569 and 120.57 within 21 days after the publication of~~
5362 ~~notice. In this proceeding, the local plan or plan amendment~~
5363 ~~shall be determined to be in compliance if the local~~
5364 ~~government's determination of compliance is fairly debatable.~~

5365 ~~(b) The hearing shall be conducted by an administrative law~~
5366 ~~judge of the Division of Administrative Hearings of the~~
5367 ~~Department of Management Services, who shall hold the hearing in~~
5368 ~~the county of and convenient to the affected local jurisdiction~~
5369 ~~and submit a recommended order to the state land planning~~
5370 ~~agency. The state land planning agency shall allow for the~~
5371 ~~filing of exceptions to the recommended order and shall issue a~~
5372 ~~final order after receipt of the recommended order if the state~~
5373 ~~land planning agency determines that the plan or plan amendment~~
5374 ~~is in compliance. If the state land planning agency determines~~
5375 ~~that the plan or plan amendment is not in compliance, the agency~~
5376 ~~shall submit the recommended order to the Administration~~
5377 ~~Commission for final agency action.~~

5378 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~



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5379 ~~COMPLIANCE.—~~

5380 ~~(a) If the state land planning agency issues a notice of~~
5381 ~~intent to find the comprehensive plan or plan amendment not in~~
5382 ~~compliance with this act, the notice of intent shall be~~
5383 ~~forwarded to the Division of Administrative Hearings of the~~
5384 ~~Department of Management Services, which shall conduct a~~
5385 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
5386 ~~convenient to the affected local jurisdiction. The parties to~~
5387 ~~the proceeding shall be the state land planning agency, the~~
5388 ~~affected local government, and any affected person who~~
5389 ~~intervenes. No new issue may be alleged as a reason to find a~~
5390 ~~plan or plan amendment not in compliance in an administrative~~
5391 ~~pleading filed more than 21 days after publication of notice~~
5392 ~~unless the party seeking that issue establishes good cause for~~
5393 ~~not alleging the issue within that time period. Good cause shall~~
5394 ~~not include excusable neglect. In the proceeding, the local~~
5395 ~~government's determination that the comprehensive plan or plan~~
5396 ~~amendment is in compliance is presumed to be correct. The local~~
5397 ~~government's determination shall be sustained unless it is shown~~
5398 ~~by a preponderance of the evidence that the comprehensive plan~~
5399 ~~or plan amendment is not in compliance. The local government's~~
5400 ~~determination that elements of its plans are related to and~~
5401 ~~consistent with each other shall be sustained if the~~
5402 ~~determination is fairly debatable.~~

5403 ~~(b) The administrative law judge assigned by the division~~
5404 ~~shall submit a recommended order to the Administration~~
5405 ~~Commission for final agency action.~~

5406 ~~(c) Prior to the hearing, the state land planning agency~~
5407 ~~shall afford an opportunity to mediate or otherwise resolve the~~



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5408 ~~dispute. If a party to the proceeding requests mediation or~~
5409 ~~other alternative dispute resolution, the hearing may not be~~
5410 ~~held until the state land planning agency advises the~~
5411 ~~administrative law judge in writing of the results of the~~
5412 ~~mediation or other alternative dispute resolution. However, the~~
5413 ~~hearing may not be delayed for longer than 90 days for mediation~~
5414 ~~or other alternative dispute resolution unless a longer delay is~~
5415 ~~agreed to by the parties to the proceeding. The costs of the~~
5416 ~~mediation or other alternative dispute resolution shall be borne~~
5417 ~~equally by all of the parties to the proceeding.~~

5418 ~~(8)(11)~~ ADMINISTRATION COMMISSION.—

5419 (a) If the Administration Commission, upon a hearing
5420 pursuant to subsection ~~(5)(9)~~ or ~~subsection (10)~~, finds that the
5421 comprehensive plan or plan amendment is not in compliance with
5422 this act, the commission shall specify remedial actions that
5423 ~~which~~ would bring the comprehensive plan or plan amendment into
5424 compliance.

5425 (b) The commission may specify the sanctions provided in
5426 subparagraphs 1. and 2. to which the local government will be
5427 subject if it elects to make the amendment effective
5428 notwithstanding the determination of noncompliance.

5429 1. The commission may direct state agencies not to provide
5430 funds to increase the capacity of roads, bridges, or water and
5431 sewer systems within the boundaries of those local governmental
5432 entities which have comprehensive plans or plan elements that
5433 are determined not to be in compliance. The commission order may
5434 also specify that the local government is ~~shall~~ not be eligible
5435 for grants administered under the following programs:

5436 a.1. The Florida Small Cities Community Development Block



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5437 Grant Program, as authorized by ss. 290.0401-290.049.

5438 ~~b.2.~~ The Florida Recreation Development Assistance Program,
5439 as authorized by chapter 375.

5440 ~~c.3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and
5441 218.61 and chapter 212, to the extent not pledged to pay back
5442 bonds.

5443 ~~2.(b)~~ If the local government is one which is required to
5444 include a coastal management element in its comprehensive plan
5445 pursuant to s. 163.3177(6)(g), the commission order may also
5446 specify that the local government is not eligible for funding
5447 pursuant to s. 161.091. The commission order may also specify
5448 that the fact that the coastal management element has been
5449 determined to be not in compliance shall be a consideration when
5450 the department considers permits under s. 161.053 and when the
5451 Board of Trustees of the Internal Improvement Trust Fund
5452 considers whether to sell, convey any interest in, or lease any
5453 sovereignty lands or submerged lands until the element is
5454 brought into compliance.

5455 ~~3.(e)~~ The sanctions provided by subparagraphs 1. and 2. do
5456 ~~paragraphs (a) and (b) shall~~ not apply to a local government
5457 regarding any plan amendment, except for plan amendments that
5458 amend plans that have not been finally determined to be in
5459 compliance with this part, and except as provided in paragraph
5460 (b) s. 163.3189(2) or s. 163.3191(11).

5461 ~~(9)(12)~~ GOOD FAITH FILING.—The signature of an attorney or
5462 party constitutes a certificate that he or she has read the
5463 pleading, motion, or other paper and that, to the best of his or
5464 her knowledge, information, and belief formed after reasonable
5465 inquiry, it is not interposed for any improper purpose, such as



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5466 to harass or to cause unnecessary delay, or for economic
5467 advantage, competitive reasons, or frivolous purposes or
5468 needless increase in the cost of litigation. If a pleading,
5469 motion, or other paper is signed in violation of these
5470 requirements, the administrative law judge, upon motion or his
5471 or her own initiative, shall impose upon the person who signed
5472 it, a represented party, or both, an appropriate sanction, which
5473 may include an order to pay to the other party or parties the
5474 amount of reasonable expenses incurred because of the filing of
5475 the pleading, motion, or other paper, including a reasonable
5476 attorney's fee.

5477 (10) ~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
5478 section shall be the sole proceeding or action for a
5479 determination of whether a local government's plan, element, or
5480 amendment is in compliance with this act.

5481 ~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local~~
5482 ~~government comprehensive plan or plan amendment which is~~
5483 ~~applicable to a designated area of critical state concern shall~~
5484 ~~be effective until a final order is issued finding the plan or~~
5485 ~~amendment to be in compliance as defined in this section.~~

5486 (11) ~~(15)~~ PUBLIC HEARINGS.—

5487 (a) The procedure for transmittal of a complete proposed
5488 comprehensive plan or plan amendment pursuant to subparagraph
5489 ~~subsection~~ (3) (b)1. and paragraph (4) (b) and for adoption of a
5490 comprehensive plan or plan amendment pursuant to
5491 subparagraphs (3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by
5492 affirmative vote of not less than a majority of the members of
5493 the governing body present at the hearing. The adoption of a
5494 comprehensive plan or plan amendment shall be by ordinance. For



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5495 the purposes of transmitting or adopting a comprehensive plan or
5496 plan amendment, the notice requirements in chapters 125 and 166
5497 are superseded by this subsection, except as provided in this
5498 part.

5499 (b) The local governing body shall hold at least two
5500 advertised public hearings on the proposed comprehensive plan or
5501 plan amendment as follows:

5502 1. The first public hearing shall be held at the
5503 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
5504 on a weekday at least 7 days after the day that the first
5505 advertisement is published pursuant to the requirements of
5506 chapter 125 or chapter 166.

5507 2. The second public hearing shall be held at the adoption
5508 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
5509 at least 5 days after the day that the second advertisement is
5510 published pursuant to the requirements of chapter 125 or chapter
5511 166.

5512 (c) Nothing in this part is intended to prohibit or limit
5513 the authority of local governments to require a person
5514 requesting an amendment to pay some or all of the cost of the
5515 public notice.

5516 (12) CONCURRENT ZONING.—At the request of an applicant, a
5517 local government shall consider an application for zoning
5518 changes that would be required to properly enact any proposed
5519 plan amendment transmitted pursuant to this subsection. Zoning
5520 changes approved by the local government are contingent upon the
5521 comprehensive plan or plan amendment transmitted becoming
5522 effective.

5523 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local



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5524 government comprehensive plan or plan amendment that is
5525 applicable to a designated area of critical state concern shall
5526 be effective until a final order is issued finding the plan or
5527 amendment to be in compliance as defined in paragraph (1)(b).

5528 ~~(c) The local government shall provide a sign-in form at~~
5529 ~~the transmittal hearing and at the adoption hearing for persons~~
5530 ~~to provide their names and mailing addresses. The sign-in form~~
5531 ~~must advise that any person providing the requested information~~
5532 ~~will receive a courtesy informational statement concerning~~
5533 ~~publications of the state land planning agency's notice of~~
5534 ~~intent. The local government shall add to the sign-in form the~~
5535 ~~name and address of any person who submits written comments~~
5536 ~~concerning the proposed plan or plan amendment during the time~~
5537 ~~period between the commencement of the transmittal hearing and~~
5538 ~~the end of the adoption hearing. It is the responsibility of the~~
5539 ~~person completing the form or providing written comments to~~
5540 ~~accurately, completely, and legibly provide all information~~
5541 ~~needed in order to receive the courtesy informational statement.~~

5542 ~~(d) The agency shall provide a model sign-in form for~~
5543 ~~providing the list to the agency which may be used by the local~~
5544 ~~government to satisfy the requirements of this subsection.~~

5545 ~~(e) If the proposed comprehensive plan or plan amendment~~
5546 ~~changes the actual list of permitted, conditional, or prohibited~~
5547 ~~uses within a future land use category or changes the actual~~
5548 ~~future land use map designation of a parcel or parcels of land,~~
5549 ~~the required advertisements shall be in the format prescribed by~~
5550 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
5551 ~~municipality.~~

5552 ~~(16) COMPLIANCE AGREEMENTS.—~~



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5553 ~~(a) At any time following the issuance of a notice of~~
5554 ~~intent to find a comprehensive plan or plan amendment not in~~
5555 ~~compliance with this part or after the initiation of a hearing~~
5556 ~~pursuant to subsection (9), the state land planning agency and~~
5557 ~~the local government may voluntarily enter into a compliance~~
5558 ~~agreement to resolve one or more of the issues raised in the~~
5559 ~~proceedings. Affected persons who have initiated a formal~~
5560 ~~proceeding or have intervened in a formal proceeding may also~~
5561 ~~enter into the compliance agreement. All parties granted~~
5562 ~~intervenor status shall be provided reasonable notice of the~~
5563 ~~commencement of a compliance agreement negotiation process and a~~
5564 ~~reasonable opportunity to participate in such negotiation~~
5565 ~~process. Negotiation meetings with local governments or~~
5566 ~~intervenor shall be open to the public. The state land planning~~
5567 ~~agency shall provide each party granted intervenor status with a~~
5568 ~~copy of the compliance agreement within 10 days after the~~
5569 ~~agreement is executed. The compliance agreement shall list each~~
5570 ~~portion of the plan or plan amendment which is not in~~
5571 ~~compliance, and shall specify remedial actions which the local~~
5572 ~~government must complete within a specified time in order to~~
5573 ~~bring the plan or plan amendment into compliance, including~~
5574 ~~adoption of all necessary plan amendments. The compliance~~
5575 ~~agreement may also establish monitoring requirements and~~
5576 ~~incentives to ensure that the conditions of the compliance~~
5577 ~~agreement are met.~~

5578 ~~(b) Upon filing by the state land planning agency of a~~
5579 ~~compliance agreement executed by the agency and the local~~
5580 ~~government with the Division of Administrative Hearings, any~~
5581 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~



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5582 ~~the plan or plan amendment covered by the compliance agreement~~
5583 ~~shall be stayed.~~

5584 ~~(c) Prior to its execution of a compliance agreement, the~~
5585 ~~local government must approve the compliance agreement at a~~
5586 ~~public hearing advertised at least 10 days before the public~~
5587 ~~hearing in a newspaper of general circulation in the area in~~
5588 ~~accordance with the advertisement requirements of subsection~~
5589 ~~(15).~~

5590 ~~(d) A local government may adopt a plan amendment pursuant~~
5591 ~~to a compliance agreement in accordance with the requirements of~~
5592 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~
5593 ~~requirements of subsections (2) - (7). The local government shall~~
5594 ~~hold a single adoption public hearing pursuant to the~~
5595 ~~requirements of subparagraph (15) (b) 2. and paragraph (15) (c).~~
5596 ~~Within 10 working days after adoption of a plan amendment, the~~
5597 ~~local government shall transmit the amendment to the state land~~
5598 ~~planning agency as specified in the agency's procedural rules,~~
5599 ~~and shall submit one copy to the regional planning agency and to~~
5600 ~~any other unit of local government or government agency in the~~
5601 ~~state that has filed a written request with the governing body~~
5602 ~~for a copy of the plan amendment, and one copy to any party to~~
5603 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~
5604 ~~status.~~

5605 ~~(e) The state land planning agency, upon receipt of a plan~~
5606 ~~amendment adopted pursuant to a compliance agreement, shall~~
5607 ~~issue a cumulative notice of intent addressing both the~~
5608 ~~compliance agreement amendment and the plan or plan amendment~~
5609 ~~that was the subject of the agreement, in accordance with~~
5610 ~~subsection (8).~~



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5611 ~~(f)1. If the local government adopts a comprehensive plan~~
5612 ~~amendment pursuant to a compliance agreement and a notice of~~
5613 ~~intent to find the plan amendment in compliance is issued, the~~
5614 ~~state land planning agency shall forward the notice of intent to~~
5615 ~~the Division of Administrative Hearings and the administrative~~
5616 ~~law judge shall realign the parties in the pending proceeding~~
5617 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
5618 ~~by the process contained in paragraphs (9) (a) and (b), including~~
5619 ~~provisions relating to challenges by an affected person, burden~~
5620 ~~of proof, and issues of a recommended order and a final order,~~
5621 ~~except as provided in subparagraph 2. Parties to the original~~
5622 ~~proceeding at the time of realignment may continue as parties~~
5623 ~~without being required to file additional pleadings to initiate~~
5624 ~~a proceeding, but may timely amend their pleadings to raise any~~
5625 ~~challenge to the amendment which is the subject of the~~
5626 ~~cumulative notice of intent, and must otherwise conform to the~~
5627 ~~rules of procedure of the Division of Administrative Hearings.~~
5628 ~~Any affected person not a party to the realigned proceeding may~~
5629 ~~challenge the plan amendment which is the subject of the~~
5630 ~~cumulative notice of intent by filing a petition with the agency~~
5631 ~~as provided in subsection (9). The agency shall forward the~~
5632 ~~petition filed by the affected person not a party to the~~
5633 ~~realigned proceeding to the Division of Administrative Hearings~~
5634 ~~for consolidation with the realigned proceeding.~~

5635 ~~2. If any of the issues raised by the state land planning~~
5636 ~~agency in the original subsection (10) proceeding are not~~
5637 ~~resolved by the compliance agreement amendments, any intervenor~~
5638 ~~in the original subsection (10) proceeding may require those~~
5639 ~~issues to be addressed in the pending consolidated realigned~~



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5640 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
5641 ~~issues, the burden of proof shall be governed by subsection~~
5642 ~~(10).~~

5643 ~~3. If the local government adopts a comprehensive plan~~
5644 ~~amendment pursuant to a compliance agreement and a notice of~~
5645 ~~intent to find the plan amendment not in compliance is issued,~~
5646 ~~the state land planning agency shall forward the notice of~~
5647 ~~intent to the Division of Administrative Hearings, which shall~~
5648 ~~consolidate the proceeding with the pending proceeding and~~
5649 ~~immediately set a date for hearing in the pending proceeding~~
5650 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~
5651 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
5652 ~~may challenge the plan amendment adopted pursuant to the~~
5653 ~~compliance agreement by filing a petition pursuant to subsection~~
5654 ~~(10).~~

5655 ~~(g) If the local government fails to adopt a comprehensive~~
5656 ~~plan amendment pursuant to a compliance agreement, the state~~
5657 ~~land planning agency shall notify the Division of Administrative~~
5658 ~~Hearings, which shall set the hearing in the pending proceeding~~
5659 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5660 ~~(h) This subsection does not prohibit a local government~~
5661 ~~from amending portions of its comprehensive plan other than~~
5662 ~~those which are the subject of the compliance agreement.~~
5663 ~~However, such amendments to the plan may not be inconsistent~~
5664 ~~with the compliance agreement.~~

5665 ~~(i) Nothing in this subsection is intended to limit the~~
5666 ~~parties from entering into a compliance agreement at any time~~
5667 ~~before the final order in the proceeding is issued, provided~~
5668 ~~that the provisions of paragraph (c) shall apply regardless of~~



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5669 ~~when the compliance agreement is reached.~~

5670 ~~(j) Nothing in this subsection is intended to force any~~
5671 ~~party into settlement against its will or to preclude the use of~~
5672 ~~other informal dispute resolution methods, such as the services~~
5673 ~~offered by the Florida Growth Management Dispute Resolution~~
5674 ~~Consortium, in the course of or in addition to the method~~
5675 ~~described in this subsection.~~

5676 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A~~
5677 ~~local government that has adopted a community vision and urban~~
5678 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
5679 ~~amendment related to map amendments solely to property within an~~
5680 ~~urban service boundary in the manner described in subsections~~
5681 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
5682 ~~and e., 2., and 3., such that state and regional agency review~~
5683 ~~is eliminated. The department may not issue an objections,~~
5684 ~~recommendations, and comments report on proposed plan amendments~~
5685 ~~or a notice of intent on adopted plan amendments; however,~~
5686 ~~affected persons, as defined by paragraph (1)(a), may file a~~
5687 ~~petition for administrative review pursuant to the requirements~~
5688 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
5689 ~~plan amendment. This subsection does not apply to any amendment~~
5690 ~~within an area of critical state concern, to any amendment that~~
5691 ~~increases residential densities allowable in high-hazard coastal~~
5692 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~
5693 ~~the goals, policies, or objectives of the local government's~~
5694 ~~comprehensive plan. Amendments submitted under this subsection~~
5695 ~~are exempt from the limitation on the frequency of plan~~
5696 ~~amendments in s. 163.3187.~~

5697 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~



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5698 ~~municipality that has a designated urban infill and~~
5699 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
5700 ~~related to map amendments solely to property within a designated~~
5701 ~~urban infill and redevelopment area in the manner described in~~
5702 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
5703 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
5704 ~~regional agency review is eliminated. The department may not~~
5705 ~~issue an objections, recommendations, and comments report on~~
5706 ~~proposed plan amendments or a notice of intent on adopted plan~~
5707 ~~amendments; however, affected persons, as defined by paragraph~~
5708 ~~(1)(a), may file a petition for administrative review pursuant~~
5709 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~
5710 ~~compliance of an adopted plan amendment. This subsection does~~
5711 ~~not apply to any amendment within an area of critical state~~
5712 ~~concern, to any amendment that increases residential densities~~
5713 ~~allowable in high-hazard coastal areas as defined in s.~~
5714 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
5715 ~~objectives of the local government's comprehensive plan.~~
5716 ~~Amendments submitted under this subsection are exempt from the~~
5717 ~~limitation on the frequency of plan amendments in s. 163.3187.~~
5718 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
5719 ~~government that identifies in its comprehensive plan the types~~
5720 ~~of housing developments and conditions for which it will~~
5721 ~~consider plan amendments that are consistent with the local~~
5722 ~~housing incentive strategies identified in s. 420.9076 and~~
5723 ~~authorized by the local government may expedite consideration of~~
5724 ~~such plan amendments. At least 30 days prior to adopting a plan~~
5725 ~~amendment pursuant to this subsection, the local government~~
5726 ~~shall notify the state land planning agency of its intent to~~



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5727 ~~adopt such an amendment, and the notice shall include the local~~
5728 ~~government's evaluation of site suitability and availability of~~
5729 ~~facilities and services. A plan amendment considered under this~~
5730 ~~subsection shall require only a single public hearing before the~~
5731 ~~local governing body, which shall be a plan amendment adoption~~
5732 ~~hearing as described in subsection (7). The public notice of the~~
5733 ~~hearing required under subparagraph (15) (b)2. must include a~~
5734 ~~statement that the local government intends to use the expedited~~
5735 ~~adoption process authorized under this subsection. The state~~
5736 ~~land planning agency shall issue its notice of intent required~~
5737 ~~under subsection (8) within 30 days after determining that the~~
5738 ~~amendment package is complete. Any further proceedings shall be~~
5739 ~~governed by subsections (9) (16).~~

5740 Section 18. Section 163.3187, Florida Statutes, is amended
5741 to read:

5742 163.3187 Process for adoption of small-scale comprehensive
5743 plan amendment of adopted comprehensive plan.-

5744 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
5745 ~~this part may be made not more than two times during any~~
5746 ~~calendar year, except:~~

5747 ~~(a) In the case of an emergency, comprehensive plan~~
5748 ~~amendments may be made more often than twice during the calendar~~
5749 ~~year if the additional plan amendment receives the approval of~~
5750 ~~all of the members of the governing body. "Emergency" means any~~
5751 ~~occurrence or threat thereof whether accidental or natural,~~
5752 ~~caused by humankind, in war or peace, which results or may~~
5753 ~~result in substantial injury or harm to the population or~~
5754 ~~substantial damage to or loss of property or public funds.~~

5755 ~~(b) Any local government comprehensive plan amendments~~



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5756 ~~directly related to a proposed development of regional impact,~~
5757 ~~including changes which have been determined to be substantial~~
5758 ~~deviations and including Florida Quality Developments pursuant~~
5759 ~~to s. 380.061, may be initiated by a local planning agency and~~
5760 ~~considered by the local governing body at the same time as the~~
5761 ~~application for development approval using the procedures~~
5762 ~~provided for local plan amendment in this section and applicable~~
5763 ~~local ordinances.~~

5764 ~~(1)(c) Any local government comprehensive plan amendments~~
5765 ~~directly related to proposed small scale development activities~~
5766 ~~may be approved without regard to statutory limits on the~~
5767 ~~frequency of consideration of amendments to the local~~
5768 ~~comprehensive plan. A small scale development amendment may be~~
5769 ~~adopted only under the following conditions:~~

5770 ~~(a)1. The proposed amendment involves a use of 10 acres or~~
5771 ~~fewer and:~~

5772 ~~(b)a. The cumulative annual effect of the acreage for all~~
5773 ~~small scale development amendments adopted by the local~~
5774 ~~government does ~~shall~~ not exceed:~~

5775 ~~(I) a maximum of 120 acres in a calendar year. ~~local~~~~
5776 ~~government that contains areas specifically designated in the~~
5777 ~~local comprehensive plan for urban infill, urban redevelopment,~~
5778 ~~or downtown revitalization as defined in s. 163.3164, urban~~
5779 ~~infill and redevelopment areas designated under s. 163.2517,~~
5780 ~~transportation concurrency exception areas approved pursuant to~~
5781 ~~s. 163.3180(5), or regional activity centers and urban central~~
5782 ~~business districts approved pursuant to s. 380.06(2)(c);~~
5783 ~~however, amendments under this paragraph may be applied to no~~
5784 ~~more than 60 acres annually of property outside the designated~~



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5785 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
5786 ~~pursuant to paragraph (k) shall not be counted toward the~~
5787 ~~acreage limitations for small scale amendments under this~~
5788 ~~paragraph.~~

5789 ~~(II) A maximum of 80 acres in a local government that does~~
5790 ~~not contain any of the designated areas set forth in sub-sub-~~
5791 ~~subparagraph (I).~~

5792 ~~(III) A maximum of 120 acres in a county established~~
5793 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5794 ~~b. The proposed amendment does not involve the same~~
5795 ~~property granted a change within the prior 12 months.~~

5796 ~~e. The proposed amendment does not involve the same owner's~~
5797 ~~property within 200 feet of property granted a change within the~~
5798 ~~prior 12 months.~~

5799 ~~(c)d.~~ The proposed amendment does not involve a text change
5800 to the goals, policies, and objectives of the local government's
5801 comprehensive plan, but only proposes a land use change to the
5802 future land use map for a site-specific small scale development
5803 activity. However, text changes that relate directly to, and are
5804 adopted simultaneously with, the small scale future land use map
5805 amendment shall be permissible under this section.

5806 ~~(d)e.~~ The property that is the subject of the proposed
5807 amendment is not located within an area of critical state
5808 concern, unless the project subject to the proposed amendment
5809 involves the construction of affordable housing units meeting
5810 the criteria of s. 420.0004(3), and is located within an area of
5811 critical state concern designated by s. 380.0552 or by the
5812 Administration Commission pursuant to s. 380.05(1). ~~Such~~
5813 ~~amendment is not subject to the density limitations of sub-~~



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5814 ~~subparagraph f., and shall be reviewed by the state land~~
5815 ~~planning agency for consistency with the principles for guiding~~
5816 ~~development applicable to the area of critical state concern~~
5817 ~~where the amendment is located and shall not become effective~~
5818 ~~until a final order is issued under s. 380.05(6).~~

5819 ~~f. If the proposed amendment involves a residential land~~
5820 ~~use, the residential land use has a density of 10 units or less~~
5821 ~~per acre or the proposed future land use category allows a~~
5822 ~~maximum residential density of the same or less than the maximum~~
5823 ~~residential density allowable under the existing future land use~~
5824 ~~category, except that this limitation does not apply to small~~
5825 ~~scale amendments involving the construction of affordable~~
5826 ~~housing units meeting the criteria of s. 420.0004(3) on property~~
5827 ~~which will be the subject of a land use restriction agreement,~~
5828 ~~or small scale amendments described in sub-sub-subparagraph~~
5829 ~~a.(I) that are designated in the local comprehensive plan for~~
5830 ~~urban infill, urban redevelopment, or downtown revitalization as~~
5831 ~~defined in s. 163.3164, urban infill and redevelopment areas~~
5832 ~~designated under s. 163.2517, transportation concurrency~~
5833 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
5834 ~~activity centers and urban central business districts approved~~
5835 ~~pursuant to s. 380.06(2)(c).~~

5836 ~~2.a. A local government that proposes to consider a plan~~
5837 ~~amendment pursuant to this paragraph is not required to comply~~
5838 ~~with the procedures and public notice requirements of s.~~
5839 ~~163.3184(15)(c) for such plan amendments if the local government~~
5840 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
5841 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
5842 ~~amendment under this paragraph is initiated by other than the~~



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5843 ~~local government, public notice is required.~~

5844 ~~b. The local government shall send copies of the notice and~~
5845 ~~amendment to the state land planning agency, the regional~~
5846 ~~planning council, and any other person or entity requesting a~~
5847 ~~copy. This information shall also include a statement~~
5848 ~~identifying any property subject to the amendment that is~~
5849 ~~located within a coastal high hazard area as identified in the~~
5850 ~~local comprehensive plan.~~

5851 ~~(2)3.~~ Small scale development amendments adopted pursuant
5852 to this section ~~paragraph~~ require only one public hearing before
5853 the governing board, which shall be an adoption hearing as
5854 described in s. 163.3184 ~~(11) (7)~~, and are not subject to the
5855 requirements of s. 163.3184 ~~(3) (6)~~ unless the local government
5856 elects to have them subject to those requirements.

5857 ~~(3)4.~~ If the small scale development amendment involves a
5858 site within an area that is designated by the Governor as a
5859 rural area of critical economic concern as defined under s.
5860 288.0656 ~~(2) (d) (7)~~ for the duration of such designation, the 10-
5861 acre limit listed in subsection (1) subparagraph 1. shall be
5862 increased by 100 percent to 20 acres. The local government
5863 approving the small scale plan amendment shall certify to the
5864 Office of Tourism, Trade, and Economic Development that the plan
5865 amendment furthers the economic objectives set forth in the
5866 executive order issued under s. 288.0656 ~~(7)~~, and the property
5867 subject to the plan amendment shall undergo public review to
5868 ensure that all concurrency requirements and federal, state, and
5869 local environmental permit requirements are met.

