

Amendment No.

CHAMBER ACTION

Senate

House

.

1 The Conference Committee on HB 7207 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 70.51 Land use and environmental dispute resolution.—

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

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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
43 plan amendment. ~~An amendment to the local comprehensive plan to~~

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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
61 in 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 ~~its adoption is~~
64 ~~necessary so that~~ local governments have the ability to can
65 preserve and enhance present advantages; encourage the most
66 appropriate use of land, water, and resources, consistent with
67 the public interest; overcome present handicaps; and deal
68 effectively with future problems that may result from the use
69 and development of land within their jurisdictions. Through the
70 process of comprehensive planning, it is intended that units of
71 local 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
81 ensure ~~assure~~ cooperation between and among municipalities and
82 counties and to encourage and ensure ~~assure~~ coordination of
83 planning and development activities of units of local government
84 with the planning activities of regional agencies and state
85 government in 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,
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100 and economic resources; and to maintain, through orderly growth
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

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128 compensation or other appropriate relief must be provided to any
129 property owner for a governmental action that is determined to
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
146 163.3162, Florida Statutes, are renumbered as subsections (1)
147 through (4), respectively, and present subsections (1) and (5)
148 of that 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~~.
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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
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).

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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
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
205 agricultural enclaves shall preempt or replace any protection
206 currently existing for any property located within the
207 boundaries of the 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).

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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
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;

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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
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

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

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

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

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

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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
298 number of people or residential units allowed per unit of land,
299 such as 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
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
318 100-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.

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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
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.

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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
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
368 occurred on the land, the development that is proposed by a
369 developer on the land, or the use that is permitted or
370 permissible on the land under an adopted comprehensive plan or
371 element or portion thereof, land development regulations, or a
372 land development code, as the context may indicate.

373 (28) "Level of service" means an indicator of the extent
374 or degree of service provided by, or proposed to be provided by,
375 a facility based on and related to the operational

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376 characteristics of the facility. Level of service shall indicate
377 the capacity 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.

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,
401 intermediate end that is achievable and marks progress toward a
402 goal.

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

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

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

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

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

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

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

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

442 ~~(42)-(31)~~ "Optional Sector plan" means the an optional
443 process authorized by s. 163.3245 in which one or more local
444 governments engage in long-term planning for a large area and by
445 agreement with the state land planning agency are allowed to
446 address regional development of regional impact issues through
447 adoption of detailed specific area plans within the planning
448 area within certain designated geographic areas identified in
449 the local comprehensive plan as a means of fostering innovative
450 planning and development strategies in s. 163.3177(11) (a) and
451 (b), furthering the purposes of this part and part I of chapter
452 380, reducing overlapping data and analysis requirements,
453 protecting regionally significant resources and facilities, and
454 addressing extrajurisdictional impacts. The term includes an
455 optional sector plan that was adopted before the effective date
456 of this act.

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457 (43)~~(20)~~ "State land planning agency" means the Department
458 of Community Affairs.

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

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

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

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

480 (48)~~(27)~~ "Urban infill" means the development of vacant
481 parcels in otherwise built-up areas where public facilities such
482 as sewer systems, roads, schools, and recreation areas are
483 already in place and the average residential density is at least
484 five dwelling units per acre, the average nonresidential

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485 intensity is at least a floor area ratio of 1.0 and vacant,
486 developable land does not constitute more than 10 percent of the
487 area.

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

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

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

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

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

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

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

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

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

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

564 163.3167 Scope of act.—

565 (1) The several incorporated municipalities and counties
566 shall have power and responsibility:

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

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

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

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

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

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

589 ~~(3) When a local government has not prepared all of the~~
590 ~~required elements or has not amended its plan as required by~~
591 ~~subsection (2), the regional planning agency having~~
592 ~~responsibility for the area in which the local government lies~~
593 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
594 ~~missing elements or adopt by rule amendments to the existing~~
595 ~~plan in accordance with this act by July 1, 1989, or within 1~~

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

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

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623 ~~adopted a comprehensive plan, the regional planning agency shall~~
624 ~~prepare and adopt a comprehensive plan for such municipality.~~

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

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

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651 ~~(7) A local government that is being requested to pay~~
652 ~~costs may seek an administrative hearing pursuant to ss. 120.569~~
653 ~~and 120.57 to challenge the amount of costs and to determine if~~
654 ~~the statutory prerequisites for payment have been complied with.~~
655 ~~Final agency action shall be taken by the state land planning~~
656 ~~agency. Payment shall be withheld as to disputed amounts until~~
657 ~~proceedings under this subsection have been completed.~~

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

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

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

670 ~~(11) Each local government is encouraged to articulate a~~
671 ~~vision of the future physical appearance and qualities of its~~
672 ~~community as a component of its local comprehensive plan. The~~
673 ~~vision should be developed through a collaborative planning~~
674 ~~process with meaningful public participation and shall be~~
675 ~~adopted by the governing body of the jurisdiction. Neighboring~~
676 ~~communities, especially those sharing natural resources or~~
677 ~~physical or economic infrastructure, are encouraged to create~~
678 ~~collective visions for greater than local areas. Such collective~~
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679 ~~visions shall apply in each city or county only to the extent~~
680 ~~that each local government chooses to make them applicable. The~~
681 ~~state land planning agency shall serve as a clearinghouse for~~
682 ~~creating a community vision of the future and may utilize the~~
683 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
684 ~~grants to help pay the costs of local visioning programs. When a~~
685 ~~local vision of the future has been created, a local government~~
686 ~~should review its comprehensive plan, land development~~
687 ~~regulations, and capital improvement program to ensure that~~
688 ~~these instruments will help to move the community toward its~~
689 ~~vision in a manner consistent with this act and with the state~~
690 ~~comprehensive plan. A local or regional vision must be~~
691 ~~consistent with the state vision, when adopted, and be~~
692 ~~internally consistent with the local or regional plan of which~~
693 ~~it is a component. The state land planning agency shall not~~
694 ~~adopt minimum criteria for evaluating or judging the form or~~
695 ~~content of a local or regional vision.~~

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

700 ~~(9)(13)~~ Each local government shall address in its
701 comprehensive plan, as enumerated in this chapter, the water
702 supply sources necessary to meet and achieve the existing and
703 projected water use demand for the established planning period,
704 considering the applicable plan developed pursuant to s.
705 373.709.

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706 ~~(10)~~(14)(a) If a local government grants a development
707 order pursuant to its adopted land development regulations and
708 the order is not the subject of a pending appeal and the
709 timeframe for filing an appeal has expired, the development
710 order may not be invalidated by a subsequent judicial
711 determination that such land development regulations, or any
712 portion thereof that is relevant to the development order, are
713 invalid because of a deficiency in the approval standards.

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

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

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

723 163.3168 Planning innovations and technical assistance.-

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

731 (2) Local governments are encouraged to apply innovative
732 planning tools, including, but not limited to, visioning, sector
733 planning, and rural land stewardship area designations to

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734 address future new development areas, urban service area
735 designations, urban growth boundaries, and mixed-use, high-
736 density development in urban areas.

737 (3) The state land planning agency shall help communities
738 find creative solutions to fostering vibrant, healthy
739 communities, while protecting the functions of important state
740 resources and facilities. The state land planning agency and all
741 other appropriate state and regional agencies may use various
742 means to provide direct and indirect technical assistance within
743 available resources. If plan amendments may adversely impact
744 important state resources or facilities, upon request by the
745 local government, the state land planning agency shall
746 coordinate multi-agency assistance, if needed, in developing an
747 amendment to minimize impacts on such resources or facilities.

748 (4) The state land planning agency shall provide, on its
749 website, guidance on the submittal and adoption of comprehensive
750 plans, plan amendments, and land development regulations. Such
751 guidance shall not be adopted as a rule and is exempt from s.
752 120.54(1)(a).

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

755 163.3171 Areas of authority under this act.—

756 ~~(4) The state land planning agency and a Local governments~~
757 ~~may government shall have the power to enter into agreements~~
758 ~~with each other and to agree together to enter into agreements~~
759 ~~with a landowner, developer, or governmental agency as may be~~
760 ~~necessary or desirable to effectuate the provisions and purposes~~
761 ~~of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,~~
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762 and 163.3248. It is the Legislature's intent that joint
763 agreements entered into under the authority of this section be
764 liberally, broadly, and flexibly construed to facilitate
765 intergovernmental cooperation between cities and counties and to
766 encourage planning in advance of jurisdictional changes. Joint
767 agreements, executed before or after the effective date of this
768 act, include, but are not limited to, agreements that
769 contemplate municipal adoption of plans or plan amendments for
770 lands in advance of annexation of such lands into the
771 municipality, and may permit municipalities and counties to
772 exercise nonexclusive extrajurisdictional authority within
773 incorporated and unincorporated areas. The state land planning
774 agency may not interpret, invalidate, or declare inoperative
775 such joint agreements, and the validity of joint agreements may
776 not be a basis for finding plans or plan amendments not in
777 compliance pursuant to chapter law.

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

780 163.3174 Local planning agency.—

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

785 Notwithstanding any special act to the contrary, all local
786 planning agencies or equivalent agencies that first review
787 rezoning and comprehensive plan amendments in each municipality
788 and county shall include a representative of the school district
789 appointed by the school board as a nonvoting member of the local
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790 planning agency or equivalent agency to attend those meetings at
791 which the agency considers comprehensive plan amendments and
792 rezonings that would, if approved, increase residential density
793 on the property that is the subject of the application. However,
794 this subsection does not prevent the governing body of the local
795 government from granting voting status to the school board
796 member. The governing body may designate itself as the local
797 planning agency pursuant to this subsection with the addition of
798 a nonvoting school board representative. ~~The governing body
799 shall notify the state land planning agency of the establishment
800 of its local planning agency.~~ All local planning agencies shall
801 provide opportunities for involvement by applicable community
802 college boards, which may be accomplished by formal
803 representation, membership on technical advisory committees, or
804 other appropriate means. The local planning agency shall prepare
805 the comprehensive plan or plan amendment after hearings to be
806 held after public notice and shall make recommendations to the
807 governing body regarding the adoption or amendment of the plan.
808 The agency may be a local planning commission, the planning
809 department of the local government, or other instrumentality,
810 including a countywide planning entity established by special
811 act or a council of local government officials created pursuant
812 to s. 163.02, provided the composition of the council is fairly
813 representative of all the governing bodies in the county or
814 planning area; however:

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

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

824 Section 11. Subsections (5), (6), and (9) of section
825 163.3175, Florida Statutes, are amended to read:

826 163.3175 Legislative findings on compatibility of
827 development with military installations; exchange of information
828 between local governments and military installations.—

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

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

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

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

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

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

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

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8)~~(11)~~. Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s.

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874 163.3191 and determines that amendments are necessary to meet
875 updated general law requirements.

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

878 163.3177 Required and optional elements of comprehensive
879 plan; studies and surveys.—

880 (1) The comprehensive plan shall provide the ~~consist of~~
881 ~~materials in such descriptive form, written or graphic, as may~~
882 ~~be appropriate to the prescription of principles, guidelines,~~
883 ~~and standards,~~ and strategies for the orderly and balanced
884 future economic, social, physical, environmental, and fiscal
885 development of the area that reflects community commitments to
886 implement the plan and its elements. These principles and
887 strategies shall guide future decisions in a consistent manner
888 and shall contain programs and activities to ensure
889 comprehensive plans are implemented. The sections of the
890 comprehensive plan containing the principles and strategies,
891 generally provided as goals, objectives, and policies, shall
892 describe how the local government's programs, activities, and
893 land development regulations will be initiated, modified, or
894 continued to implement the comprehensive plan in a consistent
895 manner. It is not the intent of this part to require the
896 inclusion of implementing regulations in the comprehensive plan
897 but rather to require identification of those programs,
898 activities, and land development regulations that will be part
899 of the strategy for implementing the comprehensive plan and the
900 principles that describe how the programs, activities, and land
901 development regulations will be carried out. The plan shall

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902 establish meaningful and predictable standards for the use and
903 development of land and provide meaningful guidelines for the
904 content of more detailed land development and use regulations.