5870 ~~(d) Any comprehensive plan amendment required by a~~
5871 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~



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5872 ~~without regard to statutory limits on the frequency of adoption~~
5873 ~~of amendments to the comprehensive plan.~~

5874 ~~(c) A comprehensive plan amendment for location of a state~~
5875 ~~correctional facility. Such an amendment may be made at any time~~
5876 ~~and does not count toward the limitation on the frequency of~~
5877 ~~plan amendments.~~

5878 ~~(f) The capital improvements element annual update required~~
5879 ~~in s. 163.3177(3)(b)1. and any amendments directly related to~~
5880 ~~the schedule.~~

5881 ~~(g) Any local government comprehensive plan amendments~~
5882 ~~directly related to proposed redevelopment of brownfield areas~~
5883 ~~designated under s. 376.80 may be approved without regard to~~
5884 ~~statutory limits on the frequency of consideration of amendments~~
5885 ~~to the local comprehensive plan.~~

5886 ~~(h) Any comprehensive plan amendments for port~~
5887 ~~transportation facilities and projects that are eligible for~~
5888 ~~funding by the Florida Seaport Transportation and Economic~~
5889 ~~Development Council pursuant to s. 311.07.~~

5890 ~~(i) A comprehensive plan amendment for the purpose of~~
5891 ~~designating an urban infill and redevelopment area under s.~~
5892 ~~163.2517 may be approved without regard to the statutory limits~~
5893 ~~on the frequency of amendments to the comprehensive plan.~~

5894 ~~(j) Any comprehensive plan amendment to establish public~~
5895 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
5896 ~~not limited to, adoption of a public school facilities element~~
5897 ~~and adoption of amendments to the capital improvements element~~
5898 ~~and intergovernmental coordination element. In order to ensure~~
5899 ~~the consistency of local government public school facilities~~
5900 ~~elements within a county, such elements shall be prepared and~~



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5901 ~~adopted on a similar time schedule.~~

5902 ~~(k) A local comprehensive plan amendment directly related~~
5903 ~~to providing transportation improvements to enhance life safety~~
5904 ~~on Controlled Access Major Arterial Highways identified in the~~
5905 ~~Florida Intrastate Highway System, in counties as defined in s.~~
5906 ~~125.011, where such roadways have a high incidence of traffic~~
5907 ~~accidents resulting in serious injury or death. Any such~~
5908 ~~amendment shall not include any amendment modifying the~~
5909 ~~designation on a comprehensive development plan land use map nor~~
5910 ~~any amendment modifying the allowable densities or intensities~~
5911 ~~of any land.~~

5912 ~~(l) A comprehensive plan amendment to adopt a public~~
5913 ~~educational facilities element pursuant to s. 163.3177(12) and~~
5914 ~~future land-use map amendments for school siting may be approved~~
5915 ~~notwithstanding statutory limits on the frequency of adopting~~
5916 ~~plan amendments.~~

5917 ~~(m) A comprehensive plan amendment that addresses criteria~~
5918 ~~or compatibility of land uses adjacent to or in close proximity~~
5919 ~~to military installations in a local government's future land~~
5920 ~~use element does not count toward the limitation on the~~
5921 ~~frequency of the plan amendments.~~

5922 ~~(n) Any local government comprehensive plan amendment~~
5923 ~~establishing or implementing a rural land stewardship area~~
5924 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5925 ~~(o) A comprehensive plan amendment that is submitted by an~~
5926 ~~area designated by the Governor as a rural area of critical~~
5927 ~~economic concern under s. 288.0656(7) and that meets the~~
5928 ~~economic development objectives may be approved without regard~~
5929 ~~to the statutory limits on the frequency of adoption of~~



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5930 ~~amendments to the comprehensive plan.~~

5931 ~~(p) Any local government comprehensive plan amendment that~~
5932 ~~is consistent with the local housing incentive strategies~~
5933 ~~identified in s. 420.9076 and authorized by the local~~
5934 ~~government.~~

5935 ~~(q) Any local government plan amendment to designate an~~
5936 ~~urban service area as a transportation concurrency exception~~
5937 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
5938 ~~development of regional impact process under s. 380.06(29).~~

5939 (4)(2) Comprehensive plans may only be amended in such a
5940 way as to preserve the internal consistency of the plan pursuant
5941 to s. 163.3177(2). Corrections, updates, or modifications of
5942 current costs which were set out as part of the comprehensive
5943 plan shall not, for the purposes of this act, be deemed to be
5944 amendments.

5945 ~~(3)(a) The state land planning agency shall not review or~~
5946 ~~issue a notice of intent for small scale development amendments~~
5947 ~~which satisfy the requirements of paragraph (1)(c).~~

5948 (5)(a) Any affected person may file a petition with the
5949 Division of Administrative Hearings pursuant to ss. 120.569 and
5950 120.57 to request a hearing to challenge the compliance of a
5951 small scale development amendment with this act within 30 days
5952 following the local government's adoption of the amendment and
5953 ~~shall serve a copy of the petition on the local government, and~~
5954 ~~shall furnish a copy to the state land planning agency.~~ An
5955 administrative law judge shall hold a hearing in the affected
5956 jurisdiction not less than 30 days nor more than 60 days
5957 following the filing of a petition and the assignment of an
5958 administrative law judge. The parties to a hearing held pursuant



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5959 to this subsection shall be the petitioner, the local
5960 government, and any intervenor. In the proceeding, the plan
5961 amendment shall be determined to be in compliance if the local
5962 government's determination that the small scale development
5963 amendment is in compliance is fairly debatable ~~presumed to be~~
5964 ~~correct. The local government's determination shall be sustained~~
5965 ~~unless it is shown by a preponderance of the evidence that the~~
5966 ~~amendment is not in compliance with the requirements of this~~
5967 ~~act. In any proceeding initiated pursuant to this subsection,~~
5968 The state land planning agency may not intervene in any
5969 proceeding initiated pursuant to this section.

5970 (b)1. If the administrative law judge recommends that the
5971 small scale development amendment be found not in compliance,
5972 the administrative law judge shall submit the recommended order
5973 to the Administration Commission for final agency action. If the
5974 administrative law judge recommends that the small scale
5975 development amendment be found in compliance, the administrative
5976 law judge shall submit the recommended order to the state land
5977 planning agency.

5978 2. If the state land planning agency determines that the
5979 plan amendment is not in compliance, the agency shall submit,
5980 within 30 days following its receipt, the recommended order to
5981 the Administration Commission for final agency action. If the
5982 state land planning agency determines that the plan amendment is
5983 in compliance, the agency shall enter a final order within 30
5984 days following its receipt of the recommended order.

5985 (c) Small scale development amendments may ~~shall~~ not become
5986 effective until 31 days after adoption. If challenged within 30
5987 days after adoption, small scale development amendments may



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5988 ~~shall~~ not become effective until the state land planning agency
5989 or the Administration Commission, respectively, issues a final
5990 order determining that the adopted small scale development
5991 amendment is in compliance.

5992 (d) In all challenges under this subsection, when a
5993 determination of compliance as defined in s. 163.3184(1)(b) is
5994 made, consideration shall be given to the plan amendment as a
5995 whole and whether the plan amendment furthers the intent of this
5996 part.

5997 ~~(4) Each governing body shall transmit to the state land~~
5998 ~~planning agency a current copy of its comprehensive plan not~~
5999 ~~later than December 1, 1985. Each governing body shall also~~
6000 ~~transmit copies of any amendments it adopts to its comprehensive~~
6001 ~~plan so as to continually update the plans on file with the~~
6002 ~~state land planning agency.~~

6003 ~~(5) Nothing in this part is intended to prohibit or limit~~
6004 ~~the authority of local governments to require that a person~~
6005 ~~requesting an amendment pay some or all of the cost of public~~
6006 ~~notice.~~

6007 ~~(6) (a) No local government may amend its comprehensive plan~~
6008 ~~after the date established by the state land planning agency for~~
6009 ~~adoption of its evaluation and appraisal report unless it has~~
6010 ~~submitted its report or addendum to the state land planning~~
6011 ~~agency as prescribed by s. 163.3191, except for plan amendments~~
6012 ~~described in paragraph (1)(b) or paragraph (1)(h).~~

6013 ~~(b) A local government may amend its comprehensive plan~~
6014 ~~after it has submitted its adopted evaluation and appraisal~~
6015 ~~report and for a period of 1 year after the initial~~
6016 ~~determination of sufficiency regardless of whether the report~~



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6017 ~~has been determined to be insufficient.~~

6018 ~~(c) A local government may not amend its comprehensive~~
6019 ~~plan, except for plan amendments described in paragraph (1)(b),~~
6020 ~~if the 1-year period after the initial sufficiency determination~~
6021 ~~of the report has expired and the report has not been determined~~
6022 ~~to be sufficient.~~

6023 ~~(d) When the state land planning agency has determined that~~
6024 ~~the report has sufficiently addressed all pertinent provisions~~
6025 ~~of s. 163.3191, the local government may amend its comprehensive~~
6026 ~~plan without the limitations imposed by paragraph (a) or~~
6027 ~~paragraph (c).~~

6028 ~~(e) Any plan amendment which a local government attempts to~~
6029 ~~adopt in violation of paragraph (a) or paragraph (c) is invalid,~~
6030 ~~but such invalidity may be overcome if the local government~~
6031 ~~readopts the amendment and transmits the amendment to the state~~
6032 ~~land planning agency pursuant to s. 163.3184(7) after the report~~
6033 ~~is determined to be sufficient.~~

6034 Section 19. Section 163.3189, Florida Statutes, is
6035 repealed.

6036 Section 20. Section 163.3191, Florida Statutes, is amended
6037 to read:

6038 163.3191 Evaluation and appraisal of comprehensive plan.—

6039 (1) At least once every 7 years, each local government
6040 shall evaluate its comprehensive plan to determine if plan
6041 amendments are necessary to reflect changes in state
6042 requirements in this part since the last update of the
6043 comprehensive plan, and notify the state land planning agency as
6044 to its determination.

6045 (2) If the local government determines amendments to its



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6046 comprehensive plan are necessary to reflect changes in state
6047 requirements, the local government shall prepare and transmit
6048 within 1 year such plan amendment or amendments for review
6049 pursuant to s. 163.3184.

6050 (3) Local governments are encouraged to comprehensively
6051 evaluate and, as necessary, update comprehensive plans to
6052 reflect changes in local conditions. Plan amendments transmitted
6053 pursuant to this section shall be reviewed in accordance with s.
6054 163.3184.

6055 (4) If a local government fails to submit its letter
6056 prescribed by subsection (1) or update its plan pursuant to
6057 subsection (2), it may not amend its comprehensive plan until
6058 such time as it complies with this section.

6059 ~~(1) The planning program shall be a continuous and ongoing~~
6060 ~~process. Each local government shall adopt an evaluation and~~
6061 ~~appraisal report once every 7 years assessing the progress in~~
6062 ~~implementing the local government's comprehensive plan.~~
6063 ~~Furthermore, it is the intent of this section that:~~

6064 ~~(a) Adopted comprehensive plans be reviewed through such~~
6065 ~~evaluation process to respond to changes in state, regional, and~~
6066 ~~local policies on planning and growth management and changing~~
6067 ~~conditions and trends, to ensure effective intergovernmental~~
6068 ~~coordination, and to identify major issues regarding the~~
6069 ~~community's achievement of its goals.~~

6070 ~~(b) After completion of the initial evaluation and~~
6071 ~~appraisal report and any supporting plan amendments, each~~
6072 ~~subsequent evaluation and appraisal report must evaluate the~~
6073 ~~comprehensive plan in effect at the time of the initiation of~~
6074 ~~the evaluation and appraisal report process.~~



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6075 ~~(c) Local governments identify the major issues, if~~
6076 ~~applicable, with input from state agencies, regional agencies,~~
6077 ~~adjacent local governments, and the public in the evaluation and~~
6078 ~~appraisal report process. It is also the intent of this section~~
6079 ~~to establish minimum requirements for information to ensure~~
6080 ~~predictability, certainty, and integrity in the growth~~
6081 ~~management process. The report is intended to serve as a summary~~
6082 ~~audit of the actions that a local government has undertaken and~~
6083 ~~identify changes that it may need to make. The report should be~~
6084 ~~based on the local government's analysis of major issues to~~
6085 ~~further the community's goals consistent with statewide minimum~~
6086 ~~standards. The report is not intended to require a comprehensive~~
6087 ~~rewrite of the elements within the local plan, unless a local~~
6088 ~~government chooses to do so.~~

6089 ~~(2) The report shall present an evaluation and assessment~~
6090 ~~of the comprehensive plan and shall contain appropriate~~
6091 ~~statements to update the comprehensive plan, including, but not~~
6092 ~~limited to, words, maps, illustrations, or other media, related~~
6093 ~~to:~~

6094 ~~(a) Population growth and changes in land area, including~~
6095 ~~annexation, since the adoption of the original plan or the most~~
6096 ~~recent update amendments.~~

6097 ~~(b) The extent of vacant and developable land.~~

6098 ~~(c) The financial feasibility of implementing the~~
6099 ~~comprehensive plan and of providing needed infrastructure to~~
6100 ~~achieve and maintain adopted level of service standards and~~
6101 ~~sustain concurrency management systems through the capital~~
6102 ~~improvements element, as well as the ability to address~~
6103 ~~infrastructure backlogs and meet the demands of growth on public~~



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6104 ~~services and facilities.~~

6105 ~~(d) The location of existing development in relation to the~~
6106 ~~location of development as anticipated in the original plan, or~~
6107 ~~in the plan as amended by the most recent evaluation and~~
6108 ~~appraisal report update amendments, such as within areas~~
6109 ~~designated for urban growth.~~

6110 ~~(e) An identification of the major issues for the~~
6111 ~~jurisdiction and, where pertinent, the potential social,~~
6112 ~~economic, and environmental impacts.~~

6113 ~~(f) Relevant changes to the state comprehensive plan, the~~
6114 ~~requirements of this part, the minimum criteria contained in~~
6115 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
6116 ~~strategic regional policy plan since the adoption of the~~
6117 ~~original plan or the most recent evaluation and appraisal report~~
6118 ~~update amendments.~~

6119 ~~(g) An assessment of whether the plan objectives within~~
6120 ~~each element, as they relate to major issues, have been~~
6121 ~~achieved. The report shall include, as appropriate, an~~
6122 ~~identification as to whether unforeseen or unanticipated changes~~
6123 ~~in circumstances have resulted in problems or opportunities with~~
6124 ~~respect to major issues identified in each element and the~~
6125 ~~social, economic, and environmental impacts of the issue.~~

6126 ~~(h) A brief assessment of successes and shortcomings~~
6127 ~~related to each element of the plan.~~

6128 ~~(i) The identification of any actions or corrective~~
6129 ~~measures, including whether plan amendments are anticipated to~~
6130 ~~address the major issues identified and analyzed in the report.~~
6131 ~~Such identification shall include, as appropriate, new~~
6132 ~~population projections, new revised planning timeframes, a~~



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6133 ~~revised future conditions map or map series, an updated capital~~
6134 ~~improvements element, and any new and revised goals, objectives,~~
6135 ~~and policies for major issues identified within each element.~~
6136 ~~This paragraph shall not require the submittal of the plan~~
6137 ~~amendments with the evaluation and appraisal report.~~

6138 ~~(j) A summary of the public participation program and~~
6139 ~~activities undertaken by the local government in preparing the~~
6140 ~~report.~~

6141 ~~(k) The coordination of the comprehensive plan with~~
6142 ~~existing public schools and those identified in the applicable~~
6143 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
6144 ~~assessment shall address, where relevant, the success or failure~~
6145 ~~of the coordination of the future land use map and associated~~
6146 ~~planned residential development with public schools and their~~
6147 ~~capacities, as well as the joint decisionmaking processes~~
6148 ~~engaged in by the local government and the school board in~~
6149 ~~regard to establishing appropriate population projections and~~
6150 ~~the planning and siting of public school facilities. For those~~
6151 ~~counties or municipalities that do not have a public schools~~
6152 ~~interlocal agreement or public school facilities element, the~~
6153 ~~assessment shall determine whether the local government~~
6154 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
6155 ~~or municipality determines that it no longer meets the criteria,~~
6156 ~~it must adopt appropriate school concurrency goals, objectives,~~
6157 ~~and policies in its plan amendments pursuant to the requirements~~
6158 ~~of the public school facilities element, and enter into the~~
6159 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
6160 ~~and 163.31777 in order to fully participate in the school~~
6161 ~~concurrency system.~~



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6162 ~~(l) The extent to which the local government has been~~
6163 ~~successful in identifying alternative water supply projects and~~
6164 ~~traditional water supply projects, including conservation and~~
6165 ~~reuse, necessary to meet the water needs identified in s.~~
6166 ~~373.709(2) (a) within the local government's jurisdiction. The~~
6167 ~~report must evaluate the degree to which the local government~~
6168 ~~has implemented the work plan for building public, private, and~~
6169 ~~regional water supply facilities, including development of~~
6170 ~~alternative water supplies, identified in the element as~~
6171 ~~necessary to serve existing and new development.~~

6172 ~~(m) If any of the jurisdiction of the local government is~~
6173 ~~located within the coastal high-hazard area, an evaluation of~~
6174 ~~whether any past reduction in land use density impairs the~~
6175 ~~property rights of current residents when redevelopment occurs,~~
6176 ~~including, but not limited to, redevelopment following a natural~~
6177 ~~disaster. The property rights of current residents shall be~~
6178 ~~balanced with public safety considerations. The local government~~
6179 ~~must identify strategies to address redevelopment feasibility~~
6180 ~~and the property rights of affected residents. These strategies~~
6181 ~~may include the authorization of redevelopment up to the actual~~
6182 ~~built density in existence on the property prior to the natural~~
6183 ~~disaster or redevelopment.~~

6184 ~~(n) An assessment of whether the criteria adopted pursuant~~
6185 ~~to s. 163.3177(6) (a) were successful in achieving compatibility~~
6186 ~~with military installations.~~

6187 ~~(o) The extent to which a concurrency exception area~~
6188 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
6189 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
6190 ~~transportation district designated pursuant to s. 163.3180(15)~~



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6191 ~~has achieved the purpose for which it was created and otherwise~~
6192 ~~complies with the provisions of s. 163.3180.~~

6193 ~~(p) An assessment of the extent to which changes are needed~~
6194 ~~to develop a common methodology for measuring impacts on~~
6195 ~~transportation facilities for the purpose of implementing its~~
6196 ~~concurrency management system in coordination with the~~
6197 ~~municipalities and counties, as appropriate pursuant to s.~~
6198 ~~163.3180(10).~~

6199 ~~(3) Voluntary scoping meetings may be conducted by each~~
6200 ~~local government or several local governments within the same~~
6201 ~~county that agree to meet together. Joint meetings among all~~
6202 ~~local governments in a county are encouraged. All scoping~~
6203 ~~meetings shall be completed at least 1 year prior to the~~
6204 ~~established adoption date of the report. The purpose of the~~
6205 ~~meetings shall be to distribute data and resources available to~~
6206 ~~assist in the preparation of the report, to provide input on~~
6207 ~~major issues in each community that should be addressed in the~~
6208 ~~report, and to advise on the extent of the effort for the~~
6209 ~~components of subsection (2). If scoping meetings are held, the~~
6210 ~~local government shall invite each state and regional reviewing~~
6211 ~~agency, as well as adjacent and other affected local~~
6212 ~~governments. A preliminary list of new data and major issues~~
6213 ~~that have emerged since the adoption of the original plan, or~~
6214 ~~the most recent evaluation and appraisal report-based update~~
6215 ~~amendments, should be developed by state and regional entities~~
6216 ~~and involved local governments for distribution at the scoping~~
6217 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
6218 ~~a meeting conducted to determine the scope of review of the~~
6219 ~~evaluation and appraisal report by parties to which the report~~



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6220 ~~relates.~~

6221 ~~(4) The local planning agency shall prepare the evaluation~~
6222 ~~and appraisal report and shall make recommendations to the~~
6223 ~~governing body regarding adoption of the proposed report. The~~
6224 ~~local planning agency shall prepare the report in conformity~~
6225 ~~with its public participation procedures adopted as required by~~
6226 ~~s. 163.3181. During the preparation of the proposed report and~~
6227 ~~prior to making any recommendation to the governing body, the~~
6228 ~~local planning agency shall hold at least one public hearing,~~
6229 ~~with public notice, on the proposed report. At a minimum, the~~
6230 ~~format and content of the proposed report shall include a table~~
6231 ~~of contents; numbered pages; element headings; section headings~~
6232 ~~within elements; a list of included tables, maps, and figures; a~~
6233 ~~title and sources for all included tables; a preparation date;~~
6234 ~~and the name of the preparer. Where applicable, maps shall~~
6235 ~~include major natural and artificial geographic features; city,~~
6236 ~~county, and state lines; and a legend indicating a north arrow,~~
6237 ~~map scale, and the date.~~

6238 ~~(5) Ninety days prior to the scheduled adoption date, the~~
6239 ~~local government may provide a proposed evaluation and appraisal~~
6240 ~~report to the state land planning agency and distribute copies~~
6241 ~~to state and regional commenting agencies as prescribed by rule,~~
6242 ~~adjacent jurisdictions, and interested citizens for review. All~~
6243 ~~review comments, including comments by the state land planning~~
6244 ~~agency, shall be transmitted to the local government and state~~
6245 ~~land planning agency within 30 days after receipt of the~~
6246 ~~proposed report.~~

6247 ~~(6) The governing body, after considering the review~~
6248 ~~comments and recommended changes, if any, shall adopt the~~



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6249 ~~evaluation and appraisal report by resolution or ordinance at a~~
6250 ~~public hearing with public notice. The governing body shall~~
6251 ~~adopt the report in conformity with its public participation~~
6252 ~~procedures adopted as required by s. 163.3181. The local~~
6253 ~~government shall submit to the state land planning agency three~~
6254 ~~copies of the report, a transmittal letter indicating the dates~~
6255 ~~of public hearings, and a copy of the adoption resolution or~~
6256 ~~ordinance. The local government shall provide a copy of the~~
6257 ~~report to the reviewing agencies which provided comments for the~~
6258 ~~proposed report, or to all the reviewing agencies if a proposed~~
6259 ~~report was not provided pursuant to subsection (5), including~~
6260 ~~the adjacent local governments. Within 60 days after receipt,~~
6261 ~~the state land planning agency shall review the adopted report~~
6262 ~~and make a preliminary sufficiency determination that shall be~~
6263 ~~forwarded by the agency to the local government for its~~
6264 ~~consideration. The state land planning agency shall issue a~~
6265 ~~final sufficiency determination within 90 days after receipt of~~
6266 ~~the adopted evaluation and appraisal report.~~

6267 ~~(7) The intent of the evaluation and appraisal process is~~
6268 ~~the preparation of a plan update that clearly and concisely~~
6269 ~~achieves the purpose of this section. Toward this end, the~~
6270 ~~sufficiency review of the state land planning agency shall~~
6271 ~~concentrate on whether the evaluation and appraisal report~~
6272 ~~sufficiently fulfills the components of subsection (2). If the~~
6273 ~~state land planning agency determines that the report is~~
6274 ~~insufficient, the governing body shall adopt a revision of the~~
6275 ~~report and submit the revised report for review pursuant to~~
6276 ~~subsection (6).~~

6277 ~~(8) The state land planning agency may delegate the review~~



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6278 ~~of evaluation and appraisal reports, including all state land~~
6279 ~~planning agency duties under subsections (4)-(7), to the~~
6280 ~~appropriate regional planning council. When the review has been~~
6281 ~~delegated to a regional planning council, any local government~~
6282 ~~in the region may elect to have its report reviewed by the~~
6283 ~~regional planning council rather than the state land planning~~
6284 ~~agency. The state land planning agency shall by agreement~~
6285 ~~provide for uniform and adequate review of reports and shall~~
6286 ~~retain oversight for any delegation of review to a regional~~
6287 ~~planning council.~~

6288 ~~(9) The state land planning agency may establish a phased~~
6289 ~~schedule for adoption of reports. The schedule shall provide~~
6290 ~~each local government at least 7 years from plan adoption or~~
6291 ~~last established adoption date for a report and shall allot~~
6292 ~~approximately one-seventh of the reports to any 1 year. In order~~
6293 ~~to allow the municipalities to use data and analyses gathered by~~
6294 ~~the counties, the state land planning agency shall schedule~~
6295 ~~municipal report adoption dates between 1 year and 18 months~~
6296 ~~later than the report adoption date for the county in which~~
6297 ~~those municipalities are located. A local government may adopt~~
6298 ~~its report no earlier than 90 days prior to the established~~
6299 ~~adoption date. Small municipalities which were scheduled by~~
6300 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
6301 ~~evaluation and appraisal report after February 2, 1999, shall be~~
6302 ~~rescheduled to adopt their report together with the other~~
6303 ~~municipalities in their county as provided in this subsection.~~

6304 ~~(10) The governing body shall amend its comprehensive plan~~
6305 ~~based on the recommendations in the report and shall update the~~
6306 ~~comprehensive plan based on the components of subsection (2),~~



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6307 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
6308 ~~163.3189. Amendments to update a comprehensive plan based on the~~
6309 ~~evaluation and appraisal report shall be adopted during a single~~
6310 ~~amendment cycle within 18 months after the report is determined~~
6311 ~~to be sufficient by the state land planning agency, except the~~
6312 ~~state land planning agency may grant an extension for adoption~~
6313 ~~of a portion of such amendments. The state land planning agency~~
6314 ~~may grant a 6-month extension for the adoption of such~~
6315 ~~amendments if the request is justified by good and sufficient~~
6316 ~~cause as determined by the agency. An additional extension may~~
6317 ~~also be granted if the request will result in greater~~
6318 ~~coordination between transportation and land use, for the~~
6319 ~~purposes of improving Florida's transportation system, as~~
6320 ~~determined by the agency in coordination with the Metropolitan~~
6321 ~~Planning Organization program. Beginning July 1, 2006, failure~~
6322 ~~to timely adopt and transmit update amendments to the~~
6323 ~~comprehensive plan based on the evaluation and appraisal report~~
6324 ~~shall result in a local government being prohibited from~~
6325 ~~adopting amendments to the comprehensive plan until the~~
6326 ~~evaluation and appraisal report update amendments have been~~
6327 ~~adopted and transmitted to the state land planning agency. The~~
6328 ~~prohibition on plan amendments shall commence when the update~~
6329 ~~amendments to the comprehensive plan are past due. The~~
6330 ~~comprehensive plan as amended shall be in compliance as defined~~
6331 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
6332 ~~of the update amendments to the comprehensive plan, the local~~
6333 ~~government shall provide to the state land planning agency and~~
6334 ~~to all agencies designated by rule a complete copy of the~~
6335 ~~updated comprehensive plan.~~



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6336 ~~(11) The Administration Commission may impose the sanctions~~
6337 ~~provided by s. 163.3184(11) against any local government that~~
6338 ~~fails to adopt and submit a report, or that fails to implement~~
6339 ~~its report through timely and sufficient amendments to its local~~
6340 ~~plan, except for reasons of excusable delay or valid planning~~
6341 ~~reasons agreed to by the state land planning agency or found~~
6342 ~~present by the Administration Commission. Sanctions for untimely~~
6343 ~~or insufficient plan amendments shall be prospective only and~~
6344 ~~shall begin after a final order has been issued by the~~
6345 ~~Administration Commission and a reasonable period of time has~~
6346 ~~been allowed for the local government to comply with an adverse~~
6347 ~~determination by the Administration Commission through adoption~~
6348 ~~of plan amendments that are in compliance. The state land~~
6349 ~~planning agency may initiate, and an affected person may~~
6350 ~~intervene in, such a proceeding by filing a petition with the~~
6351 ~~Division of Administrative Hearings, which shall appoint an~~
6352 ~~administrative law judge and conduct a hearing pursuant to ss.~~
6353 ~~120.569 and 120.57(1) and shall submit a recommended order to~~
6354 ~~the Administration Commission. The affected local government~~
6355 ~~shall be a party to any such proceeding. The commission may~~
6356 ~~implement this subsection by rule.~~

6357 (5)~~(12)~~ The state land planning agency may ~~shall~~ not adopt
6358 rules to implement this section, other than procedural rules or
6359 a schedule indicating when local governments must comply with
6360 the requirements of this section.