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

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

912 (c) The format of these principles and guidelines is at
913 the discretion of the local government, but typically is
914 expressed in goals, objectives, policies, and strategies.

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

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

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

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930 data available on that particular subject at the time of
931 adoption of the plan or plan amendment at issue.

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

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

952 3. The comprehensive plan shall be based upon permanent
953 and seasonal population estimates and projections, which shall
954 either be those provided by the University of Florida's Bureau
955 of Economic and Business Research or generated by the local
956 government based upon a professionally acceptable methodology.
957 The plan must be based on at least the minimum amount of land

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958 required to accommodate the medium projections of the University
959 of Florida's Bureau of Economic and Business Research for at
960 least a 10-year planning period unless otherwise limited under
961 s. 380.05, including related rules of the Administration
962 Commission.

963 (2) Coordination of the several elements of the local
964 comprehensive plan shall be a major objective of the planning
965 process. The several elements of the comprehensive plan shall be
966 consistent. Where data is relevant to several elements,
967 consistent data shall be used, including population estimates
968 and projections unless alternative data can be justified for a
969 plan amendment through new supporting data and analysis. Each
970 map depicting future conditions must reflect the principles,
971 guidelines, and standards within all elements and each such map
972 must be contained within the comprehensive plan, ~~and the~~
973 ~~comprehensive plan shall be financially feasible. Financial~~
974 ~~feasibility shall be determined using professionally accepted~~
975 ~~methodologies and applies to the 5-year planning period, except~~
976 ~~in the case of a long-term transportation or school concurrency~~
977 ~~management system, in which case a 10-year or 15-year period~~
978 ~~applies.~~

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

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

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

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

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

997 ~~4.5.~~ A schedule of capital improvements which includes any
998 publicly funded projects of federal, state, or local government,
999 and which may include privately funded projects for which the
1000 local government has no fiscal responsibility. Projects,
1001 necessary to ensure that any adopted level-of-service standards
1002 are achieved and maintained for the 5-year period must be
1003 identified as either funded or unfunded and given a level of
1004 priority for funding. ~~For capital improvements that will be~~
1005 ~~funded by the developer, financial feasibility shall be~~
1006 ~~demonstrated by being guaranteed in an enforceable development~~
1007 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
1008 ~~or other enforceable agreement. These development agreements and~~
1009 ~~interlocal agreements shall be reflected in the schedule of~~
1010 ~~capital improvements if the capital improvement is necessary to~~
1011 ~~serve development within the 5-year schedule. If the local~~
1012 ~~government uses planned revenue sources that require referenda~~
1013 ~~or other actions to secure the revenue source, the plan must, in~~
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1014 ~~the event the referenda are not passed or actions do not secure~~
1015 ~~the planned revenue source, identify other existing revenue~~
1016 ~~sources that will be used to fund the capital projects or~~
1017 ~~otherwise amend the plan to ensure financial feasibility.~~

1018 ~~5.6.~~ The schedule must include transportation improvements
1019 included in the applicable metropolitan planning organization's
1020 transportation improvement program adopted pursuant to s.
1021 339.175(8) to the extent that such improvements are relied upon
1022 to ensure concurrency and financial feasibility. The schedule
1023 must ~~also~~ be coordinated with the applicable metropolitan
1024 planning organization's long-range transportation plan adopted
1025 pursuant to s. 339.175(7).

1026 (b)~~1.~~ The capital improvements element must be reviewed by
1027 the local government on an annual basis. Modifications ~~and~~
1028 ~~modified as necessary in accordance with s. 163.3187 or s.~~
1029 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~
1030 5-year capital improvement ~~schedule of capital improvements.~~
1031 ~~Corrections and modifications concerning costs; revenue sources;~~
1032 ~~or acceptance of facilities pursuant to dedications which are~~
1033 ~~consistent with the plan may be accomplished by ordinance and~~
1034 may shall not be deemed to be amendments to the local
1035 comprehensive plan. ~~A copy of the ordinance shall be transmitted~~
1036 ~~to the state land planning agency. An amendment to the~~
1037 ~~comprehensive plan is required to update the schedule on an~~
1038 ~~annual basis or to eliminate, defer, or delay the construction~~
1039 ~~for any facility listed in the 5-year schedule. All public~~
1040 ~~facilities must be consistent with the capital improvements~~
1041 ~~element. The annual update to the capital improvements element~~

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1042 ~~of the comprehensive plan need not comply with the financial~~
1043 ~~feasibility requirement until December 1, 2011. Thereafter, a~~
1044 ~~local government may not amend its future land use map, except~~
1045 ~~for plan amendments to meet new requirements under this part and~~
1046 ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~
1047 ~~December 1, 2011, and every year thereafter, unless and until~~
1048 ~~the local government has adopted the annual update and it has~~
1049 ~~been transmitted to the state land planning agency.~~

1050 ~~2. Capital improvements element amendments adopted after~~
1051 ~~the effective date of this act shall require only a single~~
1052 ~~public hearing before the governing board which shall be an~~
1053 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
1054 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1055 ~~(c) If the local government does not adopt the required~~
1056 ~~annual update to the schedule of capital improvements, the state~~
1057 ~~land planning agency must notify the Administration Commission.~~
1058 ~~A local government that has a demonstrated lack of commitment to~~
1059 ~~meeting its obligations identified in the capital improvements~~
1060 ~~element may be subject to sanctions by the Administration~~
1061 ~~Commission pursuant to s. 163.3184(11).~~

1062 ~~(d) If a local government adopts a long-term concurrency~~
1063 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
1064 ~~a long-term capital improvements schedule covering up to a 10-~~
1065 ~~year or 15-year period, and must update the long-term schedule~~
1066 ~~annually. The long-term schedule of capital improvements must be~~
1067 ~~financially feasible.~~

1068 ~~(e) At the discretion of the local government and~~
1069 ~~notwithstanding the requirements of this subsection, a~~

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1070 ~~comprehensive plan, as revised by an amendment to the plan's~~
1071 ~~future land use map, shall be deemed to be financially feasible~~
1072 ~~and to have achieved and maintained level-of-service standards~~
1073 ~~as required by this section with respect to transportation~~
1074 ~~facilities if the amendment to the future land use map is~~
1075 ~~supported by a:~~

1076 ~~1. Condition in a development order for a development of~~
1077 ~~regional impact or binding agreement that addresses~~
1078 ~~proportionate share mitigation consistent with s. 163.3180(12);~~
1079 ~~or~~

1080 ~~2. Binding agreement addressing proportionate fair-share~~
1081 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~
1082 ~~subject to the amendment to the future land use map is located~~
1083 ~~within an area designated in a comprehensive plan for urban~~
1084 ~~infill, urban redevelopment, downtown revitalization, urban~~
1085 ~~infill and redevelopment, or an urban service area. The binding~~
1086 ~~agreement must be based on the maximum amount of development~~
1087 ~~identified by the future land use map amendment or as may be~~
1088 ~~otherwise restricted through a special area plan policy or map~~
1089 ~~notation in the comprehensive plan.~~

1090 ~~(f) A local government's comprehensive plan and plan~~
1091 ~~amendments for land uses within all transportation concurrency~~
1092 ~~exception areas that are designated and maintained in accordance~~
1093 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
1094 ~~achieve and maintain level-of-service standards for~~
1095 ~~transportation.~~

1096 (4) (a) Coordination of the local comprehensive plan with
1097 the comprehensive plans of adjacent municipalities, the county,
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1098 adjacent counties, or the region; with the appropriate water
1099 management district's regional water supply plans approved
1100 pursuant to s. 373.709; and with adopted rules pertaining to
1101 designated areas of critical state concern; ~~and with the state~~
1102 ~~comprehensive plan~~ shall be a major objective of the local
1103 comprehensive planning process. To that end, in the preparation
1104 of a comprehensive plan or element thereof, and in the
1105 comprehensive plan or element as adopted, the governing body
1106 shall include a specific policy statement indicating the
1107 relationship of the proposed development of the area to the
1108 comprehensive plans of adjacent municipalities, the county,
1109 adjacent counties, or the region ~~and to the state comprehensive~~
1110 ~~plan~~, as the case may require and as such adopted plans or plans
1111 in preparation may exist.

1112 (b) When all or a portion of the land in a local
1113 government jurisdiction is or becomes part of a designated area
1114 of critical state concern, the local government shall clearly
1115 identify those portions of the local comprehensive plan that
1116 shall be applicable to the critical area and shall indicate the
1117 relationship of the proposed development of the area to the
1118 rules for the area of critical state concern.

1119 (5) (a) Each local government comprehensive plan must
1120 include at least two planning periods, one covering at least the
1121 first 5-year period occurring after the plan's adoption and one
1122 covering at least a 10-year period. Additional planning periods
1123 for specific components, elements, land use amendments, or
1124 projects shall be permissible and accepted as part of the
1125 planning process.

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1126 (b) The comprehensive plan and its elements shall contain
1127 guidelines or policies ~~policy recommendations~~ for the
1128 implementation of the plan and its elements.

1129 (6) In addition to the requirements of subsections (1)-(5)
1130 ~~and (12)~~, the comprehensive plan shall include the following
1131 elements:

1132 (a) A future land use plan element designating proposed
1133 future general distribution, location, and extent of the uses of
1134 land for residential uses, commercial uses, industry,
1135 agriculture, recreation, conservation, education, ~~public~~
1136 ~~buildings and grounds~~, ~~other~~ public facilities, and other
1137 categories of the public and private uses of land. The
1138 approximate acreage and the general range of density or
1139 intensity of use shall be provided for the gross land area
1140 included in each existing land use category. The element shall
1141 establish the long-term end toward which land use programs and
1142 activities are ultimately directed. Counties are encouraged to
1143 ~~designate rural land stewardship areas, pursuant to paragraph~~
1144 ~~(11) (d), as overlays on the future land use map.~~

1145 1. Each future land use category must be defined in terms
1146 of uses included, and must include standards to be followed in
1147 the control and distribution of population densities and
1148 building and structure intensities. The proposed distribution,
1149 location, and extent of the various categories of land use shall
1150 be shown on a land use map or map series which shall be
1151 supplemented by goals, policies, and measurable objectives.

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1152 2. The future land use plan and plan amendments shall be
1153 based upon surveys, studies, and data regarding the area, as
1154 applicable, including:

1155 a. The amount of land required to accommodate anticipated
1156 growth.~~†~~

1157 b. The projected permanent and seasonal population of the
1158 area.~~†~~

1159 c. The character of undeveloped land.~~†~~

1160 d. The availability of water supplies, public facilities,
1161 and services.~~†~~

1162 e. The need for redevelopment, including the renewal of
1163 blighted areas and the elimination of nonconforming uses which
1164 are inconsistent with the character of the community.~~†~~

1165 f. The compatibility of uses on lands adjacent to or
1166 closely proximate to military installations.~~†~~

1167 g. The compatibility of uses on lands adjacent to an
1168 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~

1169 h. ~~The discouragement of urban sprawl.; energy efficient~~
1170 ~~land use patterns accounting for existing and future electric~~
1171 ~~power generation and transmission systems; greenhouse gas~~
1172 ~~reduction strategies; and, in rural communities,~~

1173 i. The need for job creation, capital investment, and
1174 economic development that will strengthen and diversify the
1175 community's economy.