6361 ~~(13) The state land planning agency shall regularly review~~
6362 ~~the evaluation and appraisal report process and submit a report~~
6363 ~~to the Governor, the Administration Commission, the Speaker of~~
6364 ~~the House of Representatives, the President of the Senate, and~~



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6365 ~~the respective community affairs committees of the Senate and~~
6366 ~~the House of Representatives. The first report shall be~~
6367 ~~submitted by December 31, 2004, and subsequent reports shall be~~
6368 ~~submitted every 5 years thereafter. At least 9 months before the~~
6369 ~~due date of each report, the Secretary of Community Affairs~~
6370 ~~shall appoint a technical committee of at least 15 members to~~
6371 ~~assist in the preparation of the report. The membership of the~~
6372 ~~technical committee shall consist of representatives of local~~
6373 ~~governments, regional planning councils, the private sector, and~~
6374 ~~environmental organizations. The report shall assess the~~
6375 ~~effectiveness of the evaluation and appraisal report process.~~

6376 ~~(14) The requirement of subsection (10) prohibiting a local~~
6377 ~~government from adopting amendments to the local comprehensive~~
6378 ~~plan until the evaluation and appraisal report update amendments~~
6379 ~~have been adopted and transmitted to the state land planning~~
6380 ~~agency does not apply to a plan amendment proposed for adoption~~
6381 ~~by the appropriate local government as defined in s.~~

6382 ~~163.3178(2)(k) in order to integrate a port comprehensive master~~
6383 ~~plan with the coastal management element of the local~~
6384 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
6385 ~~comprehensive master plan or the proposed plan amendment does~~
6386 ~~not cause or contribute to the failure of the local government~~
6387 ~~to comply with the requirements of the evaluation and appraisal~~
6388 ~~report.~~

6389 Section 21. Paragraph (b) of subsection (2) of section
6390 163.3217, Florida Statutes, is amended to read:

6391 163.3217 Municipal overlay for municipal incorporation.—

6392 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
6393 OVERLAY.—



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6394 (b)~~1~~. A municipal overlay shall be adopted as an amendment
6395 to the local government comprehensive plan as prescribed by s.
6396 163.3184.

6397 ~~2. A county may consider the adoption of a municipal~~
6398 ~~overlay without regard to the provisions of s. 163.3187(1)~~
6399 ~~regarding the frequency of adoption of amendments to the local~~
6400 ~~comprehensive plan.~~

6401 Section 22. Subsection (3) of section 163.3220, Florida
6402 Statutes, is amended to read:

6403 163.3220 Short title; legislative intent.—

6404 (3) In conformity with, in furtherance of, and to implement
6405 the Community ~~Local Government Comprehensive~~ Planning and Land
6406 ~~Development Regulation~~ Act and the Florida State Comprehensive
6407 Planning Act of 1972, it is the intent of the Legislature to
6408 encourage a stronger commitment to comprehensive and capital
6409 facilities planning, ensure the provision of adequate public
6410 facilities for development, encourage the efficient use of
6411 resources, and reduce the economic cost of development.

6412 Section 23. Subsections (2) and (11) of section 163.3221,
6413 Florida Statutes, are amended to read:

6414 163.3221 Florida Local Government Development Agreement
6415 Act; definitions.—As used in ss. 163.3220-163.3243:

6416 (2) "Comprehensive plan" means a plan adopted pursuant to
6417 the Community ~~Local Government Comprehensive~~ Planning and Land
6418 ~~Development Regulation~~ Act."

6419 (11) "Local planning agency" means the agency designated to
6420 prepare a comprehensive plan or plan amendment pursuant to the
6421 Community ~~Florida Local Government Comprehensive~~ Planning and
6422 ~~Land Development Regulation~~ Act."



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6423 Section 24. Section 163.3229, Florida Statutes, is amended
6424 to read:

6425 163.3229 Duration of a development agreement and
6426 relationship to local comprehensive plan.—The duration of a
6427 development agreement may shall not exceed 30 20 years, unless
6428 it is. ~~It may be~~ extended by mutual consent of the governing
6429 body and the developer, subject to a public hearing in
6430 accordance with s. 163.3225. No development agreement shall be
6431 effective or be implemented by a local government unless the
6432 local government's comprehensive plan and plan amendments
6433 implementing or related to the agreement are ~~found~~ in compliance
6434 ~~by the state land planning agency in accordance~~ with s.
6435 ~~163.3184, s. 163.3187, or s. 163.3189.~~

6436 Section 25. Section 163.3235, Florida Statutes, is amended
6437 to read:

6438 163.3235 Periodic review of a development agreement.—A
6439 local government shall review land subject to a development
6440 agreement at least once every 12 months to determine if there
6441 has been demonstrated good faith compliance with the terms of
6442 the development agreement. ~~For each annual review conducted~~
6443 ~~during years 6 through 10 of a development agreement, the review~~
6444 ~~shall be incorporated into a written report which shall be~~
6445 ~~submitted to the parties to the agreement and the state land~~
6446 ~~planning agency. The state land planning agency shall adopt~~
6447 ~~rules regarding the contents of the report, provided that the~~
6448 ~~report shall be limited to the information sufficient to~~
6449 ~~determine the extent to which the parties are proceeding in good~~
6450 ~~faith to comply with the terms of the development agreement. If~~
6451 the local government finds, on the basis of substantial



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6452 competent evidence, that there has been a failure to comply with
6453 the terms of the development agreement, the agreement may be
6454 revoked or modified by the local government.

6455 Section 26. Section 163.3239, Florida Statutes, is amended
6456 to read:

6457 163.3239 Recording and effectiveness of a development
6458 agreement.—Within 14 days after a local government enters into a
6459 development agreement, the local government shall record the
6460 agreement with the clerk of the circuit court in the county
6461 where the local government is located. ~~A copy of the recorded~~
6462 ~~development agreement shall be submitted to the state land~~
6463 ~~planning agency within 14 days after the agreement is recorded.~~
6464 A development agreement is ~~shall~~ not be effective until it is
6465 properly recorded in the public records of the county ~~and until~~
6466 ~~30 days after having been received by the state land planning~~
6467 ~~agency pursuant to this section.~~ The burdens of the development
6468 agreement shall be binding upon, and the benefits of the
6469 agreement shall inure to, all successors in interest to the
6470 parties to the agreement.

6471 Section 27. Section 163.3243, Florida Statutes, is amended
6472 to read:

6473 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
6474 adversely affected person as defined in s. 163.3215(2), ~~or the~~
6475 ~~state land planning agency~~ may file an action for injunctive
6476 relief in the circuit court where the local government is
6477 located to enforce the terms of a development agreement or to
6478 challenge compliance of the agreement with ~~the provisions of~~ ss.
6479 163.3220-163.3243.

6480 Section 28. Section 163.3245, Florida Statutes, is amended



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6481 to read:
6482 163.3245 ~~Optional~~ Sector plans.—
6483 (1) In recognition of the benefits of ~~conceptual~~ long-range
6484 planning for ~~the buildout of an area, and detailed planning for~~
6485 ~~specific areas, as a demonstration project, the requirements of~~
6486 ~~s. 380.06 may be addressed as identified by this section for up~~
6487 ~~to five~~ local governments or combinations of local governments
6488 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~a plan an~~
6489 ~~optional~~ sector plan in accordance with this section. This
6490 section is intended to promote and encourage long-term planning
6491 for conservation, development, and agriculture on a landscape
6492 scale; to further the intent of s. 163.3177(11), which supports
6493 innovative and flexible planning and development strategies, and
6494 the purposes of this part, and part I of chapter 380; to
6495 facilitate protection of regionally significant resources,
6496 including, but not limited to, regionally significant water
6497 courses and wildlife corridors; and to avoid duplication of
6498 effort in terms of the level of data and analysis required for a
6499 development of regional impact, while ensuring the adequate
6500 mitigation of impacts to applicable regional resources and
6501 facilities, including those within the jurisdiction of other
6502 local governments, as would otherwise be provided. ~~Optional~~
6503 Sector plans are intended for substantial geographic areas that
6504 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
6505 local governmental jurisdictions and are to emphasize urban form
6506 and protection of regionally significant resources and public
6507 facilities. A ~~The state land planning agency may approve~~
6508 ~~optional sector plans of less than 5,000 acres based on local~~
6509 ~~circumstances if it is determined that the plan would further~~



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6510 ~~the purposes of this part and part I of chapter 380. Preparation~~
6511 ~~of an optional sector plan is authorized by agreement between~~
6512 ~~the state land planning agency and the applicable local~~
6513 ~~governments under s. 163.3171(4). An optional sector plan may be~~
6514 ~~adopted through one or more comprehensive plan amendments under~~
6515 ~~s. 163.3184. However, an optional sector plan may not be adopted~~
6516 ~~authorized in an area of critical state concern.~~

6517 (2) Upon the request of a local government having
6518 jurisdiction, ~~The state land planning agency may enter into an~~
6519 ~~agreement to authorize preparation of an optional sector plan~~
6520 ~~upon the request of one or more local governments based on~~
6521 ~~consideration of problems and opportunities presented by~~
6522 ~~existing development trends; the effectiveness of current~~
6523 ~~comprehensive plan provisions; the potential to further the~~
6524 ~~state comprehensive plan, applicable strategic regional policy~~
6525 ~~plans, this part, and part I of chapter 380; and those factors~~
6526 ~~identified by s. 163.3177(10)(i). the applicable regional~~
6527 ~~planning council shall conduct a scoping meeting with affected~~
6528 ~~local governments and those agencies identified in s.~~
6529 ~~163.3184(1)(c)(4) before preparation of the sector plan~~
6530 ~~execution of the agreement authorized by this section. The~~
6531 ~~purpose of this meeting is to assist the state land planning~~
6532 ~~agency and the local government in the identification of the~~
6533 ~~relevant planning issues to be addressed and the data and~~
6534 ~~resources available to assist in the preparation of the sector~~
6535 ~~plan subsequent plan amendments. If a scoping meeting is~~
6536 ~~conducted, the regional planning council shall make written~~
6537 ~~recommendations to the state land planning agency and affected~~
6538 ~~local governments on the issues requested by the local~~



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6539 government. The scoping meeting shall be noticed and open to the
6540 public. If the entire planning area proposed for the sector plan
6541 is within the jurisdiction of two or more local governments,
6542 some or all of them may enter into a joint planning agreement
6543 pursuant to s. 163.3171 with respect to,~~including whether a~~
6544 ~~sustainable sector plan would be appropriate. The agreement must~~
6545 ~~define~~ the geographic area to be subject to the sector plan, the
6546 planning issues that will be emphasized, procedures ~~requirements~~
6547 for intergovernmental coordination to address
6548 extrajurisdictional impacts, supporting application materials
6549 including data and analysis, ~~and~~ procedures for public
6550 participation, or other issues. ~~An agreement may address~~
6551 ~~previously adopted sector plans that are consistent with the~~
6552 ~~standards in this section. Before executing an agreement under~~
6553 ~~this subsection, the local government shall hold a duly noticed~~
6554 ~~public workshop to review and explain to the public the optional~~
6555 ~~sector planning process and the terms and conditions of the~~
6556 ~~proposed agreement. The local government shall hold a duly~~
6557 ~~noticed public hearing to execute the agreement. All meetings~~
6558 ~~between the department and the local government must be open to~~
6559 ~~the public.~~

6560 (3) ~~Optional~~ Sector planning encompasses two levels:
6561 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
6562 master plan for the entire planning area as part of the
6563 comprehensive plan, and adoption by local development order of
6564 two or more ~~buildout overlay to the comprehensive plan, having~~
6565 ~~no immediate effect on the issuance of development orders or the~~
6566 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
6567 detailed specific area plans that implement the ~~conceptual~~ long-



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6568 term master plan buildout overlay and ~~authorize issuance of~~
6569 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~
6570 ~~such time as a detailed specific area plan is adopted,~~ the
6571 ~~underlying future land use designations apply.~~

6572 (a) In addition to the other requirements of this chapter,
6573 a long-term master plan pursuant to this section ~~conceptual~~
6574 ~~long-term buildout overlay~~ must include maps, illustrations, and
6575 text supported by data and analysis to address the following:

6576 1. A ~~long-range conceptual~~ framework map that, at a
6577 minimum, generally depicts ~~identifies~~ anticipated areas of
6578 urban, agricultural, rural, and conservation land use,
6579 identifies allowed uses in various parts of the planning area,
6580 specifies maximum and minimum densities and intensities of use,
6581 and provides the general framework for the development pattern
6582 in developed areas with graphic illustrations based on a
6583 hierarchy of places and functional place-making components.

6584 2. A general identification of the water supplies needed
6585 and available sources of water, including water resource
6586 development and water supply development projects, and water
6587 conservation measures needed to meet the projected demand of the
6588 future land uses in the long-term master plan.

6589 3. A general identification of the transportation
6590 facilities to serve the future land uses in the long-term master
6591 plan, including guidelines to be used to establish each modal
6592 component intended to optimize mobility.

6593 4.2. A general identification of other regionally
6594 significant public facilities ~~consistent with chapter 9J-2,~~
6595 ~~Florida Administrative Code, irrespective of local governmental~~
6596 ~~jurisdiction~~ necessary to support ~~buildout of~~ the anticipated



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6597 future land uses, which may include central utilities provided
6598 onsite within the planning area, and policies setting forth the
6599 procedures to be used to mitigate the impacts of future land
6600 uses on public facilities.

6601 5.3. A general identification of regionally significant
6602 natural resources within the planning area based on the best
6603 available data and policies setting forth the procedures for
6604 protection or conservation of specific resources consistent with
6605 the overall conservation and development strategy for the
6606 planning area consistent with chapter 9J-2, Florida
6607 Administrative Code.

6608 6.4. General principles and guidelines addressing that
6609 address the urban form and the interrelationships of anticipated
6610 future land uses; the protection and, as appropriate,
6611 restoration and management of lands identified for permanent
6612 preservation through recordation of conservation easements
6613 consistent with s. 704.06, which shall be phased or staged in
6614 coordination with detailed specific area plans to reflect phased
6615 or staged development within the planning area; and a
6616 discussion, at the applicant's option, of the extent, if any, to
6617 which the plan will address restoring key ecosystems, achieving
6618 a more clean, healthy environment; limiting urban sprawl;
6619 providing a range of housing types; protecting wildlife and
6620 natural areas; advancing the efficient use of land and other
6621 resources; and creating quality communities of a design that
6622 promotes travel by multiple transportation modes; and enhancing
6623 the prospects for the creation of jobs.

6624 7.5. Identification of general procedures and policies to
6625 facilitate ensure intergovernmental coordination to address



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6626 extrajurisdictional impacts from the future land uses ~~long-range~~
6627 ~~conceptual framework map.~~

6628
6629 A long-term master plan adopted pursuant to this section may be
6630 based upon a planning period longer than the generally
6631 applicable planning period of the local comprehensive plan,
6632 shall specify the projected population within the planning area
6633 during the chosen planning period, and may include a phasing or
6634 staging schedule that allocates a portion of the local
6635 government's future growth to the planning area through the
6636 planning period. A long-term master plan adopted pursuant to
6637 this section is not required to demonstrate need based upon
6638 projected population growth or on any other basis.

6639 (b) In addition to the other requirements of this chapter,
6640 ~~including those in paragraph (a),~~ the detailed specific area
6641 plans shall be consistent with the long-term master plan and
6642 must include conditions and commitments that provide for:

6643 1. Development or conservation of an area of adequate size
6644 ~~to accommodate a level of development which achieves a~~
6645 ~~functional relationship between a full range of land uses within~~
6646 ~~the area and to encompass~~ at least 1,000 acres consistent with
6647 the long-term master plan. The local government ~~state land~~
6648 ~~planning agency~~ may approve detailed specific area plans of less
6649 than 1,000 acres based on local circumstances if it is
6650 determined that the detailed specific area plan furthers the
6651 purposes of this part and part I of chapter 380.

6652 2. Detailed identification and analysis of the maximum and
6653 minimum densities and intensities of use and the distribution,
6654 extent, and location of future land uses.



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6655 3. Detailed identification of water resource development
6656 and water supply development projects and related infrastructure
6657 and water conservation measures to address water needs of
6658 development in the detailed specific area plan.

6659 4. Detailed identification of the transportation facilities
6660 to serve the future land uses in the detailed specific area
6661 plan.

6662 ~~5.3.~~ Detailed identification of other regionally
6663 significant public facilities, including public facilities
6664 outside the jurisdiction of the host local government,
6665 ~~anticipated~~ impacts of future land uses on those facilities, and
6666 required improvements consistent with the long-term master plan
6667 ~~chapter 9J-2, Florida Administrative Code.~~

6668 ~~6.4.~~ Public facilities necessary to serve development in
6669 the detailed specific area plan for the short term, including
6670 developer contributions in a ~~financially feasible~~ 5-year capital
6671 improvement schedule of the affected local government.

6672 ~~7.5.~~ Detailed analysis and identification of specific
6673 measures to ensure ~~assure~~ the protection and, as appropriate,
6674 restoration and management of lands within the boundary of the
6675 detailed specific area plan identified for permanent
6676 preservation through recordation of conservation easements
6677 consistent with s. 704.06, which easements shall be effective
6678 before or concurrent with the effective date of the detailed
6679 specific area plan of regionally significant natural resources
6680 and other important resources both within and outside the host
6681 jurisdiction, ~~including those regionally significant resources~~
6682 ~~identified in chapter 9J-2, Florida Administrative Code.~~

6683 ~~8.6.~~ Detailed principles and guidelines addressing that



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6684 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
6685 future land uses; ~~and a discussion, at the applicant's option,~~
6686 ~~of the extent, if any, to which the plan will address restoring~~
6687 ~~key ecosystems,~~ achieving a more clean, healthy environment; ~~;~~
6688 limiting urban sprawl; providing a range of housing types;
6689 protecting wildlife and natural areas; ~~;~~ advancing the efficient
6690 use of land and other resources; ~~;~~ ~~and~~ creating quality
6691 communities of a design that promotes travel by multiple
6692 transportation modes; and enhancing the prospects for the
6693 creation of jobs.

6694 9.7. Identification of specific procedures to facilitate
6695 ~~ensure~~ intergovernmental coordination to address
6696 extrajurisdictional impacts from ~~of~~ the detailed specific area
6697 plan.

6698
6699 A detailed specific area plan adopted by local development order
6700 pursuant to this section may be based upon a planning period
6701 longer than the generally applicable planning period of the
6702 local comprehensive plan and shall specify the projected
6703 population within the specific planning area during the chosen
6704 planning period. A detailed specific area plan adopted pursuant
6705 to this section is not required to demonstrate need based upon
6706 projected population growth or on any other basis. All lands
6707 identified in the long-term master plan for permanent
6708 preservation shall be subject to a recorded conservation
6709 easement consistent with s. 704.06 before or concurrent with the
6710 effective date of the final detailed specific area plan to be
6711 approved within the planning area.

6712 (c) In its review of a long-term master plan, the state



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6713 land planning agency shall consult with the Department of
6714 Agriculture and Consumer Services, the Department of
6715 Environmental Protection, the Fish and Wildlife Conservation
6716 Commission, and the applicable water management district
6717 regarding the design of areas for protection and conservation of
6718 regionally significant natural resources and for the protection
6719 and, as appropriate, restoration and management of lands
6720 identified for permanent preservation.

6721 (d) In its review of a long-term master plan, the state
6722 land planning agency shall consult with the Department of
6723 Transportation, the applicable metropolitan planning
6724 organization, and any urban transit agency regarding the
6725 location, capacity, design, and phasing or staging of major
6726 transportation facilities in the planning area.

6727 (e) Whenever a local government issues a development order
6728 approving a detailed specific area plan, a copy of such order
6729 shall be rendered to the state land planning agency and the
6730 owner or developer of the property affected by such order, as
6731 prescribed by rules of the state land planning agency for a
6732 development order for a development of regional impact. Within
6733 45 days after the order is rendered, the owner, the developer,
6734 or the state land planning agency may appeal the order to the
6735 Florida Land and Water Adjudicatory Commission by filing a
6736 petition alleging that the detailed specific area plan is not
6737 consistent with the comprehensive plan or with the long-term
6738 master plan adopted pursuant to this section. The appellant
6739 shall furnish a copy of the petition to the opposing party, as
6740 the case may be, and to the local government that issued the
6741 order. The filing of the petition stays the effectiveness of the



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6742 order until after completion of the appeal process. However, if
6743 a development order approving a detailed specific area plan has
6744 been challenged by an aggrieved or adversely affected party in a
6745 judicial proceeding pursuant to s. 163.3215, and a party to such
6746 proceeding serves notice to the state land planning agency, the
6747 state land planning agency shall dismiss its appeal to the
6748 commission and shall have the right to intervene in the pending
6749 judicial proceeding pursuant to s. 163.3215. Proceedings for
6750 administrative review of an order approving a detailed specific
6751 area plan shall be conducted consistent with s. 380.07(6). The
6752 commission shall issue a decision granting or denying permission
6753 to develop pursuant to the long-term master plan and the
6754 standards of this part and may attach conditions or restrictions
6755 to its decisions.

6756 (f)(e) This subsection does may not be construed to prevent
6757 preparation and approval of the optional sector plan and
6758 detailed specific area plan concurrently or in the same
6759 submission.

6760 (4) Upon the long-term master plan becoming legally
6761 effective:

6762 (a) Any long-range transportation plan developed by a
6763 metropolitan planning organization pursuant to s. 339.175(7)
6764 must be consistent, to the maximum extent feasible, with the
6765 long-term master plan, including, but not limited to, the
6766 projected population and the approved uses and densities and
6767 intensities of use and their distribution within the planning
6768 area. The transportation facilities identified in adopted plans
6769 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
6770 in coordination with the adopted M.P.O. long-range



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6771 transportation plan.

6772 (b) The water needs, sources and water resource
6773 development, and water supply development projects identified in
6774 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
6775 be incorporated into the applicable district and regional water
6776 supply plans adopted in accordance with ss. 373.036 and 373.709.
6777 Accordingly, and notwithstanding the permit durations stated in
6778 s. 373.236, an applicant may request and the applicable district
6779 may issue consumptive use permits for durations commensurate
6780 with the long-term master plan or detailed specific area plan,
6781 considering the ability of the master plan area to contribute to
6782 regional water supply availability and the need to maximize
6783 reasonable-beneficial use of the water resource. The permitting
6784 criteria in s. 373.223 shall be applied based upon the projected
6785 population and the approved densities and intensities of use and
6786 their distribution in the long-term master plan; however, the
6787 allocation of the water may be phased over the permit duration
6788 to correspond to actual projected needs. This paragraph does not
6789 supersede the public interest test set forth in s. 373.223. ~~The~~
6790 ~~host local government shall submit a monitoring report to the~~
6791 ~~state land planning agency and applicable regional planning~~
6792 ~~council on an annual basis after adoption of a detailed specific~~
6793 ~~area plan. The annual monitoring report must provide summarized~~
6794 ~~information on development orders issued, development that has~~
6795 ~~occurred, public facility improvements made, and public facility~~
6796 ~~improvements anticipated over the upcoming 5 years.~~

6797 (5) When a ~~plan amendment adopting~~ a detailed specific area
6798 plan has become effective for a portion of the planning area
6799 governed by a long-term master plan adopted pursuant to this



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6800 ~~section under ss. 163.3184 and 163.3189(2), the provisions of s.~~
6801 380.06 does ~~de~~ not apply to development within the geographic
6802 area of the detailed specific area plan. However, any
6803 development-of-regional-impact development order that is vested
6804 from the detailed specific area plan may be enforced pursuant to
6805 ~~under~~ s. 380.11.

6806 (a) The local government adopting the detailed specific
6807 area plan is primarily responsible for monitoring and enforcing
6808 the detailed specific area plan. Local governments may ~~shall~~ not
6809 issue any permits or approvals or provide any extensions of
6810 services to development that are not consistent with the
6811 detailed specific sector ~~sector~~ area plan.

6812 (b) If the state land planning agency has reason to believe
6813 that a violation of any detailed specific area plan, ~~or of any~~
6814 ~~agreement entered into under this section,~~ has occurred or is
6815 about to occur, it may institute an administrative or judicial
6816 proceeding to prevent, abate, or control the conditions or
6817 activity creating the violation, using the procedures in s.
6818 380.11.

6819 (c) In instituting an administrative or judicial proceeding
6820 involving a ~~an optional~~ sector plan or detailed specific area
6821 plan, including a proceeding pursuant to paragraph (b), the
6822 complaining party shall comply with the requirements of s.
6823 163.3215(4), (5), (6), and (7), except as provided by paragraph
6824 (3) (e).

6825 (d) The detailed specific area plan shall establish a
6826 buildout date until which the approved development is not
6827 subject to downzoning, unit density reduction, or intensity
6828 reduction, unless the local government can demonstrate that



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6829 implementation of the plan is not continuing in good faith based
6830 on standards established by plan policy, that substantial
6831 changes in the conditions underlying the approval of the
6832 detailed specific area plan have occurred, that the detailed
6833 specific area plan was based on substantially inaccurate
6834 information provided by the applicant, or that the change is
6835 clearly established to be essential to the public health,
6836 safety, or welfare.

6837 (6) Concurrent with or subsequent to review and adoption of
6838 a long-term master plan pursuant to paragraph (3) (a), an
6839 applicant may apply for master development approval pursuant to
6840 s. 380.06(21) for the entire planning area in order to establish
6841 a buildout date until which the approved uses and densities and
6842 intensities of use of the master plan are not subject to
6843 downzoning, unit density reduction, or intensity reduction,
6844 unless the local government can demonstrate that implementation
6845 of the master plan is not continuing in good faith based on
6846 standards established by plan policy, that substantial changes
6847 in the conditions underlying the approval of the master plan
6848 have occurred, that the master plan was based on substantially
6849 inaccurate information provided by the applicant, or that change
6850 is clearly established to be essential to the public health,
6851 safety, or welfare. Review of the application for master
6852 development approval shall be at a level of detail appropriate
6853 for the long-term and conceptual nature of the long-term master
6854 plan and, to the maximum extent possible, may only consider
6855 information provided in the application for a long-term master
6856 plan. Notwithstanding s. 380.06, an increment of development in
6857 such an approved master development plan must be approved by a



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6858 detailed specific area plan pursuant to paragraph (3)(b) and is
6859 exempt from review pursuant to s. 380.06.

6860 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
6861 ~~the department shall provide a status report to the Legislative~~
6862 ~~Committee on Intergovernmental Relations regarding each optional~~
6863 ~~sector plan authorized under this section.~~

6864 (7) A developer within an area subject to a long-term
6865 master plan that meets the requirements of paragraph (3)(a) and
6866 subsection (6) or a detailed specific area plan that meets the
6867 requirements of paragraph (3)(b) may enter into a development
6868 agreement with a local government pursuant to ss. 163.3220-
6869 163.3243. The duration of such a development agreement may be
6870 through the planning period of the long-term master plan or the
6871 detailed specific area plan, as the case may be, notwithstanding
6872 the limit on the duration of a development agreement pursuant to
6873 s. 163.3229.

6874 (8) Any owner of property within the planning area of a
6875 proposed long-term master plan may withdraw his consent to the
6876 master plan at any time prior to local government adoption, and
6877 the local government shall exclude such parcels from the adopted
6878 master plan. Thereafter, the long-term master plan, any detailed
6879 specific area plan, and the exemption from development-of-
6880 regional-impact review under this section do not apply to the
6881 subject parcels. After adoption of a long-term master plan, an
6882 owner may withdraw his or her property from the master plan only
6883 with the approval of the local government by plan amendment
6884 adopted and reviewed pursuant to s. 163.3184.

6885 (9) The adoption of a long-term master plan or a detailed
6886 specific area plan pursuant to this section does not limit the



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6887 right to continue existing agricultural or silvicultural uses or
6888 other natural resource-based operations or to establish similar
6889 new uses that are consistent with the plans approved pursuant to
6890 this section.

6891 (10) The state land planning agency may enter into an
6892 agreement with a local government that, on or before July 1,
6893 2011, adopted a large-area comprehensive plan amendment
6894 consisting of at least 15,000 acres that meets the requirements
6895 for a long-term master plan in paragraph (3) (a), after notice
6896 and public hearing by the local government, and thereafter,
6897 notwithstanding s. 380.06, this part, or any planning agreement
6898 or plan policy, the large-area plan shall be implemented through
6899 detailed specific area plans that meet the requirements of
6900 paragraph (3) (b) and shall otherwise be subject to this section.

6901 (11) Notwithstanding this section, a detailed specific area
6902 plan to implement a conceptual long-term buildout overlay,
6903 adopted by a local government and found in compliance before
6904 July 1, 2011, shall be governed by this section.

6905 (12) Notwithstanding s. 380.06, this part, or any planning
6906 agreement or plan policy, a landowner or developer who has
6907 received approval of a master development-of-regional-impact
6908 development order pursuant to s. 380.06(21) may apply to
6909 implement this order by filing one or more applications to
6910 approve a detailed specific area plan pursuant to paragraph
6911 (3) (b).

6912 (13)~~(7)~~ This section may not be construed to abrogate the
6913 rights of any person under this chapter.

6914 Section 29. Subsections (9), (12), and (14) of section
6915 163.3246, Florida Statutes, are amended to read:



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6916 163.3246 Local government comprehensive planning
6917 certification program.—

6918 (9) (a) Upon certification all comprehensive plan amendments
6919 associated with the area certified must be adopted and reviewed
6920 in the manner described in s. ~~ss.~~ 163.3184(5)-(11)(1), (2), (7),
6921 ~~(14), (15), and (16) and 163.3187,~~ such that state and regional
6922 agency review is eliminated. Plan amendments that qualify as
6923 small scale development amendments may follow the small scale
6924 review process in s. 163.3187. The department may not issue any
6925 objections, recommendations, and comments report on proposed
6926 plan amendments or a notice of intent on adopted plan
6927 amendments; however, affected persons, as defined by s.
6928 163.3184(1) (a), may file a petition for administrative review
6929 pursuant to the requirements of s. 163.3184(5) ~~163.3187(3)(a)~~ to
6930 challenge the compliance of an adopted plan amendment.

6931 (b) Plan amendments that change the boundaries of the
6932 certification area; propose a rural land stewardship area
6933 pursuant to s. 163.3248 ~~163.3177(11)(d)~~; propose a ~~an optional~~
6934 sector plan pursuant to s. 163.3245; ~~propose a school facilities~~
6935 ~~element~~; update a comprehensive plan based on an evaluation and
6936 appraisal review report; impact lands outside the certification
6937 boundary; implement new statutory requirements that require
6938 specific comprehensive plan amendments; or increase hurricane
6939 evacuation times or the need for shelter capacity on lands
6940 within the coastal high-hazard area shall be reviewed pursuant
6941 to s. ~~ss.~~ 163.3184 ~~and 163.3187.~~

6942 (12) A local government's certification shall be reviewed
6943 by the local government and the department as part of the
6944 evaluation and appraisal process pursuant to s. 163.3191. Within



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6945 1 year after the deadline for the local government to update its
6946 comprehensive plan based on the evaluation and appraisal report,
6947 the department shall renew or revoke the certification. The
6948 local government's ~~failure to adopt a timely evaluation and~~
6949 ~~appraisal report, failure to adopt an evaluation and appraisal~~
6950 ~~report found to be sufficient, or failure to timely adopt~~
6951 necessary amendments to update its comprehensive plan based on
6952 an evaluation and appraisal, which are ~~report~~ found to be in
6953 compliance by the department, shall be cause for revoking the
6954 certification agreement. The department's decision to renew or
6955 revoke shall be considered agency action subject to challenge
6956 under s. 120.569.

6957 ~~(14) The Office of Program Policy Analysis and Government~~
6958 ~~Accountability shall prepare a report evaluating the~~
6959 ~~certification program, which shall be submitted to the Governor,~~
6960 ~~the President of the Senate, and the Speaker of the House of~~
6961 ~~Representatives by December 1, 2007.~~

6962 Section 30. Section 163.32465, Florida Statutes, is
6963 repealed.

6964 Section 31. Subsection (6) is added to section 163.3247,
6965 Florida Statutes, to read:

6966 163.3247 Century Commission for a Sustainable Florida.—

6967 (6) EXPIRATION.—This section is repealed and the commission
6968 is abolished June 30, 2013.

6969 Section 32. Section 163.3248, Florida Statutes, is created
6970 to read:

6971 163.3248 Rural land stewardship areas.—

6972 (1) Rural land stewardship areas are designed to establish
6973 a long-term incentive based strategy to balance and guide the



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6974 allocation of land so as to accommodate future land uses in a
6975 manner that protects the natural environment, stimulate economic
6976 growth and diversification, and encourage the retention of land
6977 for agriculture and other traditional rural land uses.

6978 (2) Upon written request by one or more landowners of the
6979 subject lands to designate lands as a rural land stewardship
6980 area, or pursuant to a private-sector-initiated comprehensive
6981 plan amendment filed by, or with the consent of the owners of
6982 the subject lands, local governments may adopt a future land use
6983 overlay to designate all or portions of lands classified in the
6984 future land use element as predominantly agricultural, rural,
6985 open, open-rural, or a substantively equivalent land use, as a
6986 rural land stewardship area within which planning and economic
6987 incentives are applied to encourage the implementation of
6988 innovative and flexible planning and development strategies and
6989 creative land use planning techniques to support a diverse
6990 economic and employment base. The future land use overlay may
6991 not require a demonstration of need based on population
6992 projections or any other factors.

6993 (3) Rural land stewardship areas may be used to further the
6994 following broad principles of rural sustainability: restoration
6995 and maintenance of the economic value of rural land; control of
6996 urban sprawl; identification and protection of ecosystems,
6997 habitats, and natural resources; promotion and diversification
6998 of economic activity and employment opportunities within the
6999 rural areas; maintenance of the viability of the state's
7000 agricultural economy; and protection of private property rights
7001 in rural areas of the state. Rural land stewardship areas may be
7002 multicounty in order to encourage coordinated regional



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7003 stewardship planning.

7004 (4) A local government or one or more property owners may
7005 request assistance and participation in the development of a
7006 plan for the rural land stewardship area from the state land
7007 planning agency, the Department of Agriculture and Consumer
7008 Services, the Fish and Wildlife Conservation Commission, the
7009 Department of Environmental Protection, the appropriate water
7010 management district, the Department of Transportation, the
7011 regional planning council, private land owners, and
7012 stakeholders.

7013 (5) A rural land stewardship area shall be not less than
7014 10,000 acres, shall be located outside of municipalities and
7015 established urban service areas, and shall be designated by plan
7016 amendment by each local government with jurisdiction over the
7017 rural land stewardship area. The plan amendment or amendments
7018 designating a rural land stewardship area are subject to review
7019 pursuant to s. 163.3184 and shall provide for the following:

7020 (a) Criteria for the designation of receiving areas which
7021 shall, at a minimum, provide for the following: adequacy of
7022 suitable land to accommodate development so as to avoid conflict
7023 with significant environmentally sensitive areas, resources, and
7024 habitats; compatibility between and transition from higher
7025 density uses to lower intensity rural uses; and the
7026 establishment of receiving area service boundaries that provide
7027 for a transition from receiving areas and other land uses within
7028 the rural land stewardship area through limitations on the
7029 extension of services.

7030 (b) Innovative planning and development strategies to be
7031 applied within rural land stewardship areas pursuant to this



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7032 section.

7033 (c) A process for the implementation of innovative planning
7034 and development strategies within the rural land stewardship
7035 area, including those described in this subsection, which
7036 provide for a functional mix of land uses through the adoption
7037 by the local government of zoning and land development
7038 regulations applicable to the rural land stewardship area.

7039 (d) A mix of densities and intensities that would not be
7040 characterized as urban sprawl through the use of innovative
7041 strategies and creative land use techniques.

7042 (6) A receiving area may be designated only pursuant to
7043 procedures established in the local government's land
7044 development regulations. If receiving area designation requires
7045 the approval of the county board of county commissioners, such
7046 approval shall be by resolution with a simple majority vote.
7047 Before the commencement of development within a stewardship
7048 receiving area, a listed species survey must be performed for
7049 the area proposed for development. If listed species occur on
7050 the receiving area development site, the applicant must
7051 coordinate with each appropriate local, state, or federal agency
7052 to determine if adequate provisions have been made to protect
7053 those species in accordance with applicable regulations. In
7054 determining the adequacy of provisions for the protection of
7055 listed species and their habitats, the rural land stewardship
7056 area shall be considered as a whole, and the potential impacts
7057 and protective measures taken within areas to be developed as
7058 receiving areas shall be considered in conjunction with and
7059 compensated by lands set aside and protective measures taken
7060 within the designated sending areas.



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7061 (7) Upon the adoption of a plan amendment creating a rural
7062 land stewardship area, the local government shall, by ordinance,
7063 establish a rural land stewardship overlay zoning district,
7064 which shall provide the methodology for the creation,
7065 conveyance, and use of transferable rural land use credits,
7066 hereinafter referred to as stewardship credits, the assignment
7067 and application of which does not constitute a right to develop
7068 land or increase the density of land, except as provided by this
7069 section. The total amount of stewardship credits within the
7070 rural land stewardship area must enable the realization of the
7071 long-term vision and goals for the rural land stewardship area,
7072 which may take into consideration the anticipated effect of the
7073 proposed receiving areas. The estimated amount of receiving area
7074 shall be projected based on available data, and the development
7075 potential represented by the stewardship credits created within
7076 the rural land stewardship area must correlate to that amount.

7077 (8) Stewardship credits are subject to the following
7078 limitations:

7079 (a) Stewardship credits may exist only within a rural land
7080 stewardship area.

7081 (b) Stewardship credits may be created only from lands
7082 designated as stewardship sending areas and may be used only on
7083 lands designated as stewardship receiving areas and then solely
7084 for the purpose of implementing innovative planning and
7085 development strategies and creative land use planning techniques
7086 adopted by the local government pursuant to this section.

7087 (c) Stewardship credits assigned to a parcel of land within
7088 a rural land stewardship area shall cease to exist if the parcel
7089 of land is removed from the rural land stewardship area by plan



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7090 amendment.

7091 (d) Neither the creation of the rural land stewardship area
7092 by plan amendment nor the adoption of the rural land stewardship
7093 zoning overlay district by the local government may displace the
7094 underlying permitted uses or the density or intensity of land
7095 uses assigned to a parcel of land within the rural land
7096 stewardship area that existed before adoption of the plan
7097 amendment or zoning overlay district; however, once stewardship
7098 credits have been transferred from a designated sending area for
7099 use within a designated receiving area, the underlying density
7100 assigned to the designated sending area ceases to exist.

7101 (e) The underlying permitted uses, density, or intensity on
7102 each parcel of land located within a rural land stewardship area
7103 may not be increased or decreased by the local government,
7104 except as a result of the conveyance or stewardship credits, as
7105 long as the parcel remains within the rural land stewardship
7106 area.

7107 (f) Stewardship credits shall cease to exist on a parcel of
7108 land where the underlying density assigned to the parcel of land
7109 is used.

7110 (g) An increase in the density or intensity of use on a
7111 parcel of land located within a designated receiving area may
7112 occur only through the assignment or use of stewardship credits
7113 and do not require a plan amendment. A change in the type of
7114 agricultural use on property within a rural land stewardship
7115 area is not considered a change in use or intensity of use and
7116 does not require any transfer of stewardship credits.

7117 (h) A change in the density or intensity of land use on
7118 parcels located within receiving areas shall be specified in a



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7119 development order that reflects the total number of stewardship
7120 credits assigned to the parcel of land and the infrastructure
7121 and support services necessary to provide for a functional mix
7122 of land uses corresponding to the plan of development.

7123 (i) Land within a rural land stewardship area may be
7124 removed from the rural land stewardship area through a plan
7125 amendment.

7126 (j) Stewardship credits may be assigned at different ratios
7127 of credits per acre according to the natural resource or other
7128 beneficial use characteristics of the land and according to the
7129 land use remaining after the transfer of credits, with the
7130 highest number of credits per acre assigned to the most
7131 environmentally valuable land or, in locations where the
7132 retention of open space and agricultural land is a priority, to
7133 such lands.

7134 (k) Stewardship credits may be transferred from a sending
7135 area only after a stewardship easement is placed on the sending
7136 area land with assigned stewardship credits. A stewardship
7137 easement is a covenant or restrictive easement running with the
7138 land which specifies the allowable uses and development
7139 restrictions for the portion of a sending area from which
7140 stewardship credits have been transferred. The stewardship
7141 easement must be jointly held by the county and the Department
7142 of Environmental Protection, the Department of Agriculture and
7143 Consumer Services, a water management district, or a recognized
7144 statewide land trust.

7145 (9) Owners of land within rural land stewardship sending
7146 areas should be provided other incentives, in addition to the
7147 use or conveyance of stewardship credits, to enter into rural



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7148 land stewardship agreements, pursuant to existing law and rules
7149 adopted thereto, with state agencies, water management
7150 districts, the Fish and Wildlife Conservation Commission, and
7151 local governments to achieve mutually agreed upon objectives.
7152 Such incentives may include, but are not limited to, the
7153 following:

7154 (a) Opportunity to accumulate transferable wetland and
7155 species habitat mitigation credits for use or sale.

7156 (b) Extended permit agreements.

7157 (c) Opportunities for recreational leases and ecotourism.

7158 (d) Compensation for the achievement of specified land
7159 management activities of public benefit, including, but not
7160 limited to, facility siting and corridors, recreational leases,
7161 water conservation and storage, water reuse, wastewater
7162 recycling, water supply and water resource development, nutrient
7163 reduction, environmental restoration and mitigation, public
7164 recreation, listed species protection and recovery, and wildlife
7165 corridor management and enhancement.

7166 (e) Option agreements for sale to public entities or
7167 private land conservation entities, in either fee or easement,
7168 upon achievement of specified conservation objectives.

7169 (10) This section constitutes an overlay of land use
7170 options that provide economic and regulatory incentives for
7171 landowners outside of established and planned urban service
7172 areas to conserve and manage vast areas of land for the benefit
7173 of the state's citizens and natural environment while
7174 maintaining and enhancing the asset value of their landholdings.
7175 It is the intent of the Legislature that this section be
7176 implemented pursuant to law and rulemaking is not authorized.



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7177 (11) It is the intent of the Legislature that the rural
7178 land stewardship area located in Collier County, which was
7179 established pursuant to the requirements of a final order by the
7180 Governor and Cabinet, duly adopted as a growth management plan
7181 amendment by Collier County, and found in compliance with this
7182 chapter, be recognized as a statutory rural land stewardship
7183 area and be afforded the incentives in this section.

7184 Section 33. Paragraph (a) of subsection (2) of section
7185 163.360, Florida Statutes, is amended to read:

7186 163.360 Community redevelopment plans.—

7187 (2) The community redevelopment plan shall:

7188 (a) Conform to the comprehensive plan for the county or
7189 municipality as prepared by the local planning agency under the
7190 Community Local Government Comprehensive Planning and Land
7191 Development Regulation Act.

7192 Section 34. Paragraph (a) of subsection (3) and subsection
7193 (8) of section 163.516, Florida Statutes, are amended to read:

7194 163.516 Safe neighborhood improvement plans.—

7195 (3) The safe neighborhood improvement plan shall:

7196 (a) Be consistent with the adopted comprehensive plan for
7197 the county or municipality pursuant to the Community Local
7198 Government Comprehensive Planning and Land Development
7199 Regulation Act. No district plan shall be implemented unless the
7200 local governing body has determined said plan is consistent.

7201 (8) Pursuant to s. ss. 163.3184, 163.3187, and 163.3189,
7202 the governing body of a municipality or county shall hold two
7203 public hearings to consider the board-adopted safe neighborhood
7204 improvement plan as an amendment or modification to the
7205 municipality's or county's adopted local comprehensive plan.



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7206 Section 35. Paragraph (f) of subsection (6), subsection
7207 (9), and paragraph (c) of subsection (11) of section 171.203,
7208 Florida Statutes, are amended to read:

7209 171.203 Interlocal service boundary agreement.—The
7210 governing body of a county and one or more municipalities or
7211 independent special districts within the county may enter into
7212 an interlocal service boundary agreement under this part. The
7213 governing bodies of a county, a municipality, or an independent
7214 special district may develop a process for reaching an
7215 interlocal service boundary agreement which provides for public
7216 participation in a manner that meets or exceeds the requirements
7217 of subsection (13), or the governing bodies may use the process
7218 established in this section.

7219 (6) An interlocal service boundary agreement may address
7220 any issue concerning service delivery, fiscal responsibilities,
7221 or boundary adjustment. The agreement may include, but need not
7222 be limited to, provisions that:

7223 (f) Establish a process for land use decisions consistent
7224 with part II of chapter 163, including those made jointly by the
7225 governing bodies of the county and the municipality, or allow a
7226 municipality to adopt land use changes consistent with part II
7227 of chapter 163 for areas that are scheduled to be annexed within
7228 the term of the interlocal agreement; however, the county
7229 comprehensive plan and land development regulations shall
7230 control until the municipality annexes the property and amends
7231 its comprehensive plan accordingly. ~~Comprehensive plan~~
7232 ~~amendments to incorporate the process established by this~~
7233 ~~paragraph are exempt from the twice per year limitation under s.~~
7234 ~~163.3187.~~



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7235 (9) Each local government that is a party to the interlocal
7236 service boundary agreement shall amend the intergovernmental
7237 coordination element of its comprehensive plan, as described in
7238 s. 163.3177(6)(h)1., no later than 6 months following entry of
7239 the interlocal service boundary agreement consistent with s.
7240 163.3177(6)(h)1. ~~Plan amendments required by this subsection are~~
7241 ~~exempt from the twice per year limitation under s. 163.3187.~~

7242 (11)

7243 ~~(c) Any amendment required by paragraph (a) is exempt from~~
7244 ~~the twice per year limitation under s. 163.3187.~~

7245 Section 36. Section 186.513, Florida Statutes, is amended
7246 to read:

7247 186.513 Reports.—Each regional planning council shall
7248 prepare and furnish an annual report on its activities to the
7249 state land planning agency as defined in s. 163.3164(20) and the
7250 local general-purpose governments within its boundaries and,
7251 upon payment as may be established by the council, to any
7252 interested person. The regional planning councils shall make a
7253 joint report and recommendations to appropriate legislative
7254 committees.

7255 Section 37. Section 186.515, Florida Statutes, is amended
7256 to read:

7257 186.515 Creation of regional planning councils under
7258 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
7259 186.515 is intended to repeal or limit the provisions of chapter
7260 163; however, the local general-purpose governments serving as
7261 voting members of the governing body of a regional planning
7262 council created pursuant to ss. 186.501-186.507, 186.513, and
7263 186.515 are not authorized to create a regional planning council



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7264 pursuant to chapter 163 unless an agency, other than a regional
7265 planning council created pursuant to ss. 186.501-186.507,
7266 186.513, and 186.515, is designated to exercise the powers and
7267 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);
7268 in which case, such a regional planning council is also without
7269 authority to exercise the powers and duties in s. 163.3164~~(19)~~
7270 or s. 380.031(15).

7271 Section 38. Subsection (1) of section 189.415, Florida
7272 Statutes, is amended to read:

7273 189.415 Special district public facilities report.—

7274 (1) It is declared to be the policy of this state to foster
7275 coordination between special districts and local general-purpose
7276 governments as those local general-purpose governments develop
7277 comprehensive plans under the Community Local Government
7278 ~~Comprehensive Planning and Land Development Regulation Act~~,
7279 pursuant to part II of chapter 163.

7280 Section 39. Subsection (3) of section 190.004, Florida
7281 Statutes, is amended to read:

7282 190.004 Preemption; sole authority.—

7283 (3) The establishment of an independent community
7284 development district as provided in this act is not a
7285 development order within the meaning of chapter 380. All
7286 governmental planning, environmental, and land development laws,
7287 regulations, and ordinances apply to all development of the land
7288 within a community development district. Community development
7289 districts do not have the power of a local government to adopt a
7290 comprehensive plan, building code, or land development code, as
7291 those terms are defined in the Community Local Government
7292 ~~Comprehensive Planning and Land Development Regulation Act~~. A



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7293 district shall take no action which is inconsistent with
7294 applicable comprehensive plans, ordinances, or regulations of
7295 the applicable local general-purpose government.

7296 Section 40. Paragraph (a) of subsection (1) of section
7297 190.005, Florida Statutes, is amended to read:

7298 190.005 Establishment of district.—

7299 (1) The exclusive and uniform method for the establishment
7300 of a community development district with a size of 1,000 acres
7301 or more shall be pursuant to a rule, adopted under chapter 120
7302 by the Florida Land and Water Adjudicatory Commission, granting
7303 a petition for the establishment of a community development
7304 district.

7305 (a) A petition for the establishment of a community
7306 development district shall be filed by the petitioner with the
7307 Florida Land and Water Adjudicatory Commission. The petition
7308 shall contain:

7309 1. A metes and bounds description of the external
7310 boundaries of the district. Any real property within the
7311 external boundaries of the district which is to be excluded from
7312 the district shall be specifically described, and the last known
7313 address of all owners of such real property shall be listed. The
7314 petition shall also address the impact of the proposed district
7315 on any real property within the external boundaries of the
7316 district which is to be excluded from the district.

7317 2. The written consent to the establishment of the district
7318 by all landowners whose real property is to be included in the
7319 district or documentation demonstrating that the petitioner has
7320 control by deed, trust agreement, contract, or option of 100
7321 percent of the real property to be included in the district, and



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7322 when real property to be included in the district is owned by a
7323 governmental entity and subject to a ground lease as described
7324 in s. 190.003(14), the written consent by such governmental
7325 entity.

7326 3. A designation of five persons to be the initial members
7327 of the board of supervisors, who shall serve in that office
7328 until replaced by elected members as provided in s. 190.006.

7329 4. The proposed name of the district.

7330 5. A map of the proposed district showing current major
7331 trunk water mains and sewer interceptors and outfalls if in
7332 existence.

7333 6. Based upon available data, the proposed timetable for
7334 construction of the district services and the estimated cost of
7335 constructing the proposed services. These estimates shall be
7336 submitted in good faith but are ~~shall~~ not ~~be~~ binding and may be
7337 subject to change.

7338 7. A designation of the future general distribution,
7339 location, and extent of public and private uses of land proposed
7340 for the area within the district by the future land use plan
7341 element of the effective local government comprehensive plan of
7342 which all mandatory elements have been adopted by the applicable
7343 general-purpose local government in compliance with the
7344 Community Local Government Comprehensive Planning and Land
7345 Development Regulation Act.

7346 8. A statement of estimated regulatory costs in accordance
7347 with the requirements of s. 120.541.

7348 Section 41. Paragraph (i) of subsection (6) of section
7349 193.501, Florida Statutes, is amended to read:

7350 193.501 Assessment of lands subject to a conservation



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7351 easement, environmentally endangered lands, or lands used for
7352 outdoor recreational or park purposes when land development
7353 rights have been conveyed or conservation restrictions have been
7354 covenanted.—

7355 (6) The following terms whenever used as referred to in
7356 this section have the following meanings unless a different
7357 meaning is clearly indicated by the context:

7358 (i) "Qualified as environmentally endangered" means land
7359 that has unique ecological characteristics, rare or limited
7360 combinations of geological formations, or features of a rare or
7361 limited nature constituting habitat suitable for fish, plants,
7362 or wildlife, and which, if subject to a development moratorium
7363 or one or more conservation easements or development
7364 restrictions appropriate to retaining such land or water areas
7365 predominantly in their natural state, would be consistent with
7366 the conservation, recreation and open space, and, if applicable,
7367 coastal protection elements of the comprehensive plan adopted by
7368 formal action of the local governing body pursuant to s.
7369 163.3161, the Community Local Government Comprehensive Planning
7370 ~~and Land Development Regulation Act~~; or surface waters and
7371 wetlands, as determined by the methodology ratified in s.
7372 373.4211.

7373 Section 42. Subsection (15) of section 287.042, Florida
7374 Statutes, is amended to read:

7375 287.042 Powers, duties, and functions.—The department shall
7376 have the following powers, duties, and functions:

7377 (15) To enter into joint agreements with governmental
7378 agencies, as defined in s. 163.3164(10), for the purpose of
7379 pooling funds for the purchase of commodities or information



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7380 technology that can be used by multiple agencies.

7381 (a) Each agency that has been appropriated or has existing
7382 funds for such purchase, shall, upon contract award by the
7383 department, transfer their portion of the funds into the
7384 department's Operating Trust Fund for payment by the department.
7385 The funds shall be transferred by the Executive Office of the
7386 Governor pursuant to the agency budget amendment request
7387 provisions in chapter 216.

7388 (b) Agencies that sign the joint agreements are financially
7389 obligated for their portion of the agreed-upon funds. If an
7390 agency becomes more than 90 days delinquent in paying the funds,
7391 the department shall certify to the Chief Financial Officer the
7392 amount due, and the Chief Financial Officer shall transfer the
7393 amount due to the Operating Trust Fund of the department from
7394 any of the agency's available funds. The Chief Financial Officer
7395 shall report these transfers and the reasons for the transfers
7396 to the Executive Office of the Governor and the legislative
7397 appropriations committees.

7398 Section 43. Subsection (4) of section 288.063, Florida
7399 Statutes, is amended to read:

7400 288.063 Contracts for transportation projects.—

7401 (4) The Office of Tourism, Trade, and Economic Development
7402 may adopt criteria by which transportation projects are to be
7403 reviewed and certified in accordance with s. 288.061. In
7404 approving transportation projects for funding, the Office of
7405 Tourism, Trade, and Economic Development shall consider factors
7406 including, but not limited to, the cost per job created or
7407 retained considering the amount of transportation funds
7408 requested; the average hourly rate of wages for jobs created;



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7409 the reliance on the program as an inducement for the project's
7410 location decision; the amount of capital investment to be made
7411 by the business; the demonstrated local commitment; the location
7412 of the project in an enterprise zone designated pursuant to s.
7413 290.0055; the location of the project in a spaceport territory
7414 as defined in s. 331.304; the unemployment rate of the
7415 surrounding area; and the poverty rate of the community; ~~and the~~
7416 ~~adoption of an economic element as part of its local~~
7417 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
7418 Office of Tourism, Trade, and Economic Development may contact
7419 any agency it deems appropriate for additional input regarding
7420 the approval of projects.

7421 Section 44. Paragraph (a) of subsection (2), subsection
7422 (10), and paragraph (d) of subsection (12) of section 288.975,
7423 Florida Statutes, are amended to read:

7424 288.975 Military base reuse plans.—

7425 (2) As used in this section, the term:

7426 (a) "Affected local government" means a local government
7427 adjoining the host local government and any other unit of local
7428 government that is not a host local government but that is
7429 identified in a proposed military base reuse plan as providing,
7430 operating, or maintaining one or more public facilities as
7431 defined in s. 163.3164~~(24)~~ on lands within or serving a military
7432 base designated for closure by the Federal Government.

7433 (10) Within 60 days after receipt of a proposed military
7434 base reuse plan, these entities shall review and provide
7435 comments to the host local government. The commencement of this
7436 review period shall be advertised in newspapers of general
7437 circulation within the host local government and any affected



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7438 local government to allow for public comment. No later than 180
7439 days after receipt and consideration of all comments, and the
7440 holding of at least two public hearings, the host local
7441 government shall adopt the military base reuse plan. The host
7442 local government shall comply with the notice requirements set
7443 forth in s. 163.3184(11)(15) to ensure full public participation
7444 in this planning process.

7445 (12) Following receipt of a petition, the petitioning party
7446 or parties and the host local government shall seek resolution
7447 of the issues in dispute. The issues in dispute shall be
7448 resolved as follows:

7449 (d) Within 45 days after receiving the report from the
7450 state land planning agency, the Administration Commission shall
7451 take action to resolve the issues in dispute. In deciding upon a
7452 proper resolution, the Administration Commission shall consider
7453 the nature of the issues in dispute, any requests for a formal
7454 administrative hearing pursuant to chapter 120, the compliance
7455 of the parties with this section, the extent of the conflict
7456 between the parties, the comparative hardships and the public
7457 interest involved. If the Administration Commission incorporates
7458 in its final order a term or condition that requires any local
7459 government to amend its local government comprehensive plan, the
7460 local government shall amend its plan within 60 days after the
7461 issuance of the order. ~~Such amendment or amendments shall be~~
7462 ~~exempt from the limitation of the frequency of plan amendments~~
7463 ~~contained in s. 163.3187(1), and~~ A public hearing on such
7464 amendment or amendments pursuant to s. 163.3184(11)(15)(b)1. is
7465 ~~shall not be~~ required. The final order of the Administration
7466 Commission is subject to appeal pursuant to s. 120.68. If the



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7467 order of the Administration Commission is appealed, the time for
7468 the local government to amend its plan shall be tolled during
7469 the pendency of any local, state, or federal administrative or
7470 judicial proceeding relating to the military base reuse plan.