1176 j. The need to modify land uses and development patterns
1177 within antiquated subdivisions. ~~The future land use plan may~~
1178 ~~designate areas for future planned development use involving~~
1179 ~~combinations of types of uses for which special regulations may~~

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1180 ~~be necessary to ensure development in accord with the principles~~
1181 ~~and standards of the comprehensive plan and this act.~~

1182 3. The future land use plan element shall include criteria
1183 to be used to:

1184 a. Achieve the compatibility of lands adjacent or closely
1185 proximate to military installations, considering factors
1186 identified in s. 163.3175(5), and

1187 b. Achieve the compatibility of lands adjacent to an
1188 airport as defined in s. 330.35 and consistent with s. 333.02.

1189 c. Encourage preservation of recreational and commercial
1190 working waterfronts for water dependent uses in coastal
1191 communities.

1192 d. Encourage the location of schools proximate to urban
1193 residential areas to the extent possible.

1194 e. Coordinate future land uses with the topography and
1195 soil conditions, and the availability of facilities and
1196 services.

1197 f. Ensure the protection of natural and historic
1198 resources.

1199 g. Provide for the compatibility of adjacent land uses.

1200 h. Provide guidelines for the implementation of mixed use
1201 development including the types of uses allowed, the percentage
1202 distribution among the mix of uses, or other standards, and the
1203 density and intensity of each use.

1204 ~~4. In addition, for rural communities, The amount of land~~
1205 ~~designated for future planned uses industrial use shall provide~~
1206 ~~a balance of uses that foster vibrant, viable communities and~~
1207 ~~economic development opportunities and address outdated~~

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1208 development patterns, such as antiquated subdivisions. The
1209 amount of land designated for future land uses should allow the
1210 operation of real estate markets to provide adequate choices for
1211 permanent and seasonal residents and business and ~~be based upon~~
1212 ~~surveys and studies that reflect the need for job creation,~~
1213 ~~capital investment, and the necessity to strengthen and~~
1214 ~~diversify the local economies, and may not be limited solely by~~
1215 the projected population of the rural community. The element
1216 shall accommodate at least the minimum amount of land required
1217 to accommodate the medium projections of the University of
1218 Florida's Bureau of Economic and Business Research for at least
1219 a 10-year planning period unless otherwise limited under s.
1220 380.05, including related rules of the Administration
1221 Commission.

1222 5. The future land use plan of a county may ~~also~~ designate
1223 areas for possible future municipal incorporation.

1224 6. The land use maps or map series shall generally
1225 identify and depict historic district boundaries and shall
1226 designate historically significant properties meriting
1227 protection. ~~For coastal counties, the future land use element~~
1228 ~~must include, without limitation, regulatory incentives and~~
1229 ~~criteria that encourage the preservation of recreational and~~
1230 ~~commercial working waterfronts as defined in s. 342.07.~~

1231 7. The future land use element must clearly identify the
1232 land use categories in which public schools are an allowable
1233 use. When delineating the land use categories in which public
1234 schools are an allowable use, a local government shall include
1235 in the categories sufficient land proximate to residential

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1236 development to meet the projected needs for schools in
1237 coordination with public school boards and may establish
1238 differing criteria for schools of different type or size. Each
1239 local government shall include lands contiguous to existing
1240 school sites, to the maximum extent possible, within the land
1241 use categories in which public schools are an allowable use. ~~The~~
1242 ~~failure by a local government to comply with these school siting~~
1243 ~~requirements will result in the prohibition of the local~~
1244 ~~government's ability to amend the local comprehensive plan,~~
1245 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1246 ~~the school siting requirements are met. Amendments proposed by a~~
1247 ~~local government for purposes of identifying the land use~~
1248 ~~categories in which public schools are an allowable use are~~
1249 ~~exempt from the limitation on the frequency of plan amendments~~
1250 ~~contained in s. 163.3187. The future land use element shall~~
1251 ~~include criteria that encourage the location of schools~~
1252 ~~proximate to urban residential areas to the extent possible and~~
1253 ~~shall require that the local government seek to collocate public~~
1254 ~~facilities, such as parks, libraries, and community centers,~~
1255 ~~with schools to the extent possible and to encourage the use of~~
1256 ~~elementary schools as focal points for neighborhoods. For~~
1257 ~~schools serving predominantly rural counties, defined as a~~
1258 ~~county with a population of 100,000 or fewer, an agricultural~~
1259 ~~land use category is eligible for the location of public school~~
1260 ~~facilities if the local comprehensive plan contains school~~
1261 ~~siting criteria and the location is consistent with such~~
1262 ~~criteria.~~

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1263 8. Future land use map amendments shall be based upon the
1264 following analyses:

1265 a. An analysis of the availability of facilities and
1266 services.

1267 b. An analysis of the suitability of the plan amendment
1268 for its proposed use considering the character of the
1269 undeveloped land, soils, topography, natural resources, and
1270 historic resources on site.

1271 c. An analysis of the minimum amount of land needed as
1272 determined by the local government.

1273 9. The future land use element and any amendment to the
1274 future land use element shall discourage the proliferation of
1275 urban sprawl.

1276 a. The primary indicators that a plan or plan amendment
1277 does not discourage the proliferation of urban sprawl are listed
1278 below. The evaluation of the presence of these indicators shall
1279 consist of an analysis of the plan or plan amendment within the
1280 context of features and characteristics unique to each locality
1281 in order to determine whether the plan or plan amendment:

1282 (I) Promotes, allows, or designates for development
1283 substantial areas of the jurisdiction to develop as low-
1284 intensity, low-density, or single-use development or uses.

1285 (II) Promotes, allows, or designates significant amounts
1286 of urban development to occur in rural areas at substantial
1287 distances from existing urban areas while not using undeveloped
1288 lands that are available and suitable for development.

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1289 (III) Promotes, allows, or designates urban development in
1290 radial, strip, isolated, or ribbon patterns generally emanating
1291 from existing urban developments.

1292 (IV) Fails to adequately protect and conserve natural
1293 resources, such as wetlands, floodplains, native vegetation,
1294 environmentally sensitive areas, natural groundwater aquifer
1295 recharge areas, lakes, rivers, shorelines, beaches, bays,
1296 estuarine systems, and other significant natural systems.

1297 (V) Fails to adequately protect adjacent agricultural
1298 areas and activities, including silviculture, active
1299 agricultural and silvicultural activities, passive agricultural
1300 activities, and dormant, unique, and prime farmlands and soils.

1301 (VI) Fails to maximize use of existing public facilities
1302 and services.

1303 (VII) Fails to maximize use of future public facilities
1304 and services.

1305 (VIII) Allows for land use patterns or timing which
1306 disproportionately increase the cost in time, money, and energy
1307 of providing and maintaining facilities and services, including
1308 roads, potable water, sanitary sewer, stormwater management, law
1309 enforcement, education, health care, fire and emergency
1310 response, and general government.

1311 (IX) Fails to provide a clear separation between rural and
1312 urban uses.

1313 (X) Discourages or inhibits infill development or the
1314 redevelopment of existing neighborhoods and communities.

1315 (XI) Fails to encourage a functional mix of uses.

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1316 (XII) Results in poor accessibility among linked or
1317 related land uses.

1318 (XIII) Results in the loss of significant amounts of
1319 functional open space.

1320 b. The future land use element or plan amendment shall be
1321 determined to discourage the proliferation of urban sprawl if it
1322 incorporates a development pattern or urban form that achieves
1323 four or more of the following:

1324 (I) Directs or locates economic growth and associated land
1325 development to geographic areas of the community in a manner
1326 that does not have an adverse impact on and protects natural
1327 resources and ecosystems.

1328 (II) Promotes the efficient and cost-effective provision
1329 or extension of public infrastructure and services.

1330 (III) Promotes walkable and connected communities and
1331 provides for compact development and a mix of uses at densities
1332 and intensities that will support a range of housing choices and
1333 a multimodal transportation system, including pedestrian,
1334 bicycle, and transit, if available.

1335 (IV) Promotes conservation of water and energy.

1336 (V) Preserves agricultural areas and activities, including
1337 silviculture, and dormant, unique, and prime farmlands and
1338 soils.

1339 (VI) Preserves open space and natural lands and provides
1340 for public open space and recreation needs.

1341 (VII) Creates a balance of land uses based upon demands of
1342 residential population for the nonresidential needs of an area.

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1343 (VIII) Provides uses, densities, and intensities of use
1344 and urban form that would remediate an existing or planned
1345 development pattern in the vicinity that constitutes sprawl or
1346 if it provides for an innovative development pattern such as
1347 transit-oriented developments or new towns as defined in s.
1348 163.3164.

1349 10. The future land use element shall include a future
1350 land use map or map series.

1351 a. The proposed distribution, extent, and location of the
1352 following uses shall be shown on the future land use map or map
1353 series:

1354 (I) Residential.

1355 (II) Commercial.

1356 (III) Industrial.

1357 (IV) Agricultural.

1358 (V) Recreational.

1359 (VI) Conservation.

1360 (VII) Educational.

1361 (VIII) Public.

1362 b. The following areas shall also be shown on the future
1363 land use map or map series, if applicable:

1364 (I) Historic district boundaries and designated
1365 historically significant properties.

1366 (II) Transportation concurrency management area boundaries
1367 or transportation concurrency exception area boundaries.

1368 (III) Multimodal transportation district boundaries.

1369 (IV) Mixed use categories.

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1370 c. The following natural resources or conditions shall be
1371 shown on the future land use map or map series, if applicable:

1372 (I) Existing and planned public potable waterwells, cones
1373 of influence, and wellhead protection areas.

1374 (II) Beaches and shores, including estuarine systems.

1375 (III) Rivers, bays, lakes, floodplains, and harbors.

1376 (IV) Wetlands.

1377 (V) Minerals and soils.

1378 (VI) Coastal high hazard areas.

1379 11. Local governments required to update or amend their
1380 comprehensive plan to include criteria and address compatibility
1381 of lands adjacent or closely proximate to existing military
1382 installations, or lands adjacent to an airport as defined in s.
1383 330.35 and consistent with s. 333.02, in their future land use
1384 plan element shall transmit the update or amendment to the state
1385 land planning agency by June 30, 2012.

1386 (b) A transportation element addressing mobility issues in
1387 relationship to the size and character of the local government.
1388 The purpose of the transportation element shall be to plan for a
1389 multimodal transportation system that places emphasis on public
1390 transportation systems, where feasible. The element shall
1391 provide for a safe, convenient multimodal transportation system,
1392 coordinated with the future land use map or map series and
1393 designed to support all elements of the comprehensive plan. A
1394 local government that has all or part of its jurisdiction
1395 included within the metropolitan planning area of a metropolitan
1396 planning organization (M.P.O.) pursuant to s. 339.175 shall
1397 prepare and adopt a transportation element consistent with this

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1398 subsection. Local governments that are not located within the
1399 metropolitan planning area of an M.P.O. shall address traffic
1400 circulation, mass transit, and ports, and aviation and related
1401 facilities consistent with this subsection, except that local
1402 governments with a population of 50,000 or less shall only be
1403 required to address transportation circulation. The element
1404 shall be coordinated with the plans and programs of any
1405 applicable metropolitan planning organization, transportation
1406 authority, Florida Transportation Plan, and Department of
1407 Transportation's adopted work program.