7471 Section 45. Subsection (4) of section 290.0475, Florida
7472 Statutes, is amended to read:

7473 290.0475 Rejection of grant applications; penalties for
7474 failure to meet application conditions.—Applications received
7475 for funding under all program categories shall be rejected
7476 without scoring only in the event that any of the following
7477 circumstances arise:

7478 (4) The application is not consistent with the local
7479 government's comprehensive plan adopted pursuant to s.
7480 163.3184(7).

7481 Section 46. Paragraph (c) of subsection (3) of section
7482 311.07, Florida Statutes, is amended to read:

7483 311.07 Florida seaport transportation and economic
7484 development funding.—

7485 (3)

7486 (c) To be eligible for consideration by the council
7487 pursuant to this section, a project must be consistent with the
7488 port comprehensive master plan which is incorporated as part of
7489 the approved local government comprehensive plan as required by
7490 s. 163.3178(2)(k) or other provisions of the Community Local
7491 ~~Government Comprehensive Planning and Land Development~~
7492 ~~Regulation~~ Act, part II of chapter 163.

7493 Section 47. Subsection (1) of section 331.319, Florida
7494 Statutes, is amended to read:

7495 331.319 Comprehensive planning; building and safety codes.—



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7496 The board of directors may:

7497 (1) Adopt, and from time to time review, amend, supplement,
7498 or repeal, a comprehensive general plan for the physical
7499 development of the area within the spaceport territory in
7500 accordance with the objectives and purposes of this act and
7501 consistent with the comprehensive plans of the applicable county
7502 or counties and municipality or municipalities adopted pursuant
7503 to the Community Local Government Comprehensive Planning and
7504 Land Development Regulation Act, part II of chapter 163.

7505 Section 48. Paragraph (e) of subsection (5) of section
7506 339.155, Florida Statutes, is amended to read:

7507 339.155 Transportation planning.—

7508 (5) ADDITIONAL TRANSPORTATION PLANS.—

7509 (e) The regional transportation plan developed pursuant to
7510 this section must, at a minimum, identify regionally significant
7511 transportation facilities located within a regional
7512 transportation area and contain a prioritized list of regionally
7513 significant projects. ~~The level of service standards for~~
7514 ~~facilities to be funded under this subsection shall be adopted~~
7515 ~~by the appropriate local government in accordance with s.~~
7516 ~~163.3180(10).~~ The projects shall be adopted into the capital
7517 improvements schedule of the local government comprehensive plan
7518 pursuant to s. 163.3177(3).

7519 Section 49. Paragraph (a) of subsection (4) of section
7520 339.2819, Florida Statutes, is amended to read:

7521 339.2819 Transportation Regional Incentive Program.—

7522 (4) (a) Projects to be funded with Transportation Regional
7523 Incentive Program funds shall, at a minimum:

7524 1. Support those transportation facilities that serve



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7525 national, statewide, or regional functions and function as an
7526 integrated regional transportation system.

7527 2. Be identified in the capital improvements element of a
7528 comprehensive plan that has been determined to be in compliance
7529 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
7530 ~~a long-term concurrency management system adopted by a local~~
7531 ~~government in accordance with s. 163.3180(9)~~. Further, the
7532 project shall be in compliance with local government
7533 comprehensive plan policies relative to corridor management.

7534 3. Be consistent with the Strategic Intermodal System Plan
7535 developed under s. 339.64.

7536 4. Have a commitment for local, regional, or private
7537 financial matching funds as a percentage of the overall project
7538 cost.

7539 Section 50. Subsection (5) of section 369.303, Florida
7540 Statutes, is amended to read:

7541 369.303 Definitions.—As used in this part:

7542 (5) "Land development regulation" means a regulation
7543 covered by the definition in s. 163.3164(23) and any of the
7544 types of regulations described in s. 163.3202.

7545 Section 51. Subsections (5) and (7) of section 369.321,
7546 Florida Statutes, are amended to read:

7547 369.321 Comprehensive plan amendments.—Except as otherwise
7548 expressly provided, by January 1, 2006, each local government
7549 within the Wekiva Study Area shall amend its local government
7550 comprehensive plan to include the following:

7551 (5) Comprehensive plans and comprehensive plan amendments
7552 adopted by the local governments to implement this section shall
7553 be reviewed by the Department of Community Affairs pursuant to



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7554 s. 163.3184, ~~and shall be exempt from the provisions of s.~~
7555 ~~163.3187(1).~~

7556 (7) During the period prior to the adoption of the
7557 comprehensive plan amendments required by this act, any local
7558 comprehensive plan amendment adopted by a city or county that
7559 applies to land located within the Wekiva Study Area shall
7560 protect surface and groundwater resources and be reviewed by the
7561 Department of Community Affairs, ~~pursuant to chapter 163 and~~
7562 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
7563 data, including the information presented to the Wekiva River
7564 Basin Coordinating Committee.

7565 Section 52. Subsection (1) of section 378.021, Florida
7566 Statutes, is amended to read:

7567 378.021 Master reclamation plan.—

7568 (1) The Department of Environmental Protection shall amend
7569 the master reclamation plan that provides guidelines for the
7570 reclamation of lands mined or disturbed by the severance of
7571 phosphate rock prior to July 1, 1975, which lands are not
7572 subject to mandatory reclamation under part II of chapter 211.
7573 In amending the master reclamation plan, the Department of
7574 Environmental Protection shall continue to conduct an onsite
7575 evaluation of all lands mined or disturbed by the severance of
7576 phosphate rock prior to July 1, 1975, which lands are not
7577 subject to mandatory reclamation under part II of chapter 211.
7578 The master reclamation plan when amended by the Department of
7579 Environmental Protection shall be consistent with local
7580 government plans prepared pursuant to the Community Local
7581 ~~Government Comprehensive Planning and Land Development~~
7582 ~~Regulation Act.~~



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7583 Section 53. Subsection (10) of section 380.031, Florida
7584 Statutes, is amended to read:

7585 380.031 Definitions.—As used in this chapter:

7586 (10) "Local comprehensive plan" means any or all local
7587 comprehensive plans or elements or portions thereof prepared,
7588 adopted, or amended pursuant to the Community Local Government
7589 ~~Comprehensive Planning and Land Development Regulation~~ Act, as
7590 amended.

7591 Section 54. Paragraph (d) of subsection (2), paragraph (b)
7592 of subsection (6), paragraphs (c), (e), and (f) of subsection
7593 (19), subsection (24), paragraph (e) of subsection (28), and
7594 paragraphs (a), (d), and (e) of subsection (29) of section
7595 380.06, Florida Statutes, are amended, and subsection (30) is
7596 added to that section, to read:

7597 380.06 Developments of regional impact.—

7598 (2) STATEWIDE GUIDELINES AND STANDARDS.—

7599 (d) The guidelines and standards shall be applied as
7600 follows:

7601 1. Fixed thresholds.—

7602 a. A development that is below 100 percent of all numerical
7603 thresholds in the guidelines and standards shall not be required
7604 to undergo development-of-regional-impact review.

7605 b. A development that is at or above 120 percent of any
7606 numerical threshold shall be required to undergo development-of-
7607 regional-impact review.

7608 c. Projects certified under s. 403.973 which create at
7609 least 100 jobs and meet the criteria of the Office of Tourism,
7610 Trade, and Economic Development as to their impact on an area's
7611 economy, employment, and prevailing wage and skill levels that



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7612 are at or below 100 percent of the numerical thresholds for
7613 industrial plants, industrial parks, distribution, warehousing
7614 or wholesaling facilities, office development or multiuse
7615 projects other than residential, as described in s.
7616 380.0651(3)(c), ~~(d)~~, and (f) ~~(h)~~, are not required to undergo
7617 development-of-regional-impact review.

7618 2. Rebuttable presumption.—It shall be presumed that a
7619 development that is at 100 percent or between 100 and 120
7620 percent of a numerical threshold shall be required to undergo
7621 development-of-regional-impact review.

7622 Section 55. Paragraph (b) of subsection (6), paragraph (g)
7623 of subsection (15), paragraphs (b), (c), and (e) of subsection
7624 (19), subsection (24), paragraph (e) of subsection (28), and
7625 paragraphs (a), (d), and (e) of subsection (29) of section
7626 380.06, Florida Statutes, are amended, and subsection (30) is
7627 added to that section, to read:

7628 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
7629 PLAN AMENDMENTS.—

7630 (b) Any local government comprehensive plan amendments
7631 related to a proposed development of regional impact, including
7632 any changes proposed under subsection (19), may be initiated by
7633 a local planning agency or the developer and must be considered
7634 by the local governing body at the same time as the application
7635 for development approval using the procedures provided for local
7636 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable
7637 local ordinances, without regard to ~~statutory or local ordinance~~
7638 limits on the frequency of consideration of amendments to the
7639 local comprehensive plan. ~~Nothing in~~ This paragraph does not
7640 ~~shall be deemed to~~ require favorable consideration of a plan



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7641 amendment solely because it is related to a development of
7642 regional impact. The procedure for processing such comprehensive
7643 plan amendments is as follows:

7644 1. If a developer seeks a comprehensive plan amendment
7645 related to a development of regional impact, the developer must
7646 so notify in writing the regional planning agency, the
7647 applicable local government, and the state land planning agency
7648 no later than the date of preapplication conference or the
7649 submission of the proposed change under subsection (19).

7650 2. When filing the application for development approval or
7651 the proposed change, the developer must include a written
7652 request for comprehensive plan amendments that would be
7653 necessitated by the development-of-regional-impact approvals
7654 sought. That request must include data and analysis upon which
7655 the applicable local government can determine whether to
7656 transmit the comprehensive plan amendment pursuant to s.
7657 163.3184.

7658 3. The local government must advertise a public hearing on
7659 the transmittal within 30 days after filing the application for
7660 development approval or the proposed change and must make a
7661 determination on the transmittal within 60 days after the
7662 initial filing unless that time is extended by the developer.

7663 4. If the local government approves the transmittal,
7664 procedures set forth in s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~ must be
7665 followed.

7666 5. Notwithstanding subsection (11) or subsection (19), the
7667 local government may not hold a public hearing on the
7668 application for development approval or the proposed change or
7669 on the comprehensive plan amendments sooner than 30 days from



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7670 receipt of the response from the state land planning agency
7671 pursuant to s. 163.3184(4)(d)(6). ~~The 60-day time period for~~
7672 ~~local governments to adopt, adopt with changes, or not adopt~~
7673 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~
7674 ~~concurrent plan amendments provided for in this subsection.~~

7675 6. The local government must hear both the application for
7676 development approval or the proposed change and the
7677 comprehensive plan amendments at the same hearing. However, the
7678 local government must take action separately on the application
7679 for development approval or the proposed change and on the
7680 comprehensive plan amendments.

7681 7. Thereafter, the appeal process for the local government
7682 development order must follow the provisions of s. 380.07, and
7683 the compliance process for the comprehensive plan amendments
7684 must follow the provisions of s. 163.3184.

7685 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

7686 (g) A local government shall not issue permits for
7687 development subsequent to the buildout date contained in the
7688 development order unless:

7689 1. The proposed development has been evaluated cumulatively
7690 with existing development under the substantial deviation
7691 provisions of subsection (19) subsequent to the termination or
7692 expiration date;

7693 2. The proposed development is consistent with an
7694 abandonment of development order that has been issued in
7695 accordance with the provisions of subsection (26);

7696 3. The development of regional impact is essentially built
7697 out, in that all the mitigation requirements in the development
7698 order have been satisfied, all developers are in compliance with



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7699 all applicable terms and conditions of the development order
7700 except the buildout date, and the amount of proposed development
7701 that remains to be built is less than 40 ~~20~~ percent of any
7702 applicable development-of-regional-impact threshold; or

7703 4. The project has been determined to be an essentially
7704 built-out development of regional impact through an agreement
7705 executed by the developer, the state land planning agency, and
7706 the local government, in accordance with s. 380.032, which will
7707 establish the terms and conditions under which the development
7708 may be continued. If the project is determined to be essentially
7709 built out, development may proceed pursuant to the s. 380.032
7710 agreement after the termination or expiration date contained in
7711 the development order without further development-of-regional-
7712 impact review subject to the local government comprehensive plan
7713 and land development regulations or subject to a modified
7714 development-of-regional-impact analysis. As used in this
7715 paragraph, an "essentially built-out" development of regional
7716 impact means:

7717 a. The developers are in compliance with all applicable
7718 terms and conditions of the development order except the
7719 buildout date; and

7720 b. (I) The amount of development that remains to be built is
7721 less than the substantial deviation threshold specified in
7722 paragraph (19) (b) for each individual land use category, or, for
7723 a multiuse development, the sum total of all unbuilt land uses
7724 as a percentage of the applicable substantial deviation
7725 threshold is equal to or less than 100 percent; or

7726 (II) The state land planning agency and the local
7727 government have agreed in writing that the amount of development



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7728 to be built does not create the likelihood of any additional
7729 regional impact not previously reviewed.

7730
7731 The single-family residential portions of a development may be
7732 considered "essentially built out" if all of the workforce
7733 housing obligations and all of the infrastructure and horizontal
7734 development have been completed, at least 50 percent of the
7735 dwelling units have been completed, and more than 80 percent of
7736 the lots have been conveyed to third-party individual lot owners
7737 or to individual builders who own no more than 40 lots at the
7738 time of the determination. The mobile home park portions of a
7739 development may be considered "essentially built out" if all the
7740 infrastructure and horizontal development has been completed,
7741 and at least 50 percent of the lots are leased to individual
7742 mobile home owners.

7743 (19) SUBSTANTIAL DEVIATIONS.—

7744 (b) Any proposed change to a previously approved
7745 development of regional impact or development order condition
7746 which, either individually or cumulatively with other changes,
7747 exceeds any of the following criteria shall constitute a
7748 substantial deviation and shall cause the development to be
7749 subject to further development-of-regional-impact review without
7750 the necessity for a finding of same by the local government:

7751 1. An increase in the number of parking spaces at an
7752 attraction or recreational facility by 15 ~~10~~ percent or 500 ~~330~~
7753 spaces, whichever is greater, or an increase in the number of
7754 spectators that may be accommodated at such a facility by 15 ~~10~~
7755 percent or 1,500 ~~1,100~~ spectators, whichever is greater.

7756 2. A new runway, a new terminal facility, a 25-percent



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7757 lengthening of an existing runway, or a 25-percent increase in
7758 the number of gates of an existing terminal, but only if the
7759 increase adds at least three additional gates.

7760 ~~3. An increase in industrial development area by 10 percent~~
7761 ~~or 35 acres, whichever is greater.~~

7762 ~~4. An increase in the average annual acreage mined by 10~~
7763 ~~percent or 11 acres, whichever is greater, or an increase in the~~
7764 ~~average daily water consumption by a mining operation by 10~~
7765 ~~percent or 330,000 gallons, whichever is greater. A net increase~~
7766 ~~in the size of the mine by 10 percent or 825 acres, whichever is~~
7767 ~~less. For purposes of calculating any net increases in size,~~
7768 ~~only additions and deletions of lands that have not been mined~~
7769 ~~shall be considered. An increase in the size of a heavy mineral~~
7770 ~~mine as defined in s. 378.403(7) will only constitute a~~
7771 ~~substantial deviation if the average annual acreage mined is~~
7772 ~~more than 550 acres and consumes more than 3.3 million gallons~~
7773 ~~of water per day.~~

7774 ~~3.5.~~ An increase in land area for office development by 15
7775 ~~10~~ percent or an increase of gross floor area of office
7776 development by 15 ~~10~~ percent or 100,000 ~~66,000~~ gross square
7777 feet, whichever is greater.

7778 ~~4.6.~~ An increase in the number of dwelling units by 10
7779 percent or 55 dwelling units, whichever is greater.

7780 ~~5.7.~~ An increase in the number of dwelling units by 50
7781 percent or 200 units, whichever is greater, provided that 15
7782 percent of the proposed additional dwelling units are dedicated
7783 to affordable workforce housing, subject to a recorded land use
7784 restriction that shall be for a period of not less than 20 years
7785 and that includes resale provisions to ensure long-term



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7786 affordability for income-eligible homeowners and renters and
7787 provisions for the workforce housing to be commenced prior to
7788 the completion of 50 percent of the market rate dwelling. For
7789 purposes of this subparagraph, the term "affordable workforce
7790 housing" means housing that is affordable to a person who earns
7791 less than 120 percent of the area median income, or less than
7792 140 percent of the area median income if located in a county in
7793 which the median purchase price for a single-family existing
7794 home exceeds the statewide median purchase price of a single-
7795 family existing home. For purposes of this subparagraph, the
7796 term "statewide median purchase price of a single-family
7797 existing home" means the statewide purchase price as determined
7798 in the Florida Sales Report, Single-Family Existing Homes,
7799 released each January by the Florida Association of Realtors and
7800 the University of Florida Real Estate Research Center.

7801 ~~6.8.~~ An increase in commercial development by 60,000 ~~55,000~~
7802 square feet of gross floor area or of parking spaces provided
7803 for customers for 425 ~~330~~ cars or a 10-percent increase ~~of~~
7804 ~~either of these~~, whichever is greater.

7805 ~~9. An increase in hotel or motel rooms by 10 percent or 83~~
7806 ~~rooms, whichever is greater.~~

7807 ~~7.10.~~ An increase in a recreational vehicle park area by 10
7808 percent or 110 vehicle spaces, whichever is less.

7809 ~~8.11.~~ A decrease in the area set aside for open space of 5
7810 percent or 20 acres, whichever is less.

7811 ~~9.12.~~ A proposed increase to an approved multiuse
7812 development of regional impact where the sum of the increases of
7813 each land use as a percentage of the applicable substantial
7814 deviation criteria is equal to or exceeds 110 percent. The



7815 percentage of any decrease in the amount of open space shall be
7816 treated as an increase for purposes of determining when 110
7817 percent has been reached or exceeded.

7818 ~~10.13.~~ A 15-percent increase in the number of external
7819 vehicle trips generated by the development above that which was
7820 projected during the original development-of-regional-impact
7821 review.

7822 ~~11.14.~~ Any change which would result in development of any
7823 area which was specifically set aside in the application for
7824 development approval or in the development order for
7825 preservation or special protection of endangered or threatened
7826 plants or animals designated as endangered, threatened, or
7827 species of special concern and their habitat, any species
7828 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
7829 archaeological and historical sites designated as significant by
7830 the Division of Historical Resources of the Department of State.
7831 The refinement of the boundaries and configuration of such areas
7832 shall be considered under sub-subparagraph (e)2.j.

7833
7834 The substantial deviation numerical standards in subparagraphs
7835 3., 6., and ~~5., 8., 9., and 12.~~, excluding residential uses, and
7836 in subparagraph 10. 13., are increased by 100 percent for a
7837 project certified under s. 403.973 which creates jobs and meets
7838 criteria established by the Office of Tourism, Trade, and
7839 Economic Development as to its impact on an area's economy,
7840 employment, and prevailing wage and skill levels. The
7841 substantial deviation numerical standards in subparagraphs 3.,
7842 4. 5., 6., 7., 8., 9., 12., and 10. 13. are increased by 50
7843 percent for a project located wholly within an urban infill and



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7844 redevelopment area designated on the applicable adopted local
7845 comprehensive plan future land use map and not located within
7846 the coastal high hazard area.

7847 (c) An extension of the date of buildout of a development,
7848 or any phase thereof, by more than 7 years is presumed to create
7849 a substantial deviation subject to further development-of-
7850 regional-impact review.

7851 1. An extension of the date of buildout, or any phase
7852 thereof, of more than 5 years but not more than 7 years is
7853 presumed not to create a substantial deviation. The extension of
7854 the date of buildout of an areawide development of regional
7855 impact by more than 5 years but less than 10 years is presumed
7856 not to create a substantial deviation. These presumptions may be
7857 rebutted by clear and convincing evidence at the public hearing
7858 held by the local government. An extension of 5 years or less is
7859 not a substantial deviation.

7860 2. In recognition of the 2011 real estate market
7861 conditions, at the option of the developer, all commencement,
7862 phase, buildout, and expiration dates for projects that are
7863 currently valid developments of regional impact are extended for
7864 4 years regardless of any previous extension. Associated
7865 mitigation requirements are extended for the same period unless,
7866 prior to December 1, 2011, a governmental entity notifies a
7867 developer which has commenced any construction within the phase
7868 for which the mitigation is required that the local government
7869 has entered into a contract for construction of a facility with
7870 funds to be provided from the development's mitigation funds for
7871 that phase as specified in the development order or written
7872 agreement with the developer. The 4-year extension is not a



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7873 substantial deviation, is not subject to further development-of-
7874 regional-impact review, and may not be considered when
7875 determining whether a subsequent extension is a substantial
7876 deviation under this subsection. The developer must notify the
7877 local government in writing by December 31, 2011, in order to
7878 receive the 4-year extension.

7879

7880 For the purpose of calculating when a buildout or phase date has
7881 been exceeded, the time shall be tolled during the pendency of
7882 administrative or judicial proceedings relating to development
7883 permits. Any extension of the buildout date of a project or a
7884 phase thereof shall automatically extend the commencement date
7885 of the project, the termination date of the development order,
7886 the expiration date of the development of regional impact, and
7887 the phases thereof if applicable by a like period of time. ~~In~~
7888 ~~recognition of the 2007 real estate market conditions, all~~
7889 ~~phase, buildout, and expiration dates for projects that are~~
7890 ~~developments of regional impact and under active construction on~~
7891 ~~July 1, 2007, are extended for 3 years regardless of any prior~~
7892 ~~extension. The 3-year extension is not a substantial deviation,~~
7893 ~~is not subject to further development-of-regional-impact review,~~
7894 ~~and may not be considered when determining whether a subsequent~~
7895 ~~extension is a substantial deviation under this subsection.~~

7896 (e)1. Except for a development order rendered pursuant to
7897 subsection (22) or subsection (25), a proposed change to a
7898 development order that individually or cumulatively with any
7899 previous change is less than any numerical criterion contained
7900 in subparagraphs (b) ~~1.-10.1.-13.~~ and does not exceed any other
7901 criterion, or that involves an extension of the buildout date of



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7902 a development, or any phase thereof, of less than 5 years is not
7903 subject to the public hearing requirements of subparagraph
7904 (f)3., and is not subject to a determination pursuant to
7905 subparagraph (f)5. Notice of the proposed change shall be made
7906 to the regional planning council and the state land planning
7907 agency. Such notice shall include a description of previous
7908 individual changes made to the development, including changes
7909 previously approved by the local government, and shall include
7910 appropriate amendments to the development order.

7911 2. The following changes, individually or cumulatively with
7912 any previous changes, are not substantial deviations:

7913 a. Changes in the name of the project, developer, owner, or
7914 monitoring official.

7915 b. Changes to a setback that do not affect noise buffers,
7916 environmental protection or mitigation areas, or archaeological
7917 or historical resources.

7918 c. Changes to minimum lot sizes.

7919 d. Changes in the configuration of internal roads that do
7920 not affect external access points.

7921 e. Changes to the building design or orientation that stay
7922 approximately within the approved area designated for such
7923 building and parking lot, and which do not affect historical
7924 buildings designated as significant by the Division of
7925 Historical Resources of the Department of State.

7926 f. Changes to increase the acreage in the development,
7927 provided that no development is proposed on the acreage to be
7928 added.

7929 g. Changes to eliminate an approved land use, provided that
7930 there are no additional regional impacts.



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7931 h. Changes required to conform to permits approved by any
7932 federal, state, or regional permitting agency, provided that
7933 these changes do not create additional regional impacts.

7934 i. Any renovation or redevelopment of development within a
7935 previously approved development of regional impact which does
7936 not change land use or increase density or intensity of use.

7937 j. Changes that modify boundaries and configuration of
7938 areas described in subparagraph (b)~~11.14.~~ due to science-based
7939 refinement of such areas by survey, by habitat evaluation, by
7940 other recognized assessment methodology, or by an environmental
7941 assessment. In order for changes to qualify under this sub-
7942 subparagraph, the survey, habitat evaluation, or assessment must
7943 occur prior to the time a conservation easement protecting such
7944 lands is recorded and must not result in any net decrease in the
7945 total acreage of the lands specifically set aside for permanent
7946 preservation in the final development order.

7947 k. Any other change which the state land planning agency,
7948 in consultation with the regional planning council, agrees in
7949 writing is similar in nature, impact, or character to the
7950 changes enumerated in sub-subparagraphs a.-j. and which does not
7951 create the likelihood of any additional regional impact.

7952
7953 This subsection does not require the filing of a notice of
7954 proposed change but shall require an application to the local
7955 government to amend the development order in accordance with the
7956 local government's procedures for amendment of a development
7957 order. In accordance with the local government's procedures,
7958 including requirements for notice to the applicant and the
7959 public, the local government shall either deny the application



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7960 for amendment or adopt an amendment to the development order
7961 which approves the application with or without conditions.
7962 Following adoption, the local government shall render to the
7963 state land planning agency the amendment to the development
7964 order. The state land planning agency may appeal, pursuant to s.
7965 380.07(3), the amendment to the development order if the
7966 amendment involves sub-subparagraph g., sub-subparagraph h.,
7967 sub-subparagraph j., or sub-subparagraph k., and it believes the
7968 change creates a reasonable likelihood of new or additional
7969 regional impacts.

7970 3. Except for the change authorized by sub-subparagraph
7971 2.f., any addition of land not previously reviewed or any change
7972 not specified in paragraph (b) or paragraph (c) shall be
7973 presumed to create a substantial deviation. This presumption may
7974 be rebutted by clear and convincing evidence.

7975 4. Any submittal of a proposed change to a previously
7976 approved development shall include a description of individual
7977 changes previously made to the development, including changes
7978 previously approved by the local government. The local
7979 government shall consider the previous and current proposed
7980 changes in deciding whether such changes cumulatively constitute
7981 a substantial deviation requiring further development-of-
7982 regional-impact review.

7983 5. The following changes to an approved development of
7984 regional impact shall be presumed to create a substantial
7985 deviation. Such presumption may be rebutted by clear and
7986 convincing evidence.

7987 a. A change proposed for 15 percent or more of the acreage
7988 to a land use not previously approved in the development order.



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7989 Changes of less than 15 percent shall be presumed not to create
7990 a substantial deviation.

7991 b. Notwithstanding any provision of paragraph (b) to the
7992 contrary, a proposed change consisting of simultaneous increases
7993 and decreases of at least two of the uses within an authorized
7994 multiuse development of regional impact which was originally
7995 approved with three or more uses specified in s. 380.0651(3)(c),
7996 (d), (e), and (f) and residential use.

7997 6. If a local government agrees to a proposed change, a
7998 change in the transportation proportionate share calculation and
7999 mitigation plan in an adopted development order as a result of
8000 recalculation of the proportionate share contribution meeting
8001 the requirements of s. 163.3180(5)(h) in effect as of the date
8002 of such change shall be presumed not to create a substantial
8003 deviation. For purposes of this subsection, the proposed change
8004 in the proportionate share calculation or mitigation plan shall
8005 not be considered an additional regional transportation impact.

8006 (e)1. Except for a development order rendered pursuant to
8007 subsection (22) or subsection (25), a proposed change to a
8008 development order that individually or cumulatively with any
8009 previous change is less than any numerical criterion contained
8010 in subparagraphs (b)1.-13. and does not exceed any other
8011 criterion, or that involves an extension of the buildout date of
8012 a development, or any phase thereof, of less than 5 years is not
8013 subject to the public hearing requirements of subparagraph
8014 (f)3., and is not subject to a determination pursuant to
8015 subparagraph (f)5. Notice of the proposed change shall be made
8016 to the regional planning council and the state land planning
8017 agency. Such notice shall include a description of previous



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8018 individual changes made to the development, including changes
8019 previously approved by the local government, and shall include
8020 appropriate amendments to the development order.

8021 2. The following changes, individually or cumulatively with
8022 any previous changes, are not substantial deviations:

8023 a. Changes in the name of the project, developer, owner, or
8024 monitoring official.