1408 1. Each local government's transportation element shall
1409 address

1410 ~~(b)~~ A traffic circulation, including element consisting of
1411 the types, locations, and extent of existing and proposed major
1412 thoroughfares and transportation routes, including bicycle and
1413 pedestrian ways. Transportation corridors, as defined in s.
1414 334.03, may be designated in the transportation traffic
1415 circulation element pursuant to s. 337.273. If the
1416 transportation corridors are designated, the local government
1417 may adopt a transportation corridor management ordinance. The
1418 element shall include a map or map series showing the general
1419 location of the existing and proposed transportation system
1420 features and shall be coordinated with the future land use map
1421 or map series. The element shall reflect the data, analysis, and
1422 associated principles and strategies relating to:

1423 a. The existing transportation system levels of service
1424 and system needs and the availability of transportation
1425 facilities and services.

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1426 b. The growth trends and travel patterns and interactions
1427 between land use and transportation.

1428 c. Existing and projected intermodal deficiencies and
1429 needs.

1430 d. The projected transportation system levels of service
1431 and system needs based upon the future land use map and the
1432 projected integrated transportation system.

1433 e. How the local government will correct existing facility
1434 deficiencies, meet the identified needs of the projected
1435 transportation system, and advance the purpose of this paragraph
1436 and the other elements of the comprehensive plan.

1437 2. Local governments within a metropolitan planning area
1438 designated as an M.P.O. pursuant to s. 339.175 shall also
1439 address:

1440 a. All alternative modes of travel, such as public
1441 transportation, pedestrian, and bicycle travel.

1442 b. Aviation, rail, seaport facilities, access to those
1443 facilities, and intermodal terminals.

1444 c. The capability to evacuate the coastal population
1445 before an impending natural disaster.

1446 d. Airports, projected airport and aviation development,
1447 and land use compatibility around airports, which includes areas
1448 defined in ss. 333.01 and 333.02.

1449 e. An identification of land use densities, building
1450 intensities, and transportation management programs to promote
1451 public transportation systems in designated public
1452 transportation corridors so as to encourage population densities
1453 sufficient to support such systems.

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1454 3. Municipalities having populations greater than 50,000,
1455 and counties having populations greater than 75,000, shall
1456 include mass-transit provisions showing proposed methods for the
1457 moving of people, rights-of-way, terminals, and related
1458 facilities and shall address:

1459 a. The provision of efficient public transit services
1460 based upon existing and proposed major trip generators and
1461 attractors, safe and convenient public transit terminals, land
1462 uses, and accommodation of the special needs of the
1463 transportation disadvantaged.

1464 b. Plans for port, aviation, and related facilities
1465 coordinated with the general circulation and transportation
1466 element.

1467 c. Plans for the circulation of recreational traffic,
1468 including bicycle facilities, exercise trails, riding
1469 facilities, and such other matters as may be related to the
1470 improvement and safety of movement of all types of recreational
1471 traffic.

1472 4. At the option of a local government, an airport master
1473 plan, and any subsequent amendments to the airport master plan,
1474 prepared by a licensed publicly owned and operated airport under
1475 s. 333.06 may be incorporated into the local government
1476 comprehensive plan by the local government having jurisdiction
1477 under this act for the area in which the airport or projected
1478 airport development is located by the adoption of a
1479 comprehensive plan amendment. In the amendment to the local
1480 comprehensive plan that integrates the airport master plan, the
1481 comprehensive plan amendment shall address land use

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1482 compatibility consistent with chapter 333 regarding airport
1483 zoning; the provision of regional transportation facilities for
1484 the efficient use and operation of the transportation system and
1485 airport; consistency with the local government transportation
1486 circulation element and applicable M.P.O. long-range
1487 transportation plans; the execution of any necessary interlocal
1488 agreements for the purposes of the provision of public
1489 facilities and services to maintain the adopted level-of-service
1490 standards for facilities subject to concurrency; and may address
1491 airport-related or aviation-related development. Development or
1492 expansion of an airport consistent with the adopted airport
1493 master plan that has been incorporated into the local
1494 comprehensive plan in compliance with this part, and airport-
1495 related or aviation-related development that has been addressed
1496 in the comprehensive plan amendment that incorporates the
1497 airport master plan, do not constitute a development of regional
1498 impact. Notwithstanding any other general law, an airport that
1499 has received a development-of-regional-impact development order
1500 pursuant to s. 380.06, but which is no longer required to
1501 undergo development-of-regional-impact review pursuant to this
1502 subsection, may rescind its development-of-regional-impact order
1503 upon written notification to the applicable local government.
1504 Upon receipt by the local government, the development-of-
1505 regional-impact development order shall be deemed rescinded. The
1506 ~~traffic circulation element shall incorporate transportation~~
1507 ~~strategies to address reduction in greenhouse gas emissions from~~
1508 ~~the transportation sector.~~

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1509 (c) A general sanitary sewer, solid waste, drainage,
1510 potable water, and natural groundwater aquifer recharge element
1511 correlated to principles and guidelines for future land use,
1512 indicating ways to provide for future potable water, drainage,
1513 sanitary sewer, solid waste, and aquifer recharge protection
1514 requirements for the area. The element may be a detailed
1515 engineering plan including a topographic map depicting areas of
1516 prime groundwater recharge.

1517 1. Each local government shall address in the data and
1518 analyses required by this section those facilities that provide
1519 service within the local government's jurisdiction. Local
1520 governments that provide facilities to serve areas within other
1521 local government jurisdictions shall also address those
1522 facilities in the data and analyses required by this section,
1523 using data from the comprehensive plan for those areas for the
1524 purpose of projecting facility needs as required in this
1525 subsection. For shared facilities, each local government shall
1526 indicate the proportional capacity of the systems allocated to
1527 serve its jurisdiction.

1528 2. The element shall describe the problems and needs and
1529 the general facilities that will be required for solution of the
1530 problems and needs, including correcting existing facility
1531 deficiencies. The element shall address coordinating the
1532 extension of, or increase in the capacity of, facilities to meet
1533 future needs while maximizing the use of existing facilities and
1534 discouraging urban sprawl; conservation of potable water
1535 resources; and protecting the functions of natural groundwater
1536 recharge areas and natural drainage features. ~~The element shall~~

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1537 ~~also include a topographic map depicting any areas adopted by a~~
1538 ~~regional water management district as prime groundwater recharge~~
1539 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~
1540 ~~be given special consideration when the local government is~~
1541 ~~engaged in zoning or considering future land use for said~~
1542 ~~designated areas. For areas served by septic tanks, soil surveys~~
1543 ~~shall be provided which indicate the suitability of soils for~~
1544 ~~septic tanks.~~

1545 3. Within 18 months after the governing board approves an
1546 updated regional water supply plan, the element must incorporate
1547 the alternative water supply project or projects selected by the
1548 local government from those identified in the regional water
1549 supply plan pursuant to s. 373.709(2)(a) or proposed by the
1550 local government under s. 373.709(8)(b). If a local government
1551 is located within two water management districts, the local
1552 government shall adopt its comprehensive plan amendment within
1553 18 months after the later updated regional water supply plan.
1554 The element must identify such alternative water supply projects
1555 and traditional water supply projects and conservation and reuse
1556 necessary to meet the water needs identified in s. 373.709(2)(a)
1557 within the local government's jurisdiction and include a work
1558 plan, covering at least a 10-year planning period, for building
1559 public, private, and regional water supply facilities, including
1560 development of alternative water supplies, which are identified
1561 in the element as necessary to serve existing and new
1562 development. The work plan shall be updated, at a minimum, every
1563 5 years within 18 months after the governing board of a water
1564 management district approves an updated regional water supply

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1565 | ~~plan. Amendments to incorporate the work plan do not count~~
1566 | ~~toward the limitation on the frequency of adoption of amendments~~
1567 | ~~to the comprehensive plan.~~ Local governments, public and private
1568 | utilities, regional water supply authorities, special districts,
1569 | and water management districts are encouraged to cooperatively
1570 | plan for the development of multijurisdictional water supply
1571 | facilities that are sufficient to meet projected demands for
1572 | established planning periods, including the development of
1573 | alternative water sources to supplement traditional sources of
1574 | groundwater and surface water supplies.

1575 | (d) A conservation element for the conservation, use, and
1576 | protection of natural resources in the area, including air,
1577 | water, water recharge areas, wetlands, waterwells, estuarine
1578 | marshes, soils, beaches, shores, flood plains, rivers, bays,
1579 | lakes, harbors, forests, fisheries and wildlife, marine habitat,
1580 | minerals, and other natural and environmental resources,
1581 | including factors that affect energy conservation.

1582 | 1. The following natural resources, where present within
1583 | the local government's boundaries, shall be identified and
1584 | analyzed and existing recreational or conservation uses, known
1585 | pollution problems, including hazardous wastes, and the
1586 | potential for conservation, recreation, use, or protection shall
1587 | also be identified:

1588 | a. Rivers, bays, lakes, wetlands including estuarine
1589 | marshes, groundwaters, and springs, including information on
1590 | quality of the resource available.

1591 | b. Floodplains.

1592 | c. Known sources of commercially valuable minerals.

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1593 d. Areas known to have experienced soil erosion problems.

1594 e. Areas that are the location of recreationally and
1595 commercially important fish or shellfish, wildlife, marine
1596 habitats, and vegetative communities, including forests,
1597 indicating known dominant species present and species listed by
1598 federal, state, or local government agencies as endangered,
1599 threatened, or species of special concern.

1600 2. The element must contain principles, guidelines, and
1601 standards for conservation that provide long-term goals and
1602 which:

1603 a. Protects air quality.

1604 b. Conserves, appropriately uses, and protects the quality
1605 and quantity of current and projected water sources and waters
1606 that flow into estuarine waters or oceanic waters and protect
1607 from activities and land uses known to affect adversely the
1608 quality and quantity of identified water sources, including
1609 natural groundwater recharge areas, wellhead protection areas,
1610 and surface waters used as a source of public water supply.

1611 c. Provides for the emergency conservation of water
1612 sources in accordance with the plans of the regional water
1613 management district.

1614 d. Conserves, appropriately uses, and protects minerals,
1615 soils, and native vegetative communities, including forests,
1616 from destruction by development activities.

1617 e. Conserves, appropriately uses, and protects fisheries,
1618 wildlife, wildlife habitat, and marine habitat and restricts
1619 activities known to adversely affect the survival of endangered
1620 and threatened wildlife.

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1621 f. Protects existing natural reservations identified in
1622 the recreation and open space element.

1623 g. Maintains cooperation with adjacent local governments
1624 to conserve, appropriately use, or protect unique vegetative
1625 communities located within more than one local jurisdiction.

1626 h. Designates environmentally sensitive lands for
1627 protection based on locally determined criteria which further
1628 the goals and objectives of the conservation element.

1629 i. Manages hazardous waste to protect natural resources.

1630 j. Protects and conserves wetlands and the natural
1631 functions of wetlands.

1632 k. Directs future land uses that are incompatible with the
1633 protection and conservation of wetlands and wetland functions
1634 away from wetlands. The type, intensity or density, extent,
1635 distribution, and location of allowable land uses and the types,
1636 values, functions, sizes, conditions, and locations of wetlands
1637 are land use factors that shall be considered when directing
1638 incompatible land uses away from wetlands. Land uses shall be
1639 distributed in a manner that minimizes the effect and impact on
1640 wetlands. The protection and conservation of wetlands by the
1641 direction of incompatible land uses away from wetlands shall
1642 occur in combination with other principles, guidelines,
1643 standards, and strategies in the comprehensive plan. Where
1644 incompatible land uses are allowed to occur, mitigation shall be
1645 considered as one means to compensate for loss of wetlands
1646 functions.