8025 b. Changes to a setback that do not affect noise buffers,
8026 environmental protection or mitigation areas, or archaeological
8027 or historical resources.

8028 c. Changes to minimum lot sizes.

8029 d. Changes in the configuration of internal roads that do
8030 not affect external access points.

8031 e. Changes to the building design or orientation that stay
8032 approximately within the approved area designated for such
8033 building and parking lot, and which do not affect historical
8034 buildings designated as significant by the Division of
8035 Historical Resources of the Department of State.

8036 f. Changes to increase the acreage in the development,
8037 provided that no development is proposed on the acreage to be
8038 added.

8039 g. Changes to eliminate an approved land use, provided that
8040 there are no additional regional impacts.

8041 h. Changes required to conform to permits approved by any
8042 federal, state, or regional permitting agency, provided that
8043 these changes do not create additional regional impacts.

8044 i. Any renovation or redevelopment of development within a
8045 previously approved development of regional impact which does
8046 not change land use or increase density or intensity of use.



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8047 j. Changes that modify boundaries and configuration of
8048 areas described in subparagraph (b)14. due to science-based
8049 refinement of such areas by survey, by habitat evaluation, by
8050 other recognized assessment methodology, or by an environmental
8051 assessment. In order for changes to qualify under this sub-
8052 subparagraph, the survey, habitat evaluation, or assessment must
8053 occur prior to the time a conservation easement protecting such
8054 lands is recorded and must not result in any net decrease in the
8055 total acreage of the lands specifically set aside for permanent
8056 preservation in the final development order.

8057 k. Any other change which the state land planning agency,
8058 in consultation with the regional planning council, agrees in
8059 writing is similar in nature, impact, or character to the
8060 changes enumerated in sub-subparagraphs a.-j. and which does not
8061 create the likelihood of any additional regional impact.

8062
8063 This subsection does not require the filing of a notice of
8064 proposed change but shall require an application to the local
8065 government to amend the development order in accordance with the
8066 local government's procedures for amendment of a development
8067 order. In accordance with the local government's procedures,
8068 including requirements for notice to the applicant and the
8069 public, the local government shall either deny the application
8070 for amendment or adopt an amendment to the development order
8071 which approves the application with or without conditions.
8072 Following adoption, the local government shall render to the
8073 state land planning agency the amendment to the development
8074 order. The state land planning agency may appeal, pursuant to s.
8075 380.07(3), the amendment to the development order if the



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8076 amendment involves sub-subparagraph g., sub-subparagraph h.,
8077 sub-subparagraph j., or sub-subparagraph k., and it believes the
8078 change creates a reasonable likelihood of new or additional
8079 regional impacts.

8080 3. Except for the change authorized by sub-subparagraph
8081 2.f., any addition of land not previously reviewed or any change
8082 not specified in paragraph (b) or paragraph (c) shall be
8083 presumed to create a substantial deviation. This presumption may
8084 be rebutted by clear and convincing evidence.

8085 4. Any submittal of a proposed change to a previously
8086 approved development shall include a description of individual
8087 changes previously made to the development, including changes
8088 previously approved by the local government. The local
8089 government shall consider the previous and current proposed
8090 changes in deciding whether such changes cumulatively constitute
8091 a substantial deviation requiring further development-of-
8092 regional-impact review.

8093 5. The following changes to an approved development of
8094 regional impact shall be presumed to create a substantial
8095 deviation. Such presumption may be rebutted by clear and
8096 convincing evidence.

8097 a. A change proposed for 15 percent or more of the acreage
8098 to a land use not previously approved in the development order.
8099 Changes of less than 15 percent shall be presumed not to create
8100 a substantial deviation.

8101 b. Notwithstanding any provision of paragraph (b) to the
8102 contrary, a proposed change consisting of simultaneous increases
8103 and decreases of at least two of the uses within an authorized
8104 multiuse development of regional impact which was originally



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8105 approved with three or more uses specified in s. 380.0651(3)(c),
8106 (d), and (e), ~~and (f)~~ and residential use.

8107 (19) (f)1. The state land planning agency shall establish
8108 by rule standard forms for submittal of proposed changes to a
8109 previously approved development of regional impact which may
8110 require further development-of-regional-impact review. At a
8111 minimum, the standard form shall require the developer to
8112 provide the precise language that the developer proposes to
8113 delete or add as an amendment to the development order.

8114 2. The developer shall submit, simultaneously, to the local
8115 government, the regional planning agency, and the state land
8116 planning agency the request for approval of a proposed change.

8117 3. No sooner than 30 days but no later than 45 days after
8118 submittal by the developer to the local government, the state
8119 land planning agency, and the appropriate regional planning
8120 agency, the local government shall give 15 days' notice and
8121 schedule a public hearing to consider the change that the
8122 developer asserts does not create a substantial deviation. This
8123 public hearing shall be held within 60 days after submittal of
8124 the proposed changes, unless that time is extended by the
8125 developer.

8126 4. The appropriate regional planning agency or the state
8127 land planning agency shall review the proposed change and, no
8128 later than 45 days after submittal by the developer of the
8129 proposed change, unless that time is extended by the developer,
8130 and prior to the public hearing at which the proposed change is
8131 to be considered, shall advise the local government in writing
8132 whether it objects to the proposed change, shall specify the
8133 reasons for its objection, if any, and shall provide a copy to



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8134 the developer.

8135 5. At the public hearing, the local government shall
8136 determine whether the proposed change requires further
8137 development-of-regional-impact review. The provisions of
8138 paragraphs (a) and (e), the thresholds set forth in paragraph
8139 (b), and the presumptions set forth in paragraphs (c) and (d)
8140 and subparagraph (e)3. shall be applicable in determining
8141 whether further development-of-regional-impact review is
8142 required. The local government may also deny the proposed change
8143 based on matters relating to local issues, such as if the land
8144 on which the change is sought is plat restricted in a way that
8145 would be incompatible with the proposed change, and the local
8146 government does not wish to change the plat restriction as part
8147 of the proposed change.

8148 6. If the local government determines that the proposed
8149 change does not require further development-of-regional-impact
8150 review and is otherwise approved, or if the proposed change is
8151 not subject to a hearing and determination pursuant to
8152 subparagraphs 3. and 5. and is otherwise approved, the local
8153 government shall issue an amendment to the development order
8154 incorporating the approved change and conditions of approval
8155 relating to the change. The requirement that a change be
8156 otherwise approved shall not be construed to require additional
8157 local review or approval if the change is allowed by applicable
8158 local ordinances without further local review or approval. The
8159 decision of the local government to approve, with or without
8160 conditions, or to deny the proposed change that the developer
8161 asserts does not require further review shall be subject to the
8162 appeal provisions of s. 380.07. However, the state land planning



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8163 agency may not appeal the local government decision if it did
8164 not comply with subparagraph 4. The state land planning agency
8165 may not appeal a change to a development order made pursuant to
8166 subparagraph (e)1. or subparagraph (e)2. for developments of
8167 regional impact approved after January 1, 1980, unless the
8168 change would result in a significant impact to a regionally
8169 significant archaeological, historical, or natural resource not
8170 previously identified in the original development-of-regional-
8171 impact review.

8172 (24) STATUTORY EXEMPTIONS.—

8173 (a) Any proposed hospital is exempt from ~~the provisions of~~
8174 this section.

8175 (b) Any proposed electrical transmission line or electrical
8176 power plant is exempt from ~~the provisions of~~ this section.

8177 (c) Any proposed addition to an existing sports facility
8178 complex is exempt from ~~the provisions of~~ this section if the
8179 addition meets the following characteristics:

8180 1. It would not operate concurrently with the scheduled
8181 hours of operation of the existing facility.

8182 2. Its seating capacity would be no more than 75 percent of
8183 the capacity of the existing facility.

8184 3. The sports facility complex property is owned by a
8185 public body prior to July 1, 1983.

8186
8187 This exemption does not apply to any pari-mutuel facility.

8188 (d) Any proposed addition or cumulative additions
8189 subsequent to July 1, 1988, to an existing sports facility
8190 complex owned by a state university is exempt if the increased
8191 seating capacity of the complex is no more than 30 percent of



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8192 the capacity of the existing facility.

8193 (e) Any addition of permanent seats or parking spaces for
8194 an existing sports facility located on property owned by a
8195 public body prior to July 1, 1973, is exempt from ~~the provisions~~
8196 ~~of~~ this section if future additions do not expand existing
8197 permanent seating or parking capacity more than 15 percent
8198 annually in excess of the prior year's capacity.

8199 (f) Any increase in the seating capacity of an existing
8200 sports facility having a permanent seating capacity of at least
8201 50,000 spectators is exempt from ~~the provisions of~~ this section,
8202 provided that such an increase does not increase permanent
8203 seating capacity by more than 5 percent per year and not to
8204 exceed a total of 10 percent in any 5-year period, and provided
8205 that the sports facility notifies the appropriate local
8206 government within which the facility is located of the increase
8207 at least 6 months prior to the initial use of the increased
8208 seating, in order to permit the appropriate local government to
8209 develop a traffic management plan for the traffic generated by
8210 the increase. Any traffic management plan shall be consistent
8211 with the local comprehensive plan, the regional policy plan, and
8212 the state comprehensive plan.

8213 (g) Any expansion in the permanent seating capacity or
8214 additional improved parking facilities of an existing sports
8215 facility is exempt from ~~the provisions of~~ this section, if the
8216 following conditions exist:

8217 1.a. The sports facility had a permanent seating capacity
8218 on January 1, 1991, of at least 41,000 spectator seats;

8219 b. The sum of such expansions in permanent seating capacity
8220 does not exceed a total of 10 percent in any 5-year period and



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8221 does not exceed a cumulative total of 20 percent for any such
8222 expansions; or
8223 c. The increase in additional improved parking facilities
8224 is a one-time addition and does not exceed 3,500 parking spaces
8225 serving the sports facility; and
8226 2. The local government having jurisdiction of the sports
8227 facility includes in the development order or development permit
8228 approving such expansion under this paragraph a finding of fact
8229 that the proposed expansion is consistent with the
8230 transportation, water, sewer and stormwater drainage provisions
8231 of the approved local comprehensive plan and local land
8232 development regulations relating to those provisions.
8233
8234 Any owner or developer who intends to rely on this statutory
8235 exemption shall provide to the department a copy of the local
8236 government application for a development permit. Within 45 days
8237 of receipt of the application, the department shall render to
8238 the local government an advisory and nonbinding opinion, in
8239 writing, stating whether, in the department's opinion, the
8240 prescribed conditions exist for an exemption under this
8241 paragraph. The local government shall render the development
8242 order approving each such expansion to the department. The
8243 owner, developer, or department may appeal the local government
8244 development order pursuant to s. 380.07, within 45 days after
8245 the order is rendered. The scope of review shall be limited to
8246 the determination of whether the conditions prescribed in this
8247 paragraph exist. If any sports facility expansion undergoes
8248 development-of-regional-impact review, all previous expansions
8249 which were exempt under this paragraph shall be included in the



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8250 development-of-regional-impact review.

8251 (h) Expansion to port harbors, spoil disposal sites,
8252 navigation channels, turning basins, harbor berths, and other
8253 related inwater harbor facilities of ports listed in s.
8254 403.021(9)(b), port transportation facilities and projects
8255 listed in s. 311.07(3)(b), and intermodal transportation
8256 facilities identified pursuant to s. 311.09(3) are exempt from
8257 ~~the provisions of~~ this section when such expansions, projects,
8258 or facilities are consistent with comprehensive master plans
8259 that are in compliance with ~~the provisions of~~ s. 163.3178.

8260 (i) Any proposed facility for the storage of any petroleum
8261 product or any expansion of an existing facility is exempt from
8262 ~~the provisions of~~ this section.

8263 (j) Any renovation or redevelopment within the same land
8264 parcel which does not change land use or increase density or
8265 intensity of use.

8266 (k) Waterport and marina development, including dry storage
8267 facilities, are exempt from ~~the provisions of~~ this section.

8268 (l) Any proposed development within an urban service
8269 boundary established under s. 163.3177(14), which is not
8270 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
8271 ~~provisions of~~ this section if the local government having
8272 jurisdiction over the area where the development is proposed has
8273 adopted the urban service boundary, has entered into a binding
8274 agreement with jurisdictions that would be impacted and with the
8275 Department of Transportation regarding the mitigation of impacts
8276 on state and regional transportation facilities, ~~and has adopted~~
8277 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

8278 (m) Any proposed development within a rural land



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8279 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ is
8280 ~~exempt from the provisions of this section if the local~~
8281 ~~government that has adopted the rural land stewardship area has~~
8282 ~~entered into a binding agreement with jurisdictions that would~~
8283 ~~be impacted and the Department of Transportation regarding the~~
8284 ~~mitigation of impacts on state and regional transportation~~
8285 ~~facilities, and has adopted a proportionate share methodology~~
8286 ~~pursuant to s. 163.3180(16).~~

8287 (n) The establishment, relocation, or expansion of any
8288 military installation as defined in s. 163.3175, is exempt from
8289 this section.

8290 (o) Any self-storage warehousing that does not allow retail
8291 or other services is exempt from this section.

8292 (p) Any proposed nursing home or assisted living facility
8293 is exempt from this section.

8294 (q) Any development identified in an airport master plan
8295 and adopted into the comprehensive plan pursuant to s.
8296 163.3177(6)(k) is exempt from this section.

8297 (r) Any development identified in a campus master plan and
8298 adopted pursuant to s. 1013.30 is exempt from this section.

8299 (s) Any development in a detailed specific area plan which
8300 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
8301 ~~the comprehensive plan~~ is exempt from this section.

8302 (t) Any proposed solid mineral mine and any proposed
8303 addition to, expansion of, or change to an existing solid
8304 mineral mine is exempt from this section. A mine owner will
8305 enter into a binding agreement with the Department of
8306 Transportation to mitigate impacts to strategic intermodal
8307 system facilities pursuant to the transportation thresholds in



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8308 380.06(19) or rule 9J-2.045(6), Florida Administrative Code.
8309 Proposed changes to any previously approved solid mineral mine
8310 development-of-regional-impact development orders having vested
8311 rights is not subject to further review or approval as a
8312 development-of-regional-impact or notice-of-proposed-change
8313 review or approval pursuant to subsection (19), except for those
8314 applications pending as of July 1, 2011, which shall be governed
8315 by s. 380.115(2). Notwithstanding the foregoing, however,
8316 pursuant to s. 380.115(1), previously approved solid mineral
8317 mine development-of-regional-impact development orders shall
8318 continue to enjoy vested rights and continue to be effective
8319 unless rescinded by the developer. All local government
8320 regulations of proposed solid mineral mines shall be applicable
8321 to any new solid mineral mine or to any proposed addition to,
8322 expansion of, or change to an existing solid mineral mine.

8323 (u) Notwithstanding any provisions in an agreement with or
8324 among a local government, regional agency, or the state land
8325 planning agency or in a local government's comprehensive plan to
8326 the contrary, a project no longer subject to development-of-
8327 regional-impact review under revised thresholds is not required
8328 to undergo such review.

8329 (v) ~~(t)~~ Any development within a county with a research and
8330 education authority created by special act and that is also
8331 within a research and development park that is operated or
8332 managed by a research and development authority pursuant to part
8333 V of chapter 159 is exempt from this section.

8334
8335 If a use is exempt from review as a development of regional
8336 impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a



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8337 larger project that is subject to review as a development of
8338 regional impact, the impact of the exempt use must be included
8339 in the review of the larger project, unless such exempt use
8340 involves a development of regional impact that includes a
8341 landowner, tenant, or user that has entered into a funding
8342 agreement with the Office of Tourism, Trade, and Economic
8343 Development under the Innovation Incentive Program and the
8344 agreement contemplates a state award of at least \$50 million.

8345 (28) PARTIAL STATUTORY EXEMPTIONS.—

8346 (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to
8347 an authorized development of regional impact does ~~shall~~ not
8348 apply to those projects partially exempt from the development-
8349 of-regional-impact review process under paragraphs (a)-(d).

8350 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

8351 (a) The following are exempt from this section:

8352 1. Any proposed development in a municipality that has an
8353 average of at least 1,000 people per square mile of land area
8354 and a minimum total population of at least 5,000 ~~qualifies as a~~
8355 ~~dense urban land area as defined in s. 163.3164;~~

8356 2. Any proposed development within a county, including the
8357 municipalities located in the county, that has an average of at
8358 least 1,000 people per square mile of land area ~~qualifies as a~~
8359 ~~dense urban land area as defined in s. 163.3164~~ and that is
8360 located within an urban service area as defined in s. 163.3164
8361 which has been adopted into the comprehensive plan; ~~or~~

8362 3. Any proposed development within a county, including the
8363 municipalities located therein, which has a population of at
8364 least 900,000, that has an average of at least 1,000 people per
8365 square mile of land area ~~which qualifies as a dense urban land~~



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8366 ~~area under s. 163.3164~~, but which does not have an urban service
8367 area designated in the comprehensive plan; or

8368 4. Any proposed development within a county, including the
8369 municipalities located therein, which has a population of at
8370 least 1 million and is located within an urban service area as
8371 defined in s. 163.3164 which has been adopted into the
8372 comprehensive plan.

8373
8374 The Office of Economic and Demographic Research within the
8375 Legislature shall annually calculate the population and density
8376 criteria needed to determine which jurisdictions meet the
8377 density criteria in subparagraphs 1.-4. by using the most recent
8378 land area data from the decennial census conducted by the Bureau
8379 of the Census of the United States Department of Commerce and
8380 the latest available population estimates determined pursuant to
8381 s. 186.901. If any local government has had an annexation,
8382 contraction, or new incorporation, the Office of Economic and
8383 Demographic Research shall determine the population density
8384 using the new jurisdictional boundaries as recorded in
8385 accordance with s. 171.091. The Office of Economic and
8386 Demographic Research shall annually submit to the state land
8387 planning agency by July 1 a list of jurisdictions that meet the
8388 total population and density criteria. The state land planning
8389 agency shall publish the list of jurisdictions on its Internet
8390 website within 7 days after the list is received. The
8391 designation of jurisdictions that meet the criteria of
8392 subparagraphs 1.-4. is effective upon publication on the state
8393 land planning agency's Internet website. If a municipality that
8394 has previously met the criteria no longer meets the criteria,



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8395 the state land planning agency shall maintain the municipality
8396 on the list and indicate the year the jurisdiction last met the
8397 criteria. However, any proposed development of regional impact
8398 not within the established boundaries of a municipality at the
8399 time the municipality last met the criteria must meet the
8400 requirements of this section until such time as the municipality
8401 as a whole meets the criteria. Any county that meets the
8402 criteria shall remain on the list in accordance with the
8403 provisions of this paragraph. Any jurisdiction that was placed
8404 on the dense urban land area list before the effective date of
8405 this act shall remain on the list in accordance with the
8406 provisions of this paragraph.

8407 (d) A development that is located partially outside an area
8408 that is exempt from the development-of-regional-impact program
8409 must undergo development-of-regional-impact review pursuant to
8410 this section. However, if the total acreage that is included
8411 within the area exempt from development-of-regional-impact
8412 review exceeds 85 percent of the total acreage and square
8413 footage of the approved development of regional impact, the
8414 development-of-regional-impact development order may be
8415 rescinded in both local governments pursuant to s. 380.115(1),
8416 unless the portion of the development outside the exempt area
8417 meets the threshold criteria of a development-of-regional-
8418 impact.

8419 (e) In an area that is exempt under paragraphs (a)-(c), any
8420 previously approved development-of-regional-impact development
8421 orders shall continue to be effective, but the developer has the
8422 option to be governed by s. 380.115(1). A pending application
8423 for development approval shall be governed by s. 380.115(2). A



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8424 ~~development that has a pending application for a comprehensive~~
8425 ~~plan amendment and that elects not to continue development of~~
8426 ~~regional impact review is exempt from the limitation on plan~~
8427 ~~amendments set forth in s. 163.3187(1) for the year following~~
8428 ~~the effective date of the exemption.~~

8429 Section 56. Subsection (3) and paragraph (a) of subsection
8430 (4) of section 380.0651, Florida Statutes, are amended to read:
8431 380.0651 Statewide guidelines and standards.—

8432 (3) The following statewide guidelines and standards shall
8433 be applied in the manner described in s. 380.06(2) to determine
8434 whether the following developments shall be required to undergo
8435 development-of-regional-impact review:

8436 (a) Airports.—

8437 1. Any of the following airport construction projects shall
8438 be a development of regional impact:

8439 a. A new commercial service or general aviation airport
8440 with paved runways.

8441 b. A new commercial service or general aviation paved
8442 runway.

8443 c. A new passenger terminal facility.

8444 2. Lengthening of an existing runway by 25 percent or an
8445 increase in the number of gates by 25 percent or three gates,
8446 whichever is greater, on a commercial service airport or a
8447 general aviation airport with regularly scheduled flights is a
8448 development of regional impact. However, expansion of existing
8449 terminal facilities at a nonhub or small hub commercial service
8450 airport shall not be a development of regional impact.

8451 3. Any airport development project which is proposed for
8452 safety, repair, or maintenance reasons alone and would not have



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8453 the potential to increase or change existing types of aircraft
8454 activity is not a development of regional impact.
8455 Notwithstanding subparagraphs 1. and 2., renovation,
8456 modernization, or replacement of airport airside or terminal
8457 facilities that may include increases in square footage of such
8458 facilities but does not increase the number of gates or change
8459 the existing types of aircraft activity is not a development of
8460 regional impact.

8461 (b) Attractions and recreation facilities.—Any sports,
8462 entertainment, amusement, or recreation facility, including, but
8463 not limited to, a sports arena, stadium, racetrack, tourist
8464 attraction, amusement park, or pari-mutuel facility, the
8465 construction or expansion of which:

8466 1. For single performance facilities:

8467 a. Provides parking spaces for more than 2,500 cars; or

8468 b. Provides more than 10,000 permanent seats for
8469 spectators.

8470 2. For serial performance facilities:

8471 a. Provides parking spaces for more than 1,000 cars; or

8472 b. Provides more than 4,000 permanent seats for spectators.
8473

8474 For purposes of this subsection, "serial performance facilities"
8475 means those using their parking areas or permanent seating more
8476 than one time per day on a regular or continuous basis.

8477 ~~3. For multiscreen movie theaters of at least 8 screens and~~
8478 ~~2,500 seats:~~

8479 ~~a. Provides parking spaces for more than 1,500 cars; or~~

8480 ~~b. Provides more than 6,000 permanent seats for spectators.~~

8481 ~~(c) Industrial plants, industrial parks, and distribution,~~



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8482 ~~warehousing or wholesaling facilities. Any proposed industrial,~~
8483 ~~manufacturing, or processing plant, or distribution,~~
8484 ~~warehousing, or wholesaling facility, excluding wholesaling~~
8485 ~~developments which deal primarily with the general public~~
8486 ~~onsite, under common ownership, or any proposed industrial,~~
8487 ~~manufacturing, or processing activity or distribution,~~
8488 ~~warehousing, or wholesaling activity, excluding wholesaling~~
8489 ~~activities which deal primarily with the general public onsite,~~
8490 ~~which:~~

- 8491 ~~1. Provides parking for more than 2,500 motor vehicles; or~~
8492 ~~2. Occupies a site greater than 320 acres.~~

8493 ~~(c)~~ (d) Office development.—Any proposed office building or
8494 park operated under common ownership, development plan, or
8495 management that:

- 8496 1. Encompasses 300,000 or more square feet of gross floor
8497 area; or
8498 2. Encompasses more than 600,000 square feet of gross floor
8499 area in a county with a population greater than 500,000 and only
8500 in a geographic area specifically designated as highly suitable
8501 for increased threshold intensity in the approved local
8502 comprehensive plan.

8503 ~~(d)~~ (e) Retail and service development.—Any proposed retail,
8504 service, or wholesale business establishment or group of
8505 establishments which deals primarily with the general public
8506 onsite, operated under one common property ownership,
8507 development plan, or management that:

- 8508 1. Encompasses more than 400,000 square feet of gross area;
8509 or
8510 2. Provides parking spaces for more than 2,500 cars.



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8511 ~~(f) Hotel or motel development.~~
8512 ~~1. Any proposed hotel or motel development that is planned~~
8513 ~~to create or accommodate 350 or more units; or~~
8514 ~~2. Any proposed hotel or motel development that is planned~~
8515 ~~to create or accommodate 750 or more units, in a county with a~~
8516 ~~population greater than 500,000.~~
8517 (e)~~(g)~~ Recreational vehicle development.—Any proposed
8518 recreational vehicle development planned to create or
8519 accommodate 500 or more spaces.
8520 (f)~~(h)~~ Multiuse development.—Any proposed development with
8521 two or more land uses where the sum of the percentages of the
8522 appropriate thresholds identified in chapter 28-24, Florida
8523 Administrative Code, or this section for each land use in the
8524 development is equal to or greater than 145 percent. Any
8525 proposed development with three or more land uses, one of which
8526 is residential and contains at least 100 dwelling units or 15
8527 percent of the applicable residential threshold, whichever is
8528 greater, where the sum of the percentages of the appropriate
8529 thresholds identified in chapter 28-24, Florida Administrative
8530 Code, or this section for each land use in the development is
8531 equal to or greater than 160 percent. This threshold is in
8532 addition to, and does not preclude, a development from being
8533 required to undergo development-of-regional-impact review under
8534 any other threshold.
8535 (g)~~(i)~~ Residential development.—No rule may be adopted
8536 concerning residential developments which treats a residential
8537 development in one county as being located in a less populated
8538 adjacent county unless more than 25 percent of the development
8539 is located within 2 or less miles of the less populated adjacent



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8540 county. The residential thresholds of adjacent counties with
8541 less population and a lower threshold shall not be controlling
8542 on any development wholly located within areas designated as
8543 rural areas of critical economic concern.

8544 (h)~~(j)~~ Workforce housing.—The applicable guidelines for
8545 residential development and the residential component for
8546 multiuse development shall be increased by 50 percent where the
8547 developer demonstrates that at least 15 percent of the total
8548 residential dwelling units authorized within the development of
8549 regional impact will be dedicated to affordable workforce
8550 housing, subject to a recorded land use restriction that shall
8551 be for a period of not less than 20 years and that includes
8552 resale provisions to ensure long-term affordability for income-
8553 eligible homeowners and renters and provisions for the workforce
8554 housing to be commenced prior to the completion of 50 percent of
8555 the market rate dwelling. For purposes of this paragraph, the
8556 term “affordable workforce housing” means housing that is
8557 affordable to a person who earns less than 120 percent of the
8558 area median income, or less than 140 percent of the area median
8559 income if located in a county in which the median purchase price
8560 for a single-family existing home exceeds the statewide median
8561 purchase price of a single-family existing home. For the
8562 purposes of this paragraph, the term “statewide median purchase
8563 price of a single-family existing home” means the statewide
8564 purchase price as determined in the Florida Sales Report,
8565 Single-Family Existing Homes, released each January by the
8566 Florida Association of Realtors and the University of Florida
8567 Real Estate Research Center.

8568 (i)~~(k)~~ Schools.—



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8569 1. The proposed construction of any public, private, or
8570 proprietary postsecondary educational campus which provides for
8571 a design population of more than 5,000 full-time equivalent
8572 students, or the proposed physical expansion of any public,
8573 private, or proprietary postsecondary educational campus having
8574 such a design population that would increase the population by
8575 at least 20 percent of the design population.

8576 2. As used in this paragraph, "full-time equivalent
8577 student" means enrollment for 15 or more quarter hours during a
8578 single academic semester. In career centers or other
8579 institutions which do not employ semester hours or quarter hours
8580 in accounting for student participation, enrollment for 18
8581 contact hours shall be considered equivalent to one quarter
8582 hour, and enrollment for 27 contact hours shall be considered
8583 equivalent to one semester hour.

8584 3. This paragraph does not apply to institutions which are
8585 the subject of a campus master plan adopted by the university
8586 board of trustees pursuant to s. 1013.30.

8587 (4) Two or more developments, represented by their owners
8588 or developers to be separate developments, shall be aggregated
8589 and treated as a single development under this chapter when they
8590 are determined to be part of a unified plan of development and
8591 are physically proximate to one other.