1647 3. Local governments shall assess their Current and, as
1648 well as projected, water needs and sources for at least a 10-
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1649 year period based on the demands for industrial, agricultural,
1650 and potable water use and the quality and quantity of water
1651 available to meet these demands shall be analyzed. The analysis
1652 shall consider the existing levels of water conservation, use,
1653 and protection and applicable policies of the regional water
1654 management district and further must consider,~~considering~~ the
1655 appropriate regional water supply plan approved pursuant to s.
1656 373.709, or, in the absence of an approved regional water supply
1657 plan, the district water management plan approved pursuant to s.
1658 373.036(2). This information shall be submitted to the
1659 appropriate agencies. ~~The land use map or map series contained~~
1660 ~~in the future land use element shall generally identify and~~
1661 ~~depict the following:~~

- 1662 ~~1. Existing and planned waterwells and cones of influence~~
1663 ~~where applicable.~~
- 1664 ~~2. Beaches and shores, including estuarine systems.~~
- 1665 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~
- 1666 ~~4. Wetlands.~~
- 1667 ~~5. Minerals and soils.~~
- 1668 ~~6. Energy conservation.~~

1669
1670 ~~The land uses identified on such maps shall be consistent with~~
1671 ~~applicable state law and rules.~~

1672 (e) A recreation and open space element indicating a
1673 comprehensive system of public and private sites for recreation,
1674 including, but not limited to, natural reservations, parks and
1675 playgrounds, parkways, beaches and public access to beaches,
1676 open spaces, waterways, and other recreational facilities.

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1677 (f)1. A housing element consisting of ~~standards, plans,~~
1678 ~~and principles,~~ guidelines, standards, and strategies to be
1679 followed in:

1680 a. The provision of housing for all current and
1681 anticipated future residents of the jurisdiction.

1682 b. The elimination of substandard dwelling conditions.

1683 c. The structural and aesthetic improvement of existing
1684 housing.

1685 d. The provision of adequate sites for future housing,
1686 including affordable workforce housing as defined in s.
1687 380.0651(3) ~~(h)-(j)~~, housing for low-income, very low-income, and
1688 moderate-income families, mobile homes, and group home
1689 facilities and foster care facilities, with supporting
1690 infrastructure and public facilities.

1691 e. Provision for relocation housing and identification of
1692 historically significant and other housing for purposes of
1693 conservation, rehabilitation, or replacement.

1694 f. The formulation of housing implementation programs.

1695 g. The creation or preservation of affordable housing to
1696 minimize the need for additional local services and avoid the
1697 concentration of affordable housing units only in specific areas
1698 of the jurisdiction.

1699 ~~h. Energy efficiency in the design and construction of new~~
1700 ~~housing.~~

1701 ~~i. Use of renewable energy resources.~~

1702 ~~j. Each county in which the gap between the buying power~~
1703 ~~of a family of four and the median county home sale price~~
1704 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~
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1705 ~~Corporation, and which is not designated as an area of critical~~
1706 ~~state concern shall adopt a plan for ensuring affordable~~
1707 ~~workforce housing. At a minimum, the plan shall identify~~
1708 ~~adequate sites for such housing. For purposes of this sub-~~
1709 ~~subparagraph, the term "workforce housing" means housing that is~~
1710 ~~affordable to natural persons or families whose total household~~
1711 ~~income does not exceed 140 percent of the area median income,~~
1712 ~~adjusted for household size.~~

1713 ~~k. As a precondition to receiving any state affordable~~
1714 ~~housing funding or allocation for any project or program within~~
1715 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
1716 ~~j., a county must, by July 1 of each year, provide certification~~
1717 ~~that the county has complied with the requirements of sub-~~
1718 ~~subparagraph j.~~

1719 2. The principles, guidelines, standards, and strategies
1720 goals, objectives, and policies of the housing element must be
1721 based on the data and analysis prepared on housing needs,
1722 including an inventory taken from the latest decennial United
1723 States Census or more recent estimates, which shall include the
1724 number and distribution of dwelling units by type, tenure, age,
1725 rent, value, monthly cost of owner-occupied units, and rent or
1726 cost to income ratio, and shall show the number of dwelling
1727 units that are substandard. The inventory shall also include the
1728 methodology used to estimate the condition of housing, a
1729 projection of the anticipated number of households by size,
1730 income range, and age of residents derived from the population
1731 projections, and the minimum housing need of the current and

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1732 ~~anticipated future residents of the jurisdiction the affordable~~
1733 ~~housing needs assessment.~~

1734 3. The housing element must express principles,
1735 guidelines, standards, and strategies that reflect, as needed,
1736 the creation and preservation of affordable housing for all
1737 current and anticipated future residents of the jurisdiction,
1738 elimination of substandard housing conditions, adequate sites,
1739 and distribution of housing for a range of incomes and types,
1740 including mobile and manufactured homes. The element must
1741 provide for specific programs and actions to partner with
1742 private and nonprofit sectors to address housing needs in the
1743 jurisdiction, streamline the permitting process, and minimize
1744 costs and delays for affordable housing, establish standards to
1745 address the quality of housing, stabilization of neighborhoods,
1746 and identification and improvement of historically significant
1747 housing.

1748 4. State and federal housing plans prepared on behalf of
1749 the local government must be consistent with the goals,
1750 objectives, and policies of the housing element. Local
1751 governments are encouraged to use job training, job creation,
1752 and economic solutions to address a portion of their affordable
1753 housing concerns.

1754 ~~2. To assist local governments in housing data collection~~
1755 ~~and analysis and assure uniform and consistent information~~
1756 ~~regarding the state's housing needs, the state land planning~~
1757 ~~agency shall conduct an affordable housing needs assessment for~~
1758 ~~all local jurisdictions on a schedule that coordinates the~~
1759 ~~implementation of the needs assessment with the evaluation and~~
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1760 ~~appraisal reports required by s. 163.3191. Each local government~~
1761 ~~shall utilize the data and analysis from the needs assessment as~~
1762 ~~one basis for the housing element of its local comprehensive~~
1763 ~~plan. The agency shall allow a local government the option to~~
1764 ~~perform its own needs assessment, if it uses the methodology~~
1765 ~~established by the agency by rule.~~

1766 (g)~~1.~~ For those units of local government identified in s.
1767 380.24, a coastal management element, appropriately related to
1768 the particular requirements of paragraphs (d) and (e) and
1769 meeting the requirements of s. 163.3178(2) and (3). The coastal
1770 management element shall set forth the principles, guidelines,
1771 standards, and strategies ~~policies~~ that shall guide the local
1772 government's decisions and program implementation with respect
1773 to the following objectives:

1774 ~~1.a.~~ Maintain, restore, and enhance ~~Maintenance,~~
1775 ~~restoration, and enhancement~~ of the overall quality of the
1776 coastal zone environment, including, but not limited to, its
1777 amenities and aesthetic values.

1778 ~~2.b.~~ Preserve the continued existence of viable
1779 populations of all species of wildlife and marine life.

1780 ~~3.c.~~ Protect the orderly and balanced utilization and
1781 preservation, consistent with sound conservation principles, of
1782 all living and nonliving coastal zone resources.

1783 ~~4.d.~~ Avoid ~~Avoidance~~ of irreversible and irretrievable
1784 loss of coastal zone resources.

1785 ~~5.e.~~ Use ecological planning principles and assumptions ~~to~~
1786 ~~be used~~ in the determination of the suitability and extent of
1787 permitted development.

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- 1788 ~~f. Proposed management and regulatory techniques.~~
1789 6.g. Limit Limitation of public expenditures that
1790 subsidize development in ~~high-hazard~~ coastal high-hazard areas.
1791 7.h. Protect Protection of human life against the effects
1792 of natural disasters.
1793 8.i. Direct the orderly development, maintenance, and use
1794 of ports identified in s. 403.021(9) to facilitate deepwater
1795 commercial navigation and other related activities.
1796 9.j. Preserve historic and archaeological resources, which
1797 include the Preservation, including sensitive adaptive use of
1798 these historic and archaeological resources.
1799 10. At the option of the local government, develop an
1800 adaptation action area designation for those low-lying coastal
1801 zones that are experiencing coastal flooding due to extreme high
1802 tides and storm surge and are vulnerable to the impacts of
1803 rising sea level. Local governments that adopt an adaptation
1804 action area may consider policies within the coastal management
1805 element to improve resilience to coastal flooding resulting from
1806 high-tide events, storm surge, flash floods, stormwater runoff,
1807 and related impacts of sea level rise. Criteria for the
1808 adaptation action area may include, but need not be limited to,
1809 areas for which the land elevations are below, at, or near mean
1810 higher high water, which have an hydrologic connection to
1811 coastal waters, or which are designated as evacuation zones for
1812 storm surge.
1813 ~~2. As part of this element, a local government that has a~~
1814 ~~coastal management element in its comprehensive plan is~~
1815 ~~encouraged to adopt recreational surface water use policies that~~

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1816 ~~include applicable criteria for and consider such factors as~~
1817 ~~natural resources, manatee protection needs, protection of~~
1818 ~~working waterfronts and public access to the water, and~~
1819 ~~recreation and economic demands. Criteria for manatee protection~~
1820 ~~in the recreational surface water use policies should reflect~~
1821 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
1822 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
1823 ~~the local government elects to adopt recreational surface water~~
1824 ~~use policies by comprehensive plan amendment, such comprehensive~~
1825 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
1826 ~~Local governments that wish to adopt recreational surface water~~
1827 ~~use policies may be eligible for assistance with the development~~
1828 ~~of such policies through the Florida Coastal Management Program.~~
1829 ~~The Office of Program Policy Analysis and Government~~
1830 ~~Accountability shall submit a report on the adoption of~~
1831 ~~recreational surface water use policies under this subparagraph~~
1832 ~~to the President of the Senate, the Speaker of the House of~~
1833 ~~Representatives, and the majority and minority leaders of the~~
1834 ~~Senate and the House of Representatives no later than December~~
1835 ~~1, 2010.~~

1836 (h)1. An intergovernmental coordination element showing
1837 relationships and stating principles and guidelines to be used
1838 in coordinating the adopted comprehensive plan with the plans of
1839 school boards, regional water supply authorities, and other
1840 units of local government providing services but not having
1841 regulatory authority over the use of land, with the
1842 comprehensive plans of adjacent municipalities, the county,
1843 adjacent counties, or the region, with the state comprehensive

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1844 plan and with the applicable regional water supply plan approved
1845 pursuant to s. 373.709, as the case may require and as such
1846 adopted plans or plans in preparation may exist. This element of
1847 the local comprehensive plan must demonstrate consideration of
1848 the particular effects of the local plan, when adopted, upon the
1849 development of adjacent municipalities, the county, adjacent
1850 counties, or the region, or upon the state comprehensive plan,
1851 as the case may require.

1852 a. The intergovernmental coordination element must provide
1853 procedures for identifying and implementing joint planning
1854 areas, especially for the purpose of annexation, municipal
1855 incorporation, and joint infrastructure service areas.

1856 ~~b. The intergovernmental coordination element must provide~~
1857 ~~for recognition of campus master plans prepared pursuant to s.~~
1858 ~~1013.30 and airport master plans under paragraph (k).~~

1859 ~~e.~~ The intergovernmental coordination element shall
1860 provide for a dispute resolution process, as established
1861 pursuant to s. 186.509, for bringing intergovernmental disputes
1862 to closure in a timely manner.

1863 ~~c.d.~~ The intergovernmental coordination element shall
1864 provide for interlocal agreements as established pursuant to s.
1865 333.03(1)(b).

1866 2. The intergovernmental coordination element shall also
1867 state principles and guidelines to be used in coordinating the
1868 adopted comprehensive plan with the plans of school boards and
1869 other units of local government providing facilities and
1870 services but not having regulatory authority over the use of
1871 land. In addition, the intergovernmental coordination element
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1872 must describe joint processes for collaborative planning and
1873 decisionmaking on population projections and public school
1874 siting, the location and extension of public facilities subject
1875 to concurrency, and siting facilities with countywide
1876 significance, including locally unwanted land uses whose nature
1877 and identity are established in an agreement.

1878 3. Within 1 year after adopting their intergovernmental
1879 coordination elements, each county, all the municipalities
1880 within that county, the district school board, and any unit of
1881 local government service providers in that county shall
1882 establish by interlocal or other formal agreement executed by
1883 all affected entities, the joint processes described in this
1884 subparagraph consistent with their adopted intergovernmental
1885 coordination elements. The element must:

1886 a. Ensure that the local government addresses through
1887 coordination mechanisms the impacts of development proposed in
1888 the local comprehensive plan upon development in adjacent
1889 municipalities, the county, adjacent counties, the region, and
1890 the state. The area of concern for municipalities shall include
1891 adjacent municipalities, the county, and counties adjacent to
1892 the municipality. The area of concern for counties shall include
1893 all municipalities within the county, adjacent counties, and
1894 adjacent municipalities.

1895 b. Ensure coordination in establishing level of service
1896 standards for public facilities with any state, regional, or
1897 local entity having operational and maintenance responsibility
1898 for such facilities.

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1899 ~~3. To foster coordination between special districts and~~
1900 ~~local general-purpose governments as local general-purpose~~
1901 ~~governments implement local comprehensive plans, each~~
1902 ~~independent special district must submit a public facilities~~
1903 ~~report to the appropriate local government as required by s.~~
1904 ~~189.415.~~

1905 ~~4. Local governments shall execute an interlocal agreement~~
1906 ~~with the district school board, the county, and nonexempt~~
1907 ~~municipalities pursuant to s. 163.31777. The local government~~
1908 ~~shall amend the intergovernmental coordination element to ensure~~
1909 ~~that coordination between the local government and school board~~
1910 ~~is pursuant to the agreement and shall state the obligations of~~
1911 ~~the local government under the agreement. Plan amendments that~~
1912 ~~comply with this subparagraph are exempt from the provisions of~~
1913 ~~s. 163.3187(1).~~

1914 ~~5. By January 1, 2004, any county having a population~~
1915 ~~greater than 100,000, and the municipalities and special~~
1916 ~~districts within that county, shall submit a report to the~~
1917 ~~Department of Community Affairs which identifies:~~

1918 ~~a. All existing or proposed interlocal service delivery~~
1919 ~~agreements relating to education; sanitary sewer; public safety;~~
1920 ~~solid waste; drainage; potable water; parks and recreation; and~~
1921 ~~transportation facilities.~~

1922 ~~b. Any deficits or duplication in the provision of~~
1923 ~~services within its jurisdiction, whether capital or~~
1924 ~~operational. Upon request, the Department of Community Affairs~~
1925 ~~shall provide technical assistance to the local governments in~~
1926 ~~identifying deficits or duplication.~~

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1927 ~~6. Within 6 months after submission of the report, the~~
1928 ~~Department of Community Affairs shall, through the appropriate~~
1929 ~~regional planning council, coordinate a meeting of all local~~
1930 ~~governments within the regional planning area to discuss the~~
1931 ~~reports and potential strategies to remedy any identified~~
1932 ~~deficiencies or duplications.~~

1933 ~~7. Each local government shall update its~~
1934 ~~intergovernmental coordination element based upon the findings~~
1935 ~~in the report submitted pursuant to subparagraph 5. The report~~
1936 ~~may be used as supporting data and analysis for the~~
1937 ~~intergovernmental coordination element.~~

1938 ~~(i) The optional elements of the comprehensive plan in~~
1939 ~~paragraphs (7) (a) and (b) are required elements for those~~
1940 ~~municipalities having populations greater than 50,000, and those~~
1941 ~~counties having populations greater than 75,000, as determined~~
1942 ~~under s. 186.901.~~

1943 ~~(j) For each unit of local government within an urbanized~~
1944 ~~area designated for purposes of s. 339.175, a transportation~~
1945 ~~element, which must be prepared and adopted in lieu of the~~
1946 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
1947 ~~and (d) and which shall address the following issues:~~

1948 ~~1. Traffic circulation, including major thoroughfares and~~
1949 ~~other routes, including bicycle and pedestrian ways.~~

1950 ~~2. All alternative modes of travel, such as public~~
1951 ~~transportation, pedestrian, and bicycle travel.~~

1952 ~~3. Parking facilities.~~

1953 ~~4. Aviation, rail, seaport facilities, access to those~~
1954 ~~facilities, and intermodal terminals.~~

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1955 ~~5. The availability of facilities and services to serve~~
1956 ~~existing land uses and the compatibility between future land use~~
1957 ~~and transportation elements.~~

1958 ~~6. The capability to evacuate the coastal population prior~~
1959 ~~to an impending natural disaster.~~

1960 ~~7. Airports, projected airport and aviation development,~~
1961 ~~and land use compatibility around airports, which includes areas~~
1962 ~~defined in ss. 333.01 and 333.02.~~

1963 ~~8. An identification of land use densities, building~~
1964 ~~intensities, and transportation management programs to promote~~
1965 ~~public transportation systems in designated public~~
1966 ~~transportation corridors so as to encourage population densities~~
1967 ~~sufficient to support such systems.~~

1968 ~~9. May include transportation corridors, as defined in s.~~
1969 ~~334.03, intended for future transportation facilities designated~~
1970 ~~pursuant to s. 337.273. If transportation corridors are~~
1971 ~~designated, the local government may adopt a transportation~~
1972 ~~corridor management ordinance.~~

1973 ~~10. The incorporation of transportation strategies to~~
1974 ~~address reduction in greenhouse gas emissions from the~~
1975 ~~transportation sector.~~

1976 ~~(k) An airport master plan, and any subsequent amendments~~
1977 ~~to the airport master plan, prepared by a licensed publicly~~
1978 ~~owned and operated airport under s. 333.06 may be incorporated~~
1979 ~~into the local government comprehensive plan by the local~~
1980 ~~government having jurisdiction under this act for the area in~~
1981 ~~which the airport or projected airport development is located by~~
1982 ~~the adoption of a comprehensive plan amendment. In the amendment~~
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1983 ~~to the local comprehensive plan that integrates the airport~~
1984 ~~master plan, the comprehensive plan amendment shall address land~~
1985 ~~use compatibility consistent with chapter 333 regarding airport~~
1986 ~~zoning; the provision of regional transportation facilities for~~
1987 ~~the efficient use and operation of the transportation system and~~
1988 ~~airport; consistency with the local government transportation~~
1989 ~~circulation element and applicable metropolitan planning~~
1990 ~~organization long-range transportation plans; and the execution~~
1991 ~~of any necessary interlocal agreements for the purposes of the~~
1992 ~~provision of public facilities and services to maintain the~~
1993 ~~adopted level-of-service standards for facilities subject to~~
1994 ~~concurrency; and may address airport-related or aviation-related~~
1995 ~~development. Development or expansion of an airport consistent~~
1996 ~~with the adopted airport master plan that has been incorporated~~
1997 ~~into the local comprehensive plan in compliance with this part,~~
1998 ~~and airport-related or aviation-related development that has~~
1999 ~~been addressed in the comprehensive plan amendment that~~
2000 ~~incorporates the airport master plan, shall not be a development~~
2001 ~~of regional impact. Notwithstanding any other general law, an~~
2002 ~~airport that has received a development-of-regional-impact~~
2003 ~~development order pursuant to s. 380.06, but which is no longer~~
2004 ~~required to undergo development-of-regional-impact review~~
2005 ~~pursuant to this subsection, may abandon its development-of-~~
2006 ~~regional-impact order upon written notification to the~~
2007 ~~applicable local government. Upon receipt by the local~~
2008 ~~government, the development-of-regional-impact development order~~
2009 ~~is void.~~

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2010 ~~(7) The comprehensive plan may include the following~~
2011 ~~additional elements, or portions or phases thereof:~~

2012 ~~(a) As a part of the circulation element of paragraph~~
2013 ~~(6) (b) or as a separate element, a mass transit element showing~~
2014 ~~proposed methods for the moving of people, rights of way,~~
2015 ~~terminals, related facilities, and fiscal considerations for the~~
2016 ~~accomplishment of the element.~~

2017 ~~(b) As a part of the circulation element of paragraph~~
2018 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
2019 ~~related facilities coordinated with the general circulation and~~
2020 ~~transportation element.~~

2021 ~~(c) As a part of the circulation element of paragraph~~
2022 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
2023 ~~applicable, a plan element for the circulation of recreational~~
2024 ~~traffic, including bicycle facilities, exercise trails, riding~~
2025 ~~facilities, and such other matters as may be related to the~~
2026 ~~improvement and safety of movement of all types of recreational~~
2027 ~~traffic.~~

2028 ~~(d) As a part of the circulation element of paragraph~~
2029 ~~(6) (b) or as a separate element, a plan element for the~~
2030 ~~development of offstreet parking facilities for motor vehicles~~
2031 ~~and the fiscal considerations for the accomplishment of the~~
2032 ~~element.~~

2033 ~~(e) A public buildings and related facilities element~~
2034 ~~showing locations and arrangements of civic and community~~
2035 ~~centers, public schools, hospitals, libraries, police and fire~~
2036 ~~stations, and other public buildings. This plan element should~~
2037 ~~show particularly how it is proposed to effect coordination with~~
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2038 ~~governmental units, such as school boards or hospital~~
2039 ~~authorities, having public development and service~~
2040 ~~responsibilities, capabilities, and potential but not having~~
2041 ~~land development regulatory authority. This element may include~~
2042 ~~plans for architecture and landscape treatment of their grounds.~~

2043 ~~(f) A recommended community design element which may~~
2044 ~~consist of design recommendations for land subdivision,~~
2045 ~~neighborhood development and redevelopment, design of open space~~
2046 ~~locations, and similar matters to the end that such~~
2047 ~~recommendations may be available as aids and guides to~~
2048 ~~developers in the future planning and development of land in the~~
2049 ~~area.~~

2050 ~~(g) A general area redevelopment element consisting of~~
2051 ~~plans and programs for the redevelopment of slums and blighted~~
2052 ~~locations in the area and for community redevelopment, including~~
2053 ~~housing sites, business and industrial sites, public buildings~~
2054 ~~sites, recreational facilities, and other purposes authorized by~~
2055 ~~law.~~

2056 ~~(h) A safety element for the protection of residents and~~
2057 ~~property of the area from fire, hurricane, or manmade or natural~~
2058 ~~catastrophe, including such necessary features for protection as~~
2059 ~~evacuation routes and their control in an emergency, water~~
2060 ~~supply requirements, minimum road widths, clearances around and~~
2061 ~~elevations of structures, and similar matters.~~

2062 ~~(i) An historical and scenic preservation element setting~~
2063 ~~out plans and programs for those structures or lands in the area~~
2064 ~~having historical, archaeological, architectural, scenic, or~~
2065 ~~similar significance.~~