8592 (a) The criteria of three ~~two~~ of the following
8593 subparagraphs must be met in order for the state land planning
8594 agency to determine that there is a unified plan of development:

8595 1.a. The same person has retained or shared control of the
8596 developments;

8597 b. The same person has ownership or a significant legal or



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8598 equitable interest in the developments; or
8599 c. There is common management of the developments
8600 controlling the form of physical development or disposition of
8601 parcels of the development.
8602 2. There is a reasonable closeness in time between the
8603 completion of 80 percent or less of one development and the
8604 submission to a governmental agency of a master plan or series
8605 of plans or drawings for the other development which is
8606 indicative of a common development effort.
8607 3. A master plan or series of plans or drawings exists
8608 covering the developments sought to be aggregated which have
8609 been submitted to a local general-purpose government, water
8610 management district, the Florida Department of Environmental
8611 Protection, or the Division of Florida Condominiums, Timeshares,
8612 and Mobile Homes for authorization to commence development. The
8613 existence or implementation of a utility's master utility plan
8614 required by the Public Service Commission or general-purpose
8615 local government or a master drainage plan shall not be the sole
8616 determinant of the existence of a master plan.
8617 ~~4. The voluntary sharing of infrastructure that is~~
8618 ~~indicative of a common development effort or is designated~~
8619 ~~specifically to accommodate the developments sought to be~~
8620 ~~aggregated, except that which was implemented because it was~~
8621 ~~required by a local general-purpose government; water management~~
8622 ~~district; the Department of Environmental Protection; the~~
8623 ~~Division of Florida Condominiums, Timeshares, and Mobile Homes;~~
8624 ~~or the Public Service Commission.~~
8625 4.5. There is a common advertising scheme or promotional
8626 plan in effect for the developments sought to be aggregated.



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8627 Section 57. Subsection (17) of section 331.303, Florida
8628 Statutes, is amended to read:

8629 331.303 Definitions.—

8630 (17) "Spaceport launch facilities" means industrial
8631 facilities as described in s. 380.0651(3)(c), Florida Statutes
8632 2010, and include any launch pad, launch control center, and
8633 fixed launch-support equipment.

8634 Section 58. Subsection (1) of section 380.115, Florida
8635 Statutes, is amended to read:

8636 380.115 Vested rights and duties; effect of size reduction,
8637 changes in guidelines and standards.—

8638 (1) A change in a development-of-regional-impact guideline
8639 and standard does not abridge or modify any vested or other
8640 right or any duty or obligation pursuant to any development
8641 order or agreement that is applicable to a development of
8642 regional impact. A development that has received a development-
8643 of-regional-impact development order pursuant to s. 380.06, but
8644 is no longer required to undergo development-of-regional-impact
8645 review by operation of a change in the guidelines and standards
8646 or has reduced its size below the thresholds in s. 380.0651, or
8647 a development that is exempt pursuant to s. 380.06(29) shall be
8648 governed by the following procedures:

8649 (a) The development shall continue to be governed by the
8650 development-of-regional-impact development order and may be
8651 completed in reliance upon and pursuant to the development order
8652 unless the developer or landowner has followed the procedures
8653 for rescission in paragraph (b). Any proposed changes to those
8654 developments which continue to be governed by a development
8655 order shall be approved pursuant to s. 380.06(19) as it existed



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8656 prior to a change in the development-of-regional-impact
8657 guidelines and standards, except that all percentage criteria
8658 shall be doubled and all other criteria shall be increased by 10
8659 percent. The development-of-regional-impact development order
8660 may be enforced by the local government as provided by ss.
8661 380.06(17) and 380.11.

8662 (b) If requested by the developer or landowner, the
8663 development-of-regional-impact development order shall be
8664 rescinded by the local government having jurisdiction upon a
8665 showing that all required mitigation related to the amount of
8666 development that existed on the date of rescission has been
8667 completed.

8668 Section 59. Paragraph (a) of subsection (8) of section
8669 380.061, Florida Statutes, is amended to read:

8670 380.061 The Florida Quality Developments program.—

8671 (8) (a) Any local government comprehensive plan amendments
8672 related to a Florida Quality Development may be initiated by a
8673 local planning agency and considered by the local governing body
8674 at the same time as the application for development approval,
8675 ~~using the procedures provided for local plan amendment in s.~~
8676 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
8677 ~~regard to statutory or local ordinance limits on the frequency~~
8678 ~~of consideration of amendments to the local comprehensive plan.~~
8679 Nothing in this subsection shall be construed to require
8680 favorable consideration of a Florida Quality Development solely
8681 because it is related to a development of regional impact.

8682 Section 60. Paragraph (a) of subsection (2) and subsection
8683 (10) of section 380.065, Florida Statutes, are amended to read:

8684 380.065 Certification of local government review of



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8685 development.-

8686 (2) When a petition is filed, the state land planning
8687 agency shall have no more than 90 days to prepare and submit to
8688 the Administration Commission a report and recommendations on
8689 the proposed certification. In deciding whether to grant
8690 certification, the Administration Commission shall determine
8691 whether the following criteria are being met:

8692 (a) The petitioning local government has adopted and
8693 effectively implemented a local comprehensive plan and
8694 development regulations which comply with ss. 163.3161-163.3215,
8695 the Community Local Government Comprehensive Planning and Land
8696 Development Regulation Act.

8697 ~~(10) The department shall submit an annual progress report~~
8698 ~~to the President of the Senate and the Speaker of the House of~~
8699 ~~Representatives by March 1 on the certification of local~~
8700 ~~governments, stating which local governments have been~~
8701 ~~certified. For those local governments which have applied for~~
8702 ~~certification but for which certification has been denied, the~~
8703 ~~department shall specify the reasons certification was denied.~~

8704 Section 61. Section 380.0685, Florida Statutes, is amended
8705 to read:

8706 380.0685 State park in area of critical state concern in
8707 county which creates land authority; surcharge on admission and
8708 overnight occupancy.—The Department of Environmental Protection
8709 shall impose and collect a surcharge of 50 cents per person per
8710 day, or \$5 per annual family auto entrance permit, on admission
8711 to all state parks in areas of critical state concern located in
8712 a county which creates a land authority pursuant to s.
8713 380.0663(1), and a surcharge of \$2.50 per night per campsite,



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8714 cabin, or other overnight recreational occupancy unit in state
8715 parks in areas of critical state concern located in a county
8716 which creates a land authority pursuant to s. 380.0663(1);
8717 however, no surcharge shall be imposed or collected under this
8718 section for overnight use by nonprofit groups of organized group
8719 camps, primitive camping areas, or other facilities intended
8720 primarily for organized group use. Such surcharges shall be
8721 imposed within 90 days after any county creating a land
8722 authority notifies the Department of Environmental Protection
8723 that the land authority has been created. The proceeds from such
8724 surcharges, less a collection fee that shall be kept by the
8725 Department of Environmental Protection for the actual cost of
8726 collection, not to exceed 2 percent, shall be transmitted to the
8727 land authority of the county from which the revenue was
8728 generated. Such funds shall be used to purchase property in the
8729 area or areas of critical state concern in the county from which
8730 the revenue was generated. An amount not to exceed 10 percent
8731 may be used for administration and other costs incident to such
8732 purchases. However, the proceeds of the surcharges imposed and
8733 collected pursuant to this section in a state park or parks
8734 located wholly within a municipality, less the costs of
8735 collection as provided herein, shall be transmitted to that
8736 municipality for use by the municipality for land acquisition or
8737 for beach renourishment or restoration, including, but not
8738 limited to, costs associated with any design, permitting,
8739 monitoring, and mitigation of such work, as well as the work
8740 itself. However, these funds may not be included in any
8741 calculation used for providing state matching funds for local
8742 contributions for beach renourishment or restoration. The



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8743 surcharges levied under this section shall remain imposed as
8744 long as the land authority is in existence.

8745 Section 62. Subsection (3) of section 380.115, Florida
8746 Statutes, is amended to read:

8747 380.115 Vested rights and duties; effect of size reduction,
8748 changes in guidelines and standards.—

8749 (3) A landowner that has filed an application for a
8750 development-of-regional-impact review prior to the adoption of a
8751 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
8752 have the application reviewed pursuant to s. 380.06,
8753 comprehensive plan provisions in force prior to adoption of the
8754 sector plan, and any requested comprehensive plan amendments
8755 that accompany the application.

8756 Section 63. Subsection (1) of section 403.50665, Florida
8757 Statutes, is amended to read:

8758 403.50665 Land use consistency.—

8759 (1) The applicant shall include in the application a
8760 statement on the consistency of the site and any associated
8761 facilities that constitute a "development," as defined in s.
8762 380.04, with existing land use plans and zoning ordinances that
8763 were in effect on the date the application was filed and a full
8764 description of such consistency. This information shall include
8765 an identification of those associated facilities that the
8766 applicant believes are exempt from the requirements of land use
8767 plans and zoning ordinances under ~~the provisions of the~~
8768 Community Local Government Comprehensive Planning and Land
8769 ~~Development Regulation Act~~ provisions of chapter 163 and s.
8770 380.04(3).

8771 Section 64. Subsection (13) and paragraph (a) of subsection



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8772 (14) of section 403.973, Florida Statutes, are amended to read:
8773 403.973 Expedited permitting; amendments to comprehensive
8774 plans.—

8775 (13) Notwithstanding any other provisions of law:

8776 ~~(a) Local comprehensive plan amendments for projects~~
8777 ~~qualified under this section are exempt from the twice-a-year~~
8778 ~~limits provision in s. 163.3187; and~~

8779 ~~(b)~~ Projects qualified under this section are not subject
8780 to interstate highway level-of-service standards adopted by the
8781 Department of Transportation for concurrency purposes. The
8782 memorandum of agreement specified in subsection (5) must include
8783 a process by which the applicant will be assessed a fair share
8784 of the cost of mitigating the project's significant traffic
8785 impacts, as defined in chapter 380 and related rules. The
8786 agreement must also specify whether the significant traffic
8787 impacts on the interstate system will be mitigated through the
8788 implementation of a project or payment of funds to the
8789 Department of Transportation. Where funds are paid, the
8790 Department of Transportation must include in the 5-year work
8791 program transportation projects or project phases, in an amount
8792 equal to the funds received, to mitigate the traffic impacts
8793 associated with the proposed project.

8794 (14) (a) Challenges to state agency action in the expedited
8795 permitting process for projects processed under this section are
8796 subject to the summary hearing provisions of s. 120.574, except
8797 that the administrative law judge's decision, as provided in s.
8798 120.574(2) (f), shall be in the form of a recommended order and
8799 do shall not constitute the final action of the state agency. In
8800 those proceedings where the action of only one agency of the



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8801 state other than the Department of Environmental Protection is
8802 challenged, the agency of the state shall issue the final order
8803 within 45 working days after receipt of the administrative law
8804 judge's recommended order, and the recommended order shall
8805 inform the parties of their right to file exceptions or
8806 responses to the recommended order in accordance with the
8807 uniform rules of procedure pursuant to s. 120.54. In those
8808 proceedings where the actions of more than one agency of the
8809 state are challenged, the Governor shall issue the final order
8810 within 45 working days after receipt of the administrative law
8811 judge's recommended order, and the recommended order shall
8812 inform the parties of their right to file exceptions or
8813 responses to the recommended order in accordance with the
8814 uniform rules of procedure pursuant to s. 120.54. This paragraph
8815 does not apply to the issuance of department licenses required
8816 under any federally delegated or approved permit program. In
8817 such instances, the department shall enter the final order. The
8818 participating agencies of the state may opt at the preliminary
8819 hearing conference to allow the administrative law judge's
8820 decision to constitute the final agency action. ~~If a~~
8821 ~~participating local government agrees to participate in the~~
8822 ~~summary hearing provisions of s. 120.574 for purposes of review~~
8823 ~~of local government comprehensive plan amendments, s.~~
8824 ~~163.3184(9) and (10) apply.~~

8825 Section 65. Subsections (9) and (10) of section 420.5095,
8826 Florida Statutes, are amended to read:

8827 420.5095 Community Workforce Housing Innovation Pilot
8828 Program.—

8829 (9) Notwithstanding s. 163.3184(4)(b)-(d) ~~(3)-(6)~~, any local



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8830 government comprehensive plan amendment to implement a Community
8831 Workforce Housing Innovation Pilot Program project found
8832 consistent with ~~the provisions of~~ this section shall be
8833 expedited as provided in this subsection. At least 30 days prior
8834 to adopting a plan amendment under this subsection, the local
8835 government shall notify the state land planning agency of its
8836 intent to adopt such an amendment, and the notice shall include
8837 its evaluation related to site suitability and availability of
8838 facilities and services. The public notice of the hearing
8839 required by s. 163.3184(11)-(15)(b)2. shall include a statement
8840 that the local government intends to use the expedited adoption
8841 process authorized by this subsection. Such amendments shall
8842 require only a single public hearing before the governing board,
8843 which shall be an adoption hearing as described in s.
8844 163.3184(4)(e)-(7). ~~The state land planning agency shall issue~~
8845 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~
8846 ~~after determining that the amendment package is complete. Any~~
8847 ~~further proceedings shall be governed by s. ss. 163.3184(5)-~~
8848 ~~(13)-(9)-(16). Amendments proposed under this section are not~~
8849 ~~subject to s. 163.3187(1), which limits the adoption of a~~
8850 ~~comprehensive plan amendment to no more than two times during~~
8851 ~~any calendar year.~~

8852 (10) The processing of approvals of development orders or
8853 development permits, as defined in s. 163.3164(7) and (8), for
8854 innovative community workforce housing projects shall be
8855 expedited.

8856 Section 66. Subsection (5) of section 420.615, Florida
8857 Statutes, is amended to read:

8858 420.615 Affordable housing land donation density bonus



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8859 incentives.-

8860 (5) The local government, as part of the approval process,
8861 shall adopt a comprehensive plan amendment, pursuant to part II
8862 of chapter 163, for the receiving land that incorporates the
8863 density bonus. Such amendment shall be adopted in the manner as
8864 required for small-scale amendments pursuant to s. 163.3187, is
8865 not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~,
8866 and is exempt from the limitation on the frequency of plan
8867 amendments as provided in s. 163.3187.

8868 Section 67. Subsection (16) of section 420.9071, Florida
8869 Statutes, is amended to read:

8870 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
8871 term:

8872 (16) "Local housing incentive strategies" means local
8873 regulatory reform or incentive programs to encourage or
8874 facilitate affordable housing production, which include at a
8875 minimum, assurance that permits as defined in s. 163.3164 ~~(7)~~ and
8876 ~~(8)~~ for affordable housing projects are expedited to a greater
8877 degree than other projects; an ongoing process for review of
8878 local policies, ordinances, regulations, and plan provisions
8879 that increase the cost of housing prior to their adoption; and a
8880 schedule for implementing the incentive strategies. Local
8881 housing incentive strategies may also include other regulatory
8882 reforms, such as those enumerated in s. 420.9076 or those
8883 recommended by the affordable housing advisory committee in its
8884 triennial evaluation of the implementation of affordable housing
8885 incentives, and adopted by the local governing body.

8886 Section 68. Paragraph (a) of subsection (4) of section
8887 420.9076, Florida Statutes, is amended to read:



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8888 420.9076 Adoption of affordable housing incentive
8889 strategies; committees.—

8890 (4) Triennially, the advisory committee shall review the
8891 established policies and procedures, ordinances, land
8892 development regulations, and adopted local government
8893 comprehensive plan of the appointing local government and shall
8894 recommend specific actions or initiatives to encourage or
8895 facilitate affordable housing while protecting the ability of
8896 the property to appreciate in value. The recommendations may
8897 include the modification or repeal of existing policies,
8898 procedures, ordinances, regulations, or plan provisions; the
8899 creation of exceptions applicable to affordable housing; or the
8900 adoption of new policies, procedures, regulations, ordinances,
8901 or plan provisions, including recommendations to amend the local
8902 government comprehensive plan and corresponding regulations,
8903 ordinances, and other policies. At a minimum, each advisory
8904 committee shall submit a report to the local governing body that
8905 includes recommendations on, and triennially thereafter
8906 evaluates the implementation of, affordable housing incentives
8907 in the following areas:

8908 (a) The processing of approvals of development orders or
8909 permits, as defined in s. 163.3164~~(7)~~ and ~~(8)~~, for affordable
8910 housing projects is expedited to a greater degree than other
8911 projects.

8912
8913 The advisory committee recommendations may also include other
8914 affordable housing incentives identified by the advisory
8915 committee. Local governments that receive the minimum allocation
8916 under the State Housing Initiatives Partnership Program shall



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8917 perform the initial review but may elect to not perform the
8918 triennial review.

8919 Section 69. Subsection (1) of section 720.403, Florida
8920 Statutes, is amended to read:

8921 720.403 Preservation of residential communities; revival of
8922 declaration of covenants.—

8923 (1) Consistent with required and optional elements of local
8924 comprehensive plans and other applicable provisions of the
8925 Community Local Government Comprehensive Planning and Land
8926 Development Regulation Act, homeowners are encouraged to
8927 preserve existing residential communities, promote available and
8928 affordable housing, protect structural and aesthetic elements of
8929 their residential community, and, as applicable, maintain roads
8930 and streets, easements, water and sewer systems, utilities,
8931 drainage improvements, conservation and open areas, recreational
8932 amenities, and other infrastructure and common areas that serve
8933 and support the residential community by the revival of a
8934 previous declaration of covenants and other governing documents
8935 that may have ceased to govern some or all parcels in the
8936 community.

8937 Section 70. Subsection (6) of section 1013.30, Florida
8938 Statutes, is amended to read:

8939 1013.30 University campus master plans and campus
8940 development agreements.—

8941 (6) Before a campus master plan is adopted, a copy of the
8942 draft master plan must be sent for review or made available
8943 electronically to the host and any affected local governments,
8944 the state land planning agency, the Department of Environmental
8945 Protection, the Department of Transportation, the Department of



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8946 State, the Fish and Wildlife Conservation Commission, and the
8947 applicable water management district and regional planning
8948 council. At the request of a governmental entity, a hard copy of
8949 the draft master plan shall be submitted within 7 business days
8950 of an electronic copy being made available. These agencies must
8951 be given 90 days after receipt of the campus master plans in
8952 which to conduct their review and provide comments to the
8953 university board of trustees. The commencement of this review
8954 period must be advertised in newspapers of general circulation
8955 within the host local government and any affected local
8956 government to allow for public comment. Following receipt and
8957 consideration of all comments and the holding of an informal
8958 information session and at least two public hearings within the
8959 host jurisdiction, the university board of trustees shall adopt
8960 the campus master plan. It is the intent of the Legislature that
8961 the university board of trustees comply with the notice
8962 requirements set forth in s. 163.3184(11)~~(15)~~ to ensure full
8963 public participation in this planning process. The informal
8964 public information session must be held before the first public
8965 hearing. The first public hearing shall be held before the draft
8966 master plan is sent to the agencies specified in this
8967 subsection. The second public hearing shall be held in
8968 conjunction with the adoption of the draft master plan by the
8969 university board of trustees. Campus master plans developed
8970 under this section are not rules and are not subject to chapter
8971 120 except as otherwise provided in this section.

8972 Section 71. Section 1013.33, Florida Statutes, are amended
8973 to read:

8974 1013.33 Coordination of planning with local governing



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8975 bodies.-

8976 (1) It is the policy of this state to require the
8977 coordination of planning between boards and local governing
8978 bodies to ensure that plans for the construction and opening of
8979 public educational facilities are facilitated and coordinated in
8980 time and place with plans for residential development,
8981 concurrently with other necessary services. Such planning shall
8982 include the integration of the educational facilities plan and
8983 applicable policies and procedures of a board with the local
8984 comprehensive plan and land development regulations of local
8985 governments. The planning must include the consideration of
8986 allowing students to attend the school located nearest their
8987 homes when a new housing development is constructed near a
8988 county boundary and it is more feasible to transport the
8989 students a short distance to an existing facility in an adjacent
8990 county than to construct a new facility or transport students
8991 longer distances in their county of residence. The planning must
8992 also consider the effects of the location of public education
8993 facilities, including the feasibility of keeping central city
8994 facilities viable, in order to encourage central city
8995 redevelopment and the efficient use of infrastructure and to
8996 discourage uncontrolled urban sprawl. In addition, all parties
8997 to the planning process must consult with state and local road
8998 departments to assist in implementing the Safe Paths to Schools
8999 program administered by the Department of Transportation.

9000 (2) (a) The school board, county, and nonexempt
9001 municipalities located within the geographic area of a school
9002 district shall enter into an interlocal agreement that jointly
9003 establishes the specific ways in which the plans and processes



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9004 of the district school board and the local governments are to be
9005 coordinated. The interlocal agreements shall be submitted to the
9006 state land planning agency and the Office of Educational
9007 Facilities in accordance with a schedule published by the state
9008 land planning agency.

9009 (b) The schedule must establish staggered due dates for
9010 submission of interlocal agreements that are executed by both
9011 the local government and district school board, commencing on
9012 March 1, 2003, and concluding by December 1, 2004, and must set
9013 the same date for all governmental entities within a school
9014 district. However, if the county where the school district is
9015 located contains more than 20 municipalities, the state land
9016 planning agency may establish staggered due dates for the
9017 submission of interlocal agreements by these municipalities. The
9018 schedule must begin with those areas where both the number of
9019 districtwide capital-outlay full-time-equivalent students equals
9020 80 percent or more of the current year's school capacity and the
9021 projected 5-year student growth rate is 1,000 or greater, or
9022 where the projected 5-year student growth rate is 10 percent or
9023 greater.

9024 (c) If the student population has declined over the 5-year
9025 period preceding the due date for submittal of an interlocal
9026 agreement by the local government and the district school board,
9027 the local government and district school board may petition the
9028 state land planning agency for a waiver of one or more of the
9029 requirements of subsection (3). The waiver must be granted if
9030 the procedures called for in subsection (3) are unnecessary
9031 because of the school district's declining school age
9032 population, considering the district's 5-year work program



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9033 prepared pursuant to s. 1013.35. The state land planning agency
9034 may modify or revoke the waiver upon a finding that the
9035 conditions upon which the waiver was granted no longer exist.
9036 The district school board and local governments must submit an
9037 interlocal agreement within 1 year after notification by the
9038 state land planning agency that the conditions for a waiver no
9039 longer exist.

9040 (d) Interlocal agreements between local governments and
9041 district school boards adopted pursuant to s. 163.3177 before
9042 the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be
9043 updated and executed pursuant to the requirements of subsections
9044 (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal
9045 agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must
9046 be submitted to the state land planning agency within 30 days
9047 after execution by the parties for review consistent with
9048 subsections (3) and (4). Local governments and the district
9049 school board in each school district are encouraged to adopt a
9050 single interlocal agreement in which all join as parties. The
9051 state land planning agency shall assemble and make available
9052 model interlocal agreements meeting the requirements of
9053 subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments
9054 and, jointly with the Department of Education, the district
9055 school boards of the requirements of subsections (2)-(7) ~~(2)-~~
9056 ~~(9)~~, the dates for compliance, and the sanctions for
9057 noncompliance. The state land planning agency shall be available
9058 to informally review proposed interlocal agreements. If the
9059 state land planning agency has not received a proposed
9060 interlocal agreement for informal review, the state land
9061 planning agency shall, at least 60 days before the deadline for



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9062 submission of the executed agreement, renotify the local
9063 government and the district school board of the upcoming
9064 deadline and the potential for sanctions.

9065 (3) At a minimum, the interlocal agreement must address
9066 interlocal agreement requirements in s. 163.31777 and, if
9067 applicable, s. 163.3180(6) (13) (g), ~~except for exempt local~~
9068 ~~governments as provided in s. 163.3177(12)~~, and must address the
9069 following issues:

9070 (a) A process by which each local government and the
9071 district school board agree and base their plans on consistent
9072 projections of the amount, type, and distribution of population
9073 growth and student enrollment. The geographic distribution of
9074 jurisdiction-wide growth forecasts is a major objective of the
9075 process.

9076 (b) A process to coordinate and share information relating
9077 to existing and planned public school facilities, including
9078 school renovations and closures, and local government plans for
9079 development and redevelopment.

9080 (c) Participation by affected local governments with the
9081 district school board in the process of evaluating potential
9082 school closures, significant renovations to existing schools,
9083 and new school site selection before land acquisition. Local
9084 governments shall advise the district school board as to the
9085 consistency of the proposed closure, renovation, or new site
9086 with the local comprehensive plan, including appropriate
9087 circumstances and criteria under which a district school board
9088 may request an amendment to the comprehensive plan for school
9089 siting.

9090 (d) A process for determining the need for and timing of



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9091 onsite and offsite improvements to support new construction,
9092 proposed expansion, or redevelopment of existing schools. The
9093 process shall address identification of the party or parties
9094 responsible for the improvements.

9095 (e) A process for the school board to inform the local
9096 government regarding the effect of comprehensive plan amendments
9097 on school capacity. The capacity reporting must be consistent
9098 with laws and rules regarding measurement of school facility
9099 capacity and must also identify how the district school board
9100 will meet the public school demand based on the facilities work
9101 program adopted pursuant to s. 1013.35.

9102 (f) Participation of the local governments in the
9103 preparation of the annual update to the school board's 5-year
9104 district facilities work program and educational plant survey
9105 prepared pursuant to s. 1013.35.

9106 (g) A process for determining where and how joint use of
9107 either school board or local government facilities can be shared
9108 for mutual benefit and efficiency.

9109 (h) A procedure for the resolution of disputes between the
9110 district school board and local governments, which may include
9111 the dispute resolution processes contained in chapters 164 and
9112 186.

9113 (i) An oversight process, including an opportunity for
9114 public participation, for the implementation of the interlocal
9115 agreement.

9116 (4) (a) The Office of Educational Facilities shall submit
9117 any comments or concerns regarding the executed interlocal
9118 agreement to the state land planning agency within 30 days after
9119 receipt of the executed interlocal agreement. The state land



9120 planning agency shall review the executed interlocal agreement
9121 to determine whether it is consistent with the requirements of
9122 subsection (3), the adopted local government comprehensive plan,
9123 and other requirements of law. Within 60 days after receipt of
9124 an executed interlocal agreement, the state land planning agency
9125 shall publish a notice of intent in the Florida Administrative
9126 Weekly and shall post a copy of the notice on the agency's
9127 Internet site. The notice of intent must state that the
9128 interlocal agreement is consistent or inconsistent with the
9129 requirements of subsection (3) and this subsection as
9130 appropriate.

9131 (b) The state land planning agency's notice is subject to
9132 challenge under chapter 120; however, an affected person, as
9133 defined in s. 163.3184(1)(a), has standing to initiate the
9134 administrative proceeding, and this proceeding is the sole means
9135 available to challenge the consistency of an interlocal
9136 agreement required by this section with the criteria contained
9137 in subsection (3) and this subsection. In order to have
9138 standing, each person must have submitted oral or written
9139 comments, recommendations, or objections to the local government
9140 or the school board before the adoption of the interlocal
9141 agreement by the district school board and local government. The
9142 district school board and local governments are parties to any
9143 such proceeding. In this proceeding, when the state land
9144 planning agency finds the interlocal agreement to be consistent
9145 with the criteria in subsection (3) and this subsection, the
9146 interlocal agreement must be determined to be consistent with
9147 subsection (3) and this subsection if the local government's and
9148 school board's determination of consistency is fairly debatable.



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9149 When the state land planning agency finds the interlocal
9150 agreement to be inconsistent with the requirements of subsection
9151 (3) and this subsection, the local government's and school
9152 board's determination of consistency shall be sustained unless
9153 it is shown by a preponderance of the evidence that the
9154 interlocal agreement is inconsistent.

9155 (c) If the state land planning agency enters a final order
9156 that finds that the interlocal agreement is inconsistent with
9157 the requirements of subsection (3) or this subsection, the state
9158 land planning agency shall forward it to the Administration
9159 Commission, which may impose sanctions against the local
9160 government pursuant to s. 163.3184(11) and may impose sanctions
9161 against the district school board by directing the Department of
9162 Education to withhold an equivalent amount of funds for school
9163 construction available pursuant to ss. 1013.65, 1013.68,
9164 1013.70, and 1013.72.

9165 (5) If an executed interlocal agreement is not timely
9166 submitted to the state land planning agency for review, the
9167 state land planning agency shall, within 15 working days after
9168 the deadline for submittal, issue to the local government and
9169 the district school board a notice to show cause why sanctions
9170 should not be imposed for failure to submit an executed
9171 interlocal agreement by the deadline established by the agency.
9172 The agency shall forward the notice and the responses to the
9173 Administration Commission, which may enter a final order citing
9174 the failure to comply and imposing sanctions against the local
9175 government and district school board by directing the
9176 appropriate agencies to withhold at least 5 percent of state
9177 funds pursuant to s. 163.3184(11) and by directing the



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9178 Department of Education to withhold from the district school
9179 board at least 5 percent of funds for school construction
9180 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
9181 1013.72.