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2066 ~~(j) An economic element setting forth principles and~~
2067 ~~guidelines for the commercial and industrial development, if~~
2068 ~~any, and the employment and personnel utilization within the~~
2069 ~~area. The element may detail the type of commercial and~~
2070 ~~industrial development sought, correlated to the present and~~
2071 ~~projected employment needs of the area and to other elements of~~
2072 ~~the plans, and may set forth methods by which a balanced and~~
2073 ~~stable economic base will be pursued.~~

2074 ~~(k) Such other elements as may be peculiar to, and~~
2075 ~~necessary for, the area concerned and as are added to the~~
2076 ~~comprehensive plan by the governing body upon the recommendation~~
2077 ~~of the local planning agency.~~

2078 ~~(l) Local governments that are not required to prepare~~
2079 ~~coastal management elements under s. 163.3178 are encouraged to~~
2080 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
2081 ~~plans should, at a minimum, establish long-term policies~~
2082 ~~regarding redevelopment, infrastructure, densities,~~
2083 ~~nonconforming uses, and future land use patterns. Grants to~~
2084 ~~assist local governments in the preparation of these hazard~~
2085 ~~mitigation/postdisaster redevelopment plans shall be available~~
2086 ~~through the Emergency Management Preparedness and Assistance~~
2087 ~~Account in the Grants and Donations Trust Fund administered by~~
2088 ~~the department, if such account is created by law. The plans~~
2089 ~~must be in compliance with the requirements of this act and~~
2090 ~~chapter 252.~~

2091 ~~(8) All elements of the comprehensive plan, whether~~
2092 ~~mandatory or optional, shall be based upon data appropriate to~~
2093 ~~the element involved. Surveys and studies utilized in the~~
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2094 ~~preparation of the comprehensive plan shall not be deemed a part~~
2095 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
2096 ~~of such studies, surveys, and supporting documents shall be made~~
2097 ~~available to public inspection, and copies of such plans shall~~
2098 ~~be made available to the public upon payment of reasonable~~
2099 ~~charges for reproduction.~~

2100 ~~(9) The state land planning agency shall, by February 15,~~
2101 ~~1986, adopt by rule minimum criteria for the review and~~
2102 ~~determination of compliance of the local government~~
2103 ~~comprehensive plan elements required by this act. Such rules~~
2104 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
2105 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
2106 ~~become effective only after they have been submitted to the~~
2107 ~~President of the Senate and the Speaker of the House of~~
2108 ~~Representatives for review by the Legislature no later than 30~~
2109 ~~days prior to the next regular session of the Legislature. In~~
2110 ~~its review the Legislature may reject, modify, or take no action~~
2111 ~~relative to the rules. The agency shall conform the rules to the~~
2112 ~~changes made by the Legislature, or, if no action was taken, the~~
2113 ~~agency rules shall become effective. The rule shall include~~
2114 ~~criteria for determining whether:~~

2115 ~~(a) Proposed elements are in compliance with the~~
2116 ~~requirements of part II, as amended by this act.~~

2117 ~~(b) Other elements of the comprehensive plan are related~~
2118 ~~to and consistent with each other.~~

2119 ~~(c) The local government comprehensive plan elements are~~
2120 ~~consistent with the state comprehensive plan and the appropriate~~
2121 ~~regional policy plan pursuant to s. 186.508.~~

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2122 ~~(d) Certain bays, estuaries, and harbors that fall under~~
2123 ~~the jurisdiction of more than one local government are managed~~
2124 ~~in a consistent and coordinated manner in the case of local~~
2125 ~~governments required to include a coastal management element in~~
2126 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2127 ~~(e) Proposed elements identify the mechanisms and~~
2128 ~~procedures for monitoring, evaluating, and appraising~~
2129 ~~implementation of the plan. Specific measurable objectives are~~
2130 ~~included to provide a basis for evaluating effectiveness as~~
2131 ~~required by s. 163.3191.~~

2132 ~~(f) Proposed elements contain policies to guide future~~
2133 ~~decisions in a consistent manner.~~

2134 ~~(g) Proposed elements contain programs and activities to~~
2135 ~~ensure that comprehensive plans are implemented.~~

2136 ~~(h) Proposed elements identify the need for and the~~
2137 ~~processes and procedures to ensure coordination of all~~
2138 ~~development activities and services with other units of local~~
2139 ~~government, regional planning agencies, water management~~
2140 ~~districts, and state and federal agencies as appropriate.~~

2141
2142 ~~The state land planning agency may adopt procedural rules that~~
2143 ~~are consistent with this section and chapter 120 for the review~~
2144 ~~of local government comprehensive plan elements required under~~
2145 ~~this section. The state land planning agency shall provide model~~
2146 ~~plans and ordinances and, upon request, other assistance to~~
2147 ~~local governments in the adoption and implementation of their~~
2148 ~~revised local government comprehensive plans. The review and~~
2149 ~~comment provisions applicable prior to October 1, 1985, shall~~
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2150 ~~continue in effect until the criteria for review and~~
2151 ~~determination are adopted pursuant to this subsection and the~~
2152 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2153 ~~(10) The Legislature recognizes the importance and~~
2154 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
2155 ~~Minimum Criteria for Review of Local Government Comprehensive~~
2156 ~~Plans and Determination of Compliance of the Department of~~
2157 ~~Community Affairs that will be used to determine compliance of~~
2158 ~~local comprehensive plans. The Legislature reserved unto itself~~
2159 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
2160 ~~and to reject, modify, or take no action relative to this rule.~~
2161 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
2162 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
2163 ~~expresses the following legislative intent:~~

2164 ~~(a) The Legislature finds that in order for the department~~
2165 ~~to review local comprehensive plans, it is necessary to define~~
2166 ~~the term "consistency." Therefore, for the purpose of~~
2167 ~~determining whether local comprehensive plans are consistent~~
2168 ~~with the state comprehensive plan and the appropriate regional~~
2169 ~~policy plan, a local plan shall be consistent with such plans if~~
2170 ~~the local plan is "compatible with" and "furthers" such plans.~~
2171 ~~The term "compatible with" means that the local plan is not in~~
2172 ~~conflict with the state comprehensive plan or appropriate~~
2173 ~~regional policy plan. The term "furthers" means to take action~~
2174 ~~in the direction of realizing goals or policies of the state or~~
2175 ~~regional plan. For the purposes of determining consistency of~~
2176 ~~the local plan with the state comprehensive plan or the~~
2177 ~~appropriate regional policy plan, the state or regional plan~~

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2178 ~~shall be construed as a whole and no specific goal and policy~~
2179 ~~shall be construed or applied in isolation from the other goals~~
2180 ~~and policies in the plans.~~

2181 ~~(b) Each local government shall review all the state~~
2182 ~~comprehensive plan goals and policies and shall address in its~~
2183 ~~comprehensive plan the goals and policies which are relevant to~~
2184 ~~the circumstances or conditions in its jurisdiction. The~~
2185 ~~decision regarding which particular state comprehensive plan~~
2186 ~~goals and policies will be furthered by the expenditure of a~~
2187 ~~local government's financial resources in any given year is a~~
2188 ~~decision which rests solely within the discretion of the local~~
2189 ~~government. Intergovernmental coordination, as set forth in~~
2190 ~~paragraph (6) (h), shall be utilized to the extent required to~~
2191 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
2192 ~~Code.~~

2193 ~~(c) The Legislature declares that if any portion of~~
2194 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~
2195 ~~conflict with this part, the appropriate statutory provision~~
2196 ~~shall prevail.~~

2197 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
2198 ~~mandate the creation, limitation, or elimination of regulatory~~
2199 ~~authority, nor does it authorize the adoption or require the~~
2200 ~~repeal of any rules, criteria, or standards of any local,~~
2201 ~~regional, or state agency.~~

2202 ~~(e) It is the Legislature's intent that support data or~~
2203 ~~summaries thereof shall not be subject to the compliance review~~
2204 ~~process, but the Legislature intends that goals and policies be~~
2205 ~~clearly based on appropriate data. The department may utilize~~
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2206 ~~support data or summaries thereof to aid in its determination of~~
2207 ~~compliance and consistency. The Legislature intends that the~~
2208 ~~department may evaluate the application of a methodology~~
2209 ~~utilized in data collection or whether a particular methodology~~
2210 ~~is professionally accepted. However, the department shall not~~
2211 ~~evaluate whether one accepted methodology is better than~~
2212 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
2213 ~~construed to require original data collection by local~~
2214 ~~governments; however, Local governments are not to be~~
2215 ~~discouraged from utilizing original data so long as~~
2216 ~~methodologies are professionally accepted.~~

2217 ~~(f) The Legislature recognizes that under this section,~~
2218 ~~local governments are charged with setting levels of service for~~
2219 ~~public facilities in their comprehensive plans in accordance~~
2220 ~~with which development orders and permits will be issued~~
2221 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~
2222 ~~the authority of state, regional, or local agencies as otherwise~~
2223 ~~provided by law.~~

2224 ~~(g) Definitions contained in chapter 9J-5, Florida~~
2225 ~~Administrative Code, are not intended to modify or amend the~~
2226 ~~definitions utilized for purposes of other programs or rules or~~
2227 ~~to establish or limit regulatory authority. Local governments~~
2228 ~~may establish alternative definitions in local comprehensive~~
2229 ~~plans, as long as such definitions accomplish the intent of this~~
2230 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2231 ~~(h) It is the intent of the Legislature that public~~
2232 ~~facilities and services needed to support development shall be~~
2233 ~~available concurrent with the impacts of such development in~~

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2234 ~~accordance with s. 163.3180. In meeting this intent, public~~
2235 ~~facility and service availability shall be deemed sufficient if~~
2236 ~~the public facilities and services for a development are phased,~~
2237 ~~or the development is phased, so that the public facilities and~~
2238 ~~those related services which are deemed necessary by the local~~
2239 ~~government to operate the facilities necessitated by that~~
2240 ~~development are available concurrent with the impacts of the~~
2241 ~~development. The public facilities and services, unless already~~
2242 ~~available, are to be consistent with the capital improvements~~
2243 ~~element of the local comprehensive plan as required by paragraph~~
2244 ~~(3)(a) or guaranteed in an enforceable development agreement.~~
2245 ~~This shall include development agreements pursuant to this~~
2246 ~~chapter or in an agreement or a development order issued~~
2247 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
2248 ~~require a local government to address services in its capital~~
2249 ~~improvements plan or to limit a local government's ability to~~
2250 ~~address any service in its capital improvements plan that it~~
2251 ~~deems necessary.~~

2252 ~~(i) The department shall take into account the factors~~
2253 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
2254 ~~it provides assistance to local governments and applies the rule~~
2255 ~~in specific situations with regard to the detail of the data and~~
2256 ~~analysis required.~~

2257 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
2258 ~~effective pursuant to subsection (9). The Legislature hereby~~
2259 ~~directs the department to adopt amendments as necessary which~~
2260 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
2261 ~~requirements of this legislative intent by October 1, 1986.~~