9182 (6) Any local government transmitting a public school
9183 element to implement school concurrency pursuant to the
9184 requirements of s. 163.3180 before the effective date of this
9185 section is not required to amend the element or any interlocal
9186 agreement to conform with the provisions of subsections (2)-(6)
9187 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year
9188 after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and
9189 remains in effect.

9190 ~~(7) Except as provided in subsection (8), municipalities~~
9191 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
9192 ~~from the requirements of subsections (2), (3), and (4).~~

9193 ~~(8) At the time of the evaluation and appraisal report,~~
9194 ~~each exempt municipality shall assess the extent to which it~~
9195 ~~continues to meet the criteria for exemption under s.~~
9196 ~~163.3177(12). If the municipality continues to meet these~~
9197 ~~criteria, the municipality shall continue to be exempt from the~~
9198 ~~interlocal agreement requirement. Each municipality exempt under~~
9199 ~~s. 163.3177(12) must comply with the provisions of subsections~~
9200 ~~(2)-(8) within 1 year after the district school board proposes,~~
9201 ~~in its 5-year district facilities work program, a new school~~
9202 ~~within the municipality's jurisdiction.~~

9203 (7)-(9) A board and the local governing body must share and
9204 coordinate information related to existing and planned school
9205 facilities; proposals for development, redevelopment, or
9206 additional development; and infrastructure required to support



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9207 the school facilities, concurrent with proposed development. A
9208 school board shall use information produced by the demographic,
9209 revenue, and education estimating conferences pursuant to s.
9210 216.136 when preparing the district educational facilities plan
9211 pursuant to s. 1013.35, as modified and agreed to by the local
9212 governments, when provided by interlocal agreement, and the
9213 Office of Educational Facilities, in consideration of local
9214 governments' population projections, to ensure that the district
9215 educational facilities plan not only reflects enrollment
9216 projections but also considers applicable municipal and county
9217 growth and development projections. The projections must be
9218 apportioned geographically with assistance from the local
9219 governments using local government trend data and the school
9220 district student enrollment data. A school board is precluded
9221 from siting a new school in a jurisdiction where the school
9222 board has failed to provide the annual educational facilities
9223 plan for the prior year required pursuant to s. 1013.35 unless
9224 the failure is corrected.

9225 (8) ~~(10)~~ The location of educational facilities shall be
9226 consistent with the comprehensive plan of the appropriate local
9227 governing body developed under part II of chapter 163 and
9228 consistent with the plan's implementing land development
9229 regulations.

9230 (9) ~~(11)~~ To improve coordination relative to potential
9231 educational facility sites, a board shall provide written notice
9232 to the local government that has regulatory authority over the
9233 use of the land consistent with an interlocal agreement entered
9234 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior
9235 to acquiring or leasing property that may be used for a new



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9236 public educational facility. The local government, upon receipt
9237 of this notice, shall notify the board within 45 days if the
9238 site proposed for acquisition or lease is consistent with the
9239 land use categories and policies of the local government's
9240 comprehensive plan. This preliminary notice does not constitute
9241 the local government's determination of consistency pursuant to
9242 subsection (10) ~~(12)~~.

9243 (10)~~(12)~~ As early in the design phase as feasible and
9244 consistent with an interlocal agreement entered pursuant to
9245 subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before
9246 commencing construction, the district school board shall in
9247 writing request a determination of consistency with the local
9248 government's comprehensive plan. The local governing body that
9249 regulates the use of land shall determine, in writing within 45
9250 days after receiving the necessary information and a school
9251 board's request for a determination, whether a proposed
9252 educational facility is consistent with the local comprehensive
9253 plan and consistent with local land development regulations. If
9254 the determination is affirmative, school construction may
9255 commence and further local government approvals are not
9256 required, except as provided in this section. Failure of the
9257 local governing body to make a determination in writing within
9258 90 days after a district school board's request for a
9259 determination of consistency shall be considered an approval of
9260 the district school board's application. Campus master plans and
9261 development agreements must comply with the provisions of ss.
9262 1013.30 and 1013.63.

9263 (11)~~(13)~~ A local governing body may not deny the site
9264 applicant based on adequacy of the site plan as it relates



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9265 solely to the needs of the school. If the site is consistent
9266 with the comprehensive plan's land use policies and categories
9267 in which public schools are identified as allowable uses, the
9268 local government may not deny the application but it may impose
9269 reasonable development standards and conditions in accordance
9270 with s. 1013.51(1) and consider the site plan and its adequacy
9271 as it relates to environmental concerns, health, safety and
9272 welfare, and effects on adjacent property. Standards and
9273 conditions may not be imposed which conflict with those
9274 established in this chapter or the Florida Building Code, unless
9275 mutually agreed and consistent with the interlocal agreement
9276 required by subsections (2)-(6) ~~(2)-(8)~~.

9277 (12) ~~(14)~~ This section does not prohibit a local governing
9278 body and district school board from agreeing and establishing an
9279 alternative process for reviewing a proposed educational
9280 facility and site plan, and offsite impacts, pursuant to an
9281 interlocal agreement adopted in accordance with subsections (2)-
9282 (6) ~~(2)-(8)~~.

9283 (13) ~~(15)~~ Existing schools shall be considered consistent
9284 with the applicable local government comprehensive plan adopted
9285 under part II of chapter 163. If a board submits an application
9286 to expand an existing school site, the local governing body may
9287 impose reasonable development standards and conditions on the
9288 expansion only, and in a manner consistent with s. 1013.51(1).
9289 Standards and conditions may not be imposed which conflict with
9290 those established in this chapter or the Florida Building Code,
9291 unless mutually agreed. Local government review or approval is
9292 not required for:

9293 (a) The placement of temporary or portable classroom



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9294 facilities; or

9295 (b) Proposed renovation or construction on existing school
9296 sites, with the exception of construction that changes the
9297 primary use of a facility, includes stadiums, or results in a
9298 greater than 5 percent increase in student capacity, or as
9299 mutually agreed upon, pursuant to an interlocal agreement
9300 adopted in accordance with subsections (2)-(6)~~(8)~~.

9301 Section 72. Paragraph (b) of subsection (2) of section
9302 1013.35, Florida Statutes, is amended to read:

9303 1013.35 School district educational facilities plan;
9304 definitions; preparation, adoption, and amendment; long-term
9305 work programs.—

9306 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
9307 FACILITIES PLAN.—

9308 (b) The plan must also include a financially feasible
9309 district facilities work program for a 5-year period. The work
9310 program must include:

9311 1. A schedule of major repair and renovation projects
9312 necessary to maintain the educational facilities and ancillary
9313 facilities of the district.

9314 2. A schedule of capital outlay projects necessary to
9315 ensure the availability of satisfactory student stations for the
9316 projected student enrollment in K-12 programs. This schedule
9317 shall consider:

9318 a. The locations, capacities, and planned utilization rates
9319 of current educational facilities of the district. The capacity
9320 of existing satisfactory facilities, as reported in the Florida
9321 Inventory of School Houses must be compared to the capital
9322 outlay full-time-equivalent student enrollment as determined by



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9323 the department, including all enrollment used in the calculation
9324 of the distribution formula in s. 1013.64.

9325 b. The proposed locations of planned facilities, whether
9326 those locations are consistent with the comprehensive plans of
9327 all affected local governments, and recommendations for
9328 infrastructure and other improvements to land adjacent to
9329 existing facilities. The provisions of ss. 1013.33(10), (11),
9330 and (12), ~~(13), and (14)~~ and 1013.36 must be addressed for new
9331 facilities planned within the first 3 years of the work plan, as
9332 appropriate.

9333 c. Plans for the use and location of relocatable
9334 facilities, leased facilities, and charter school facilities.

9335 d. Plans for multitrack scheduling, grade level
9336 organization, block scheduling, or other alternatives that
9337 reduce the need for additional permanent student stations.

9338 e. Information concerning average class size and
9339 utilization rate by grade level within the district which will
9340 result if the tentative district facilities work program is
9341 fully implemented.

9342 f. The number and percentage of district students planned
9343 to be educated in relocatable facilities during each year of the
9344 tentative district facilities work program. For determining
9345 future needs, student capacity may not be assigned to any
9346 relocatable classroom that is scheduled for elimination or
9347 replacement with a permanent educational facility in the current
9348 year of the adopted district educational facilities plan and in
9349 the district facilities work program adopted under this section.
9350 Those relocatable classrooms clearly identified and scheduled
9351 for replacement in a school-board-adopted, financially feasible,



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9352 5-year district facilities work program shall be counted at zero
9353 capacity at the time the work program is adopted and approved by
9354 the school board. However, if the district facilities work
9355 program is changed and the relocatable classrooms are not
9356 replaced as scheduled in the work program, the classrooms must
9357 be reentered into the system and be counted at actual capacity.
9358 Relocatable classrooms may not be perpetually added to the work
9359 program or continually extended for purposes of circumventing
9360 this section. All relocatable classrooms not identified and
9361 scheduled for replacement, including those owned, lease-
9362 purchased, or leased by the school district, must be counted at
9363 actual student capacity. The district educational facilities
9364 plan must identify the number of relocatable student stations
9365 scheduled for replacement during the 5-year survey period and
9366 the total dollar amount needed for that replacement.

9367 g. Plans for the closure of any school, including plans for
9368 disposition of the facility or usage of facility space, and
9369 anticipated revenues.

9370 h. Projects for which capital outlay and debt service funds
9371 accruing under s. 9(d), Art. XII of the State Constitution are
9372 to be used shall be identified separately in priority order on a
9373 project priority list within the district facilities work
9374 program.

9375 3. The projected cost for each project identified in the
9376 district facilities work program. For proposed projects for new
9377 student stations, a schedule shall be prepared comparing the
9378 planned cost and square footage for each new student station, by
9379 elementary, middle, and high school levels, to the low, average,
9380 and high cost of facilities constructed throughout the state



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9381 during the most recent fiscal year for which data is available
9382 from the Department of Education.

9383 4. A schedule of estimated capital outlay revenues from
9384 each currently approved source which is estimated to be
9385 available for expenditure on the projects included in the
9386 district facilities work program.

9387 5. A schedule indicating which projects included in the
9388 district facilities work program will be funded from current
9389 revenues projected in subparagraph 4.

9390 6. A schedule of options for the generation of additional
9391 revenues by the district for expenditure on projects identified
9392 in the district facilities work program which are not funded
9393 under subparagraph 5. Additional anticipated revenues may
9394 include effort index grants, SIT Program awards, and Classrooms
9395 First funds.

9396 Section 73. Rules 9J-5 and 9J-11.023, Florida
9397 Administrative Code, are repealed, and the Department of State
9398 is directed to remove those rules from the Florida
9399 Administrative Code.

9400 Section 74. (1) Any permit or any other authorization that
9401 was extended, under section 14 of chapter 2009-96, Laws of
9402 Florida, as reauthorized by section 47 of chapter 2010-147, Laws
9403 of Florida, is extended and renewed for an additional period of
9404 2 years after its previously scheduled expiration date. This
9405 extension is in addition to the 2-year permit extension provided
9406 under section 14 of chapter 2009-96, Laws of Florida, as
9407 reauthorized by section 47 of chapter 2010-147, Laws of Florida.
9408 This section does not prohibit conversion from the construction
9409 phase to the operation phase upon completion of construction.



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9410 Permits that were extended by a total of 4 years, pursuant to
9411 section 14 of chapter 2009-96, Laws of Florida, as reauthorized
9412 by section 47 of chapter 2010-147, Laws of Florida, and by
9413 section 46 of chapter 2010-147, Laws of Florida, cannot be
9414 further extended under this provision.

9415 (2) The commencement and completion dates for any required
9416 mitigation associated with a phased construction project shall
9417 be extended such that mitigation takes place in the same
9418 timeframe relative to the phase as originally permitted.

9419 (3) The holder of a valid permit or other authorization
9420 that is eligible for the 2-year extension shall notify the
9421 authorizing agency in writing by December 31, 2011, identifying
9422 the specific authorization for which the holder intends to use
9423 the extension and the anticipated timeframe for acting on the
9424 authorization.

9425 (4) The extension provided for in subsection (1) does not
9426 apply to:

9427 (a) A permit or other authorization under any programmatic
9428 or regional general permit issued by the Army Corps of
9429 Engineers.

9430 (b) A permit or other authorization held by an owner or
9431 operator determined to be in significant noncompliance with the
9432 conditions of the permit or authorization as established through
9433 the issuance of a warning letter or notice of violation, the
9434 initiation of formal enforcement, or other equivalent action by
9435 the authorizing agency.

9436 (c) A permit or other authorization, if granted an
9437 extension, that would delay or prevent compliance with a court
9438 order.



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9439 (5) Permits extended under this section shall continue to
9440 be governed by rules in effect at the time the permit was
9441 issued, except if it is demonstrated that the rules in effect at
9442 the time the permit was issued would create an immediate threat
9443 to public safety or health. This subsection applies to any
9444 modification of the plans, terms, and conditions of the permit
9445 that lessens the environmental impact, except that any such
9446 modification may not extend the time limit beyond 2 additional
9447 years.

9448 (6) This section does not impair the authority of a county
9449 or municipality to require the owner of a property that has
9450 notified the county or municipality of the owner's intention to
9451 receive the extension of time granted pursuant to this section
9452 to maintain and secure the property in a safe and sanitary
9453 condition in compliance with applicable laws and ordinances.

9454 Section 75. (1) The state land planning agency, within 60
9455 days after the effective date of this act, shall review any
9456 administrative or judicial proceeding filed by the agency and
9457 pending on the effective date of this act to determine whether
9458 the issues raised by the state land planning agency are
9459 consistent with the revised provisions of part II of chapter
9460 163, Florida Statutes. For each proceeding, if the agency
9461 determines that issues have been raised that are not consistent
9462 with the revised provisions of part II of chapter 163, Florida
9463 Statutes, the agency shall dismiss the proceeding. If the state
9464 land planning agency determines that one or more issues have
9465 been raised that are consistent with the revised provisions of
9466 part II of chapter 163, Florida Statutes, the agency shall amend
9467 its petition within 30 days after the determination to plead



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9468 with particularity as to the manner in which the plan or plan
9469 amendment fails to meet the revised provisions of part II of
9470 chapter 163, Florida Statutes. If the agency fails to timely
9471 file such amended petition, the proceeding shall be dismissed.

9472 (2) In all proceedings that were initiated by the state
9473 land planning agency before the effective date of this act, and
9474 continue after that date, the local government's determination
9475 that the comprehensive plan or plan amendment is in compliance
9476 is presumed to be correct, and the local government's
9477 determination shall be sustained unless it is shown by a
9478 preponderance of the evidence that the comprehensive plan or
9479 plan amendment is not in compliance.

9480 Section 76. All local governments shall be governed by the
9481 revised provisions of s. 163.3191, Florida Statutes,
9482 notwithstanding a local government's previous failure to timely
9483 adopt its evaluation and appraisal report or evaluation and
9484 appraisal report-based amendments by the due dates previously
9485 established by the state land planning agency.

9486 Section 77. A comprehensive plan amendment adopted pursuant
9487 to s. 163.32465, subject to voter referendum by local charter,
9488 and found in compliance prior to the effective date of this act,
9489 may be readopted by ordinance, and shall become effective upon
9490 approval by the local government and is not subject to review or
9491 challenge pursuant to the provisions of s.163.32465 or s.
9492 163.3184.

9493 Section 78. The Department of Transportation shall develop
9494 and submit to the President of the Senate and the Speaker of the
9495 House of Representatives, no later than December 15, 2011, a
9496 report on recommended changes to or alternatives to the



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9497 calculation of the proportionate share contribution in
9498 163.3180(5)(h)3. The department's recommendations, if any, shall
9499 be designed to ensure development contributions to mitigate
9500 impacts on the transportation system are assessed in
9501 predictable, equitable and fair manner and shall be developed in
9502 consultation with developers and representatives of local
9503 governments.

9504 Section 79. If any provision of this act or its application
9505 to any person or circumstance is held invalid, the invalidity
9506 does not affect other provisions or applications of this act
9507 which can be given effect without the invalid provision or
9508 application, and to this end the provisions of this act are
9509 severable.

9510 Section 80. (1) Except as provided in subsection (4), and
9511 in recognition of 2011 real estate market conditions, any
9512 building permit, and any permit issued by the Department of
9513 Environmental Protection or by a water management district
9514 pursuant to part IV of chapter 373, Florida Statutes, which has
9515 an expiration date from January 1, 2012, through January 1,
9516 2014, is extended and renewed for a period of 2 years after its
9517 previously scheduled date of expiration. This extension includes
9518 any local government-issued development order or building permit
9519 including certificates of levels of service. This section does
9520 not prohibit conversion from the construction phase to the
9521 operation phase upon completion of construction. This extension
9522 is in addition to any existing permit extension. Extensions
9523 granted pursuant to this section, section 14 of chapter 2009-96,
9524 Laws of Florida, as reauthorized by section 47 of chapter 2010-
9525 147, Laws of Florida, section 46 of chapter 2010-147, Laws of



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9526 Florida, or section 74 of this act shall not exceed 4 years in
9527 total. Further, specific development order extensions granted
9528 pursuant to s. 380.06(19)(c)2., cannot be further extended by
9529 this section.

9530 (2) The commencement and completion dates for any required
9531 mitigation associated with a phased construction project are
9532 extended so that mitigation takes place in the same timeframe
9533 relative to the phase as originally permitted.

9534 (3) The holder of a valid permit or other authorization
9535 that is eligible for the 2-year extension must notify the
9536 authorizing agency in writing by December 31, 2011, identifying
9537 the specific authorization for which the holder intends to use
9538 the extension and the anticipated timeframe for acting on the
9539 authorization.

9540 (4) The extension provided for in subsection (1) does not
9541 apply to:

9542 (a) A permit or other authorization under any programmatic
9543 or regional general permit issued by the Army Corps of
9544 Engineers.

9545 (b) A permit or other authorization held by an owner or
9546 operator determined to be in significant noncompliance with the
9547 conditions of the permit or authorization as established through
9548 the issuance of a warning letter or notice of violation, the
9549 initiation of formal enforcement, or other equivalent action by
9550 the authorizing agency.

9551 (c) A permit or other authorization, if granted an
9552 extension that would delay or prevent compliance with a court
9553 order.

9554 (5) Permits extended under this section shall continue to



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9555 be governed by the rules in effect at the time the permit was
9556 issued, except if it is demonstrated that the rules in effect at
9557 the time the permit was issued would create an immediate threat
9558 to public safety or health. This provision applies to any
9559 modification of the plans, terms, and conditions of the permit
9560 which lessens the environmental impact, except that any such
9561 modification does not extend the time limit beyond 2 additional
9562 years.

9563 (6) This section does not impair the authority of a county
9564 or municipality to require the owner of a property that has
9565 notified the county or municipality of the owner's intent to
9566 receive the extension of time granted pursuant to this section
9567 to maintain and secure the property in a safe and sanitary
9568 condition in compliance with applicable laws and ordinances.

9569 Section 81. The Division of Statutory Revision is directed
9570 to replace the phrase "the effective date of this act" wherever
9571 it occurs in this act with the date this act becomes a law.

9572 Section 82. This act shall take effect upon becoming a law.

9573
9574 ===== T I T L E A M E N D M E N T =====

9575 And the title is amended as follows:

9576 Delete everything before the enacting clause
9577 and insert:

9578 A bill to be entitled
9579 An act relating to growth management; amending s.
9580 163.3161, F.S.; redesignating the "Local Government
9581 Comprehensive Planning and Land Development Regulation
9582 Act" as the "Community Planning Act"; revising and
9583 providing intent and purpose of act; amending s.



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9584 163.3164, F.S.; revising definitions; amending s.
9585 163.3167, F.S.; revising scope of the act; revising
9586 and providing duties of local governments and
9587 municipalities relating to comprehensive plans;
9588 deleting retroactive effect; creating s. 163.3168,
9589 F.S.; encouraging local governments to apply for
9590 certain innovative planning tools; authorizing the
9591 state land planning agency and other appropriate state
9592 and regional agencies to use direct and indirect
9593 technical assistance; amending s. 163.3171, F.S.;
9594 providing legislative intent; amending s. 163.3174,
9595 F.S.; deleting certain notice requirements relating to
9596 the establishment of local planning agencies by a
9597 governing body; amending s. 163.3175, F.S.; providing
9598 that certain comments, underlying studies, and reports
9599 provided by a military installation's commanding
9600 officer are not binding on local governments;
9601 providing additional factors for local government
9602 consideration in impacts to military installations;
9603 clarifying requirements for adopting criteria to
9604 address compatibility of lands relating to military
9605 installations; amending s. 163.3177, F.S.; revising
9606 and providing duties of local governments; revising
9607 and providing required and optional elements of
9608 comprehensive plans; revising requirements of
9609 schedules of capital improvements; revising and
9610 providing provisions relating to capital improvements
9611 elements; revising major objectives of, and procedures
9612 relating to, the local comprehensive planning process;



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9613 revising and providing required and optional elements
9614 of future land use plans; providing required
9615 transportation elements; revising and providing
9616 required conservation elements; revising and providing
9617 required housing elements; revising and providing
9618 required coastal management elements; revising and
9619 providing required intergovernmental coordination
9620 elements; amending s. 163.31777, F.S.; revising
9621 requirements relating to public schools' interlocal
9622 agreements; deleting duties of the Office of
9623 Educational Facilities, the state land planning
9624 agency, and local governments relating to such
9625 agreements; deleting an exemption; amending s.
9626 163.3178, F.S.; deleting a deadline for local
9627 governments to amend coastal management elements and
9628 future land use maps; amending s. 163.3180, F.S.;
9629 revising and providing provisions relating to
9630 concurrency; revising concurrency requirements;
9631 revising application and findings; revising local
9632 government requirements; revising and providing
9633 requirements relating to transportation concurrency,
9634 transportation concurrency exception areas, urban
9635 infill, urban redevelopment, urban service, downtown
9636 revitalization areas, transportation concurrency
9637 management areas, long-term transportation and school
9638 concurrency management systems, development of
9639 regional impact, school concurrency, service areas,
9640 financial feasibility, interlocal agreements, and
9641 multimodal transportation districts; revising duties



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9642 of the Office of Program Policy Analysis and the state
9643 land planning agency; providing requirements for local
9644 plans; providing for the limiting the liability of
9645 local governments under certain conditions; amending
9646 s. 163.3182, F.S.; revising definitions; revising
9647 provisions relating to transportation deficiency plans
9648 and projects; amending s. 163.3184, F.S.; providing a
9649 definition; providing requirements for comprehensive
9650 plans and plan amendments; providing a expedited state
9651 review process for adoption of comprehensive plan
9652 amendments; providing requirements for the adoption of
9653 comprehensive plan amendments; creating the state-
9654 coordinated review process; providing and revising
9655 provisions relating to the review process; revising
9656 requirements relating to local government transmittal
9657 of proposed plan or amendments; providing for comment
9658 by reviewing agencies; deleting provisions relating to
9659 regional, county, and municipal review; revising
9660 provisions relating to state land planning agency
9661 review; revising provisions relating to local
9662 government review of comments; deleting and revising
9663 provisions relating to notice of intent and processes
9664 for compliance and noncompliance; providing procedures
9665 for administrative challenges to plans and plan
9666 amendments; providing for compliance agreements;
9667 providing for mediation and expeditious resolution;
9668 revising powers and duties of the administration
9669 commission; revising provisions relating to areas of
9670 critical state concern; providing for concurrent



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9671 zoning; amending s. 163.3187, F.S.; deleting
9672 provisions relating to the amendment of adopted
9673 comprehensive plan and providing the process for
9674 adoption of small-scale comprehensive plan amendments;
9675 repealing s. 163.3189, F.S., relating to process for
9676 amendment of adopted comprehensive plan; amending s.
9677 163.3191, F.S., relating to the evaluation and
9678 appraisal of comprehensive plans; providing and
9679 revising local government requirements including
9680 notice, amendments, compliance, mediation, reports,
9681 and scoping meetings; amending s. 163.3229, F.S.;
9682 revising limitations on duration of development
9683 agreements; amending s. 163.3235, F.S.; revising
9684 requirements for periodic reviews of a development
9685 agreements; amending s. 163.3239, F.S.; revising
9686 recording requirements; amending s. 163.3243, F.S.;
9687 revising parties who may file an action for injunctive
9688 relief; amending s. 163.3245, F.S.; revising
9689 provisions relating to optional sector plans;
9690 authorizing the adoption of sector plans under certain
9691 circumstances; amending s. 163.3246, F.S.; revising
9692 provisions relating to the local government
9693 comprehensive planning certification program;
9694 conforming provisions to changes made by the act;
9695 deleting reporting requirements of the Office of
9696 Program Policy Analysis and Government Accountability;
9697 repealing s. 163.32465, F.S., relating to state review
9698 of local comprehensive plans in urban areas; amending
9699 s. 163.3247, F.S.; providing for future repeal and



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9700 abolition of the Century Commission for a Sustainable
9701 Florida; creating s. 163.3248, F.S.; providing for the
9702 designation of rural land stewardship areas; providing
9703 purposes and requirements for the establishment of
9704 such areas; providing for the creation of rural land
9705 stewardship overlay zoning district and transferable
9706 rural land use credits; providing certain limitation
9707 relating to such credits; providing for incentives;
9708 providing eligibility for incentives; providing
9709 legislative intent; amending s. 380.06, F.S.; revising
9710 requirements relating to the issuance of permits for
9711 development by local governments; revising criteria
9712 for the determination of substantial deviation;
9713 providing for extension of certain expiration dates;
9714 revising exemptions governing developments of regional
9715 impact; revising provisions to conform to changes made
9716 by this act; amending s. 380.0651, F.S.; revising
9717 provisions relating to statewide guidelines and
9718 standards for certain multiscreen movie theaters,
9719 industrial plants, industrial parks, distribution,
9720 warehousing and wholesaling facilities, and hotels and
9721 motels; revising criteria for the determination of
9722 when to treat two or more developments as a single
9723 development; amending s. 331.303, F.S.; conforming a
9724 cross-reference; amending s. 380.115, F.S.; subjecting
9725 certain developments required to undergo development-
9726 of-regional-impact review to certain procedures;
9727 amending s. 380.065, F.S.; deleting certain reporting
9728 requirements; conforming provisions to changes made by



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9729 the act; amending s. 380.0685, F.S., relating to use
9730 of surcharges for beach renourishment and restoration;
9731 repealing Rules 9J-5 and 9J-11.023, Florida
9732 Administrative Code, relating to minimum criteria for
9733 review of local government comprehensive plans and
9734 plan amendments, evaluation and appraisal reports,
9735 land development regulations, and determinations of
9736 compliance; amending ss. 70.51, 163.06, 163.2517,
9737 163.3162, 163.3217, 163.3220, 163.3221, 163.3229,
9738 163.360, 163.516, 171.203, 186.513, 189.415, 190.004,
9739 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475,
9740 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321,
9741 378.021, 380.115, 380.031, 380.061, 403.50665,
9742 403.973, 420.5095, 420.615, 420.5095, 420.9071,
9743 420.9076, 720.403, 1013.30, 1013.33, and 1013.35,
9744 F.S.; revising provisions to conform to changes made
9745 by this act; extending permits and other
9746 authorizations extended under s. 14, ch. 2009-96, Laws
9747 of Florida; extending certain previously granted
9748 buildout dates; requiring a permit holder to notify the
9749 authorizing agency of its intended use of the
9750 extension; exempting certain permits from eligibility
9751 for an extension; providing for applicability of rules
9752 governing permits; declaring that certain provisions
9753 do not impair the authority of counties and
9754 municipalities under certain circumstances; requiring
9755 the state land planning agency to review certain
9756 administrative and judicial proceedings; providing
9757 procedures for such review; providing that all local



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9758 governments shall be governed by certain provisions of
9759 general law; allowing specified amendments to be
9760 adopted upon approval by the local government;
9761 directing the Department of Transportation to report
9762 on the calculation of proportionate share; providing
9763 for severability; creating a 2-year permit extension;
9764 providing a directive of the Division of Statutory
9765 Revision; providing an effective date.