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2262 ~~(k) In order for local governments to prepare and adopt~~
2263 ~~comprehensive plans with knowledge of the rules that are applied~~
2264 ~~to determine consistency of the plans with this part, there~~
2265 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
2266 ~~Florida Administrative Code, at the close of the 1986~~
2267 ~~legislative session. Therefore, the Legislature declares that~~
2268 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
2269 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
2270 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
2271 ~~Florida Administrative Code, as amended, is subject to rule~~
2272 ~~challenges under s. 120.56(3), as nothing herein indicates~~
2273 ~~approval or disapproval of any portion of chapter 9J-5 not~~
2274 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
2275 ~~Florida Administrative Code, exclusive of the amendments adopted~~
2276 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
2277 ~~to the full chapter 120 process. All amendments shall have~~
2278 ~~effective dates as provided in chapter 120 and submission to the~~
2279 ~~President of the Senate and Speaker of the House of~~
2280 ~~Representatives shall not be required.~~

2281 ~~(l) The state land planning agency shall consider land use~~
2282 ~~compatibility issues in the vicinity of all airports in~~
2283 ~~coordination with the Department of Transportation and adjacent~~
2284 ~~to or in close proximity to all military installations in~~
2285 ~~coordination with the Department of Defense.~~

2286 ~~(11)(a) The Legislature recognizes the need for innovative~~
2287 ~~planning and development strategies which will address the~~
2288 ~~anticipated demands of continued urbanization of Florida's~~
2289 ~~coastal and other environmentally sensitive areas, and which~~

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2290 ~~will accommodate the development of less populated regions of~~
2291 ~~the state which seek economic development and which have~~
2292 ~~suitable land and water resources to accommodate growth in an~~
2293 ~~environmentally acceptable manner. The Legislature further~~
2294 ~~recognizes the substantial advantages of innovative approaches~~
2295 ~~to development which may better serve to protect environmentally~~
2296 ~~sensitive areas, maintain the economic viability of agricultural~~
2297 ~~and other predominantly rural land uses, and provide for the~~
2298 ~~cost-efficient delivery of public facilities and services.~~

2299 ~~(b) It is the intent of the Legislature that the local~~
2300 ~~government comprehensive plans and plan amendments adopted~~
2301 ~~pursuant to the provisions of this part provide for a planning~~
2302 ~~process which allows for land use efficiencies within existing~~
2303 ~~urban areas and which also allows for the conversion of rural~~
2304 ~~lands to other uses, where appropriate and consistent with the~~
2305 ~~other provisions of this part and the affected local~~
2306 ~~comprehensive plans, through the application of innovative and~~
2307 ~~flexible planning and development strategies and creative land~~
2308 ~~use planning techniques, which may include, but not be limited~~
2309 ~~to, urban villages, new towns, satellite communities, area-based~~
2310 ~~allocations, clustering and open space provisions, mixed-use~~
2311 ~~development, and sector planning.~~

2312 ~~(c) It is the further intent of the Legislature that local~~
2313 ~~government comprehensive plans and implementing land development~~
2314 ~~regulations shall provide strategies which maximize the use of~~
2315 ~~existing facilities and services through redevelopment, urban~~
2316 ~~infill development, and other strategies for urban~~
2317 ~~revitalization.~~

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2318 ~~(d)1. The department, in cooperation with the Department~~
2319 ~~of Agriculture and Consumer Services, the Department of~~
2320 ~~Environmental Protection, water management districts, and~~
2321 ~~regional planning councils, shall provide assistance to local~~
2322 ~~governments in the implementation of this paragraph and rule 9J-~~
2323 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
2324 ~~those provisions shall include a process by which the department~~
2325 ~~may authorize local governments to designate all or portions of~~
2326 ~~lands classified in the future land use element as predominantly~~
2327 ~~agricultural, rural, open, open-rural, or a substantively~~
2328 ~~equivalent land use, as a rural land stewardship area within~~
2329 ~~which planning and economic incentives are applied to encourage~~
2330 ~~the implementation of innovative and flexible planning and~~
2331 ~~development strategies and creative land use planning~~
2332 ~~techniques, including those contained herein and in rule 9J-~~
2333 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
2334 ~~include, but is not limited to:~~

2335 ~~a. Assistance from the Department of Environmental~~
2336 ~~Protection and water management districts in creating the~~
2337 ~~geographic information systems land cover database and aerial~~
2338 ~~photogrammetry needed to prepare for a rural land stewardship~~
2339 ~~area;~~

2340 ~~b. Support for local government implementation of rural~~
2341 ~~land stewardship concepts by providing information and~~
2342 ~~assistance to local governments regarding land acquisition~~
2343 ~~programs that may be used by the local government or landowners~~
2344 ~~to leverage the protection of greater acreage and maximize the~~
2345 ~~effectiveness of rural land stewardship areas; and~~

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2346 ~~e. Expansion of the role of the Department of Community~~
2347 ~~Affairs as a resource agency to facilitate establishment of~~
2348 ~~rural land stewardship areas in smaller rural counties that do~~
2349 ~~not have the staff or planning budgets to create a rural land~~
2350 ~~stewardship area.~~

2351 ~~2. The department shall encourage participation by local~~
2352 ~~governments of different sizes and rural characteristics in~~
2353 ~~establishing and implementing rural land stewardship areas. It~~
2354 ~~is the intent of the Legislature that rural land stewardship~~
2355 ~~areas be used to further the following broad principles of rural~~
2356 ~~sustainability: restoration and maintenance of the economic~~
2357 ~~value of rural land; control of urban sprawl; identification and~~
2358 ~~protection of ecosystems, habitats, and natural resources;~~
2359 ~~promotion of rural economic activity; maintenance of the~~
2360 ~~viability of Florida's agricultural economy; and protection of~~
2361 ~~the character of rural areas of Florida. Rural land stewardship~~
2362 ~~areas may be multicounty in order to encourage coordinated~~
2363 ~~regional stewardship planning.~~

2364 ~~3. A local government, in conjunction with a regional~~
2365 ~~planning council, a stakeholder organization of private land~~
2366 ~~owners, or another local government, shall notify the department~~
2367 ~~in writing of its intent to designate a rural land stewardship~~
2368 ~~area. The written notification shall describe the basis for the~~
2369 ~~designation, including the extent to which the rural land~~
2370 ~~stewardship area enhances rural land values, controls urban~~
2371 ~~sprawl, provides necessary open space for agriculture and~~
2372 ~~protection of the natural environment, promotes rural economic~~

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2373 ~~activity, and maintains rural character and the economic~~
2374 ~~viability of agriculture.~~

2375 ~~4. A rural land stewardship area shall be not less than~~
2376 ~~10,000 acres and shall be located outside of municipalities and~~
2377 ~~established urban growth boundaries, and shall be designated by~~
2378 ~~plan amendment. The plan amendment designating a rural land~~
2379 ~~stewardship area shall be subject to review by the Department of~~
2380 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
2381 ~~the following:~~

2382 ~~a. Criteria for the designation of receiving areas within~~
2383 ~~rural land stewardship areas in which innovative planning and~~
2384 ~~development strategies may be applied. Criteria shall at a~~
2385 ~~minimum provide for the following: adequacy of suitable land to~~
2386 ~~accommodate development so as to avoid conflict with~~
2387 ~~environmentally sensitive areas, resources, and habitats;~~
2388 ~~compatibility between and transition from higher density uses to~~
2389 ~~lower intensity rural uses; the establishment of receiving area~~
2390 ~~service boundaries which provide for a separation between~~
2391 ~~receiving areas and other land uses within the rural land~~
2392 ~~stewardship area through limitations on the extension of~~
2393 ~~services; and connection of receiving areas with the rest of the~~
2394 ~~rural land stewardship area using rural design and rural road~~
2395 ~~corridors.~~

2396 ~~b. Goals, objectives, and policies setting forth the~~
2397 ~~innovative planning and development strategies to be applied~~
2398 ~~within rural land stewardship areas pursuant to the provisions~~
2399 ~~of this section.~~

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2400 ~~e. A process for the implementation of innovative planning~~
2401 ~~and development strategies within the rural land stewardship~~
2402 ~~area, including those described in this subsection and rule 9J-~~
2403 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
2404 ~~functional mix of land uses, including adequate available~~
2405 ~~workforce housing, including low, very-low and moderate income~~
2406 ~~housing for the development anticipated in the receiving area~~
2407 ~~and which are applied through the adoption by the local~~
2408 ~~government of zoning and land development regulations applicable~~
2409 ~~to the rural land stewardship area.~~

2410 ~~d. A process which encourages visioning pursuant to s.~~
2411 ~~163.3167(11) to ensure that innovative planning and development~~
2412 ~~strategies comply with the provisions of this section.~~

2413 ~~e. The control of sprawl through the use of innovative~~
2414 ~~strategies and creative land use techniques consistent with the~~
2415 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
2416 ~~Administrative Code.~~

2417 ~~5. A receiving area shall be designated by the adoption of~~
2418 ~~a land development regulation. Prior to the designation of a~~
2419 ~~receiving area, the local government shall provide the~~
2420 ~~Department of Community Affairs a period of 30 days in which to~~
2421 ~~review a proposed receiving area for consistency with the rural~~
2422 ~~land stewardship area plan amendment and to provide comments to~~
2423 ~~the local government. At the time of designation of a~~
2424 ~~stewardship receiving area, a listed species survey will be~~
2425 ~~performed. If listed species occur on the receiving area site,~~
2426 ~~the developer shall coordinate with each appropriate local,~~
2427 ~~state, or federal agency to determine if adequate provisions~~

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2428 ~~have been made to protect those species in accordance with~~
2429 ~~applicable regulations. In determining the adequacy of~~
2430 ~~provisions for the protection of listed species and their~~
2431 ~~habitats, the rural land stewardship area shall be considered as~~
2432 ~~a whole, and the impacts to areas to be developed as receiving~~
2433 ~~areas shall be considered together with the environmental~~
2434 ~~benefits of areas protected as sending areas in fulfilling this~~
2435 ~~criteria.~~

2436 ~~6. Upon the adoption of a plan amendment creating a rural~~
2437 ~~land stewardship area, the local government shall, by ordinance,~~
2438 ~~establish the methodology for the creation, conveyance, and use~~
2439 ~~of transferable rural land use credits, otherwise referred to as~~
2440 ~~stewardship credits, the application of which shall not~~
2441 ~~constitute a right to develop land, nor increase density of~~
2442 ~~land, except as provided by this section. The total amount of~~
2443 ~~transferable rural land use credits within the rural land~~
2444 ~~stewardship area must enable the realization of the long-term~~
2445 ~~vision and goals for the 25-year or greater projected population~~
2446 ~~of the rural land stewardship area, which may take into~~
2447 ~~consideration the anticipated effect of the proposed receiving~~
2448 ~~areas. Transferable rural land use credits are subject to the~~
2449 ~~following limitations:~~

2450 ~~a. Transferable rural land use credits may only exist~~
2451 ~~within a rural land stewardship area.~~

2452 ~~b. Transferable rural land use credits may only be used on~~
2453 ~~lands designated as receiving areas and then solely for the~~
2454 ~~purpose of implementing innovative planning and development~~

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2455 ~~strategies and creative land use planning techniques adopted by~~
2456 ~~the local government pursuant to this section.~~

2457 ~~e. Transferable rural land use credits assigned to a~~
2458 ~~parcel of land within a rural land stewardship area shall cease~~
2459 ~~to exist if the parcel of land is removed from the rural land~~
2460 ~~stewardship area by plan amendment.~~

2461 ~~d. Neither the creation of the rural land stewardship area~~
2462 ~~by plan amendment nor the assignment of transferable rural land~~
2463 ~~use credits by the local government shall operate to displace~~
2464 ~~the underlying density of land uses assigned to a parcel of land~~
2465 ~~within the rural land stewardship area; however, if transferable~~
2466 ~~rural land use credits are transferred from a parcel for use~~
2467 ~~within a designated receiving area, the underlying density~~
2468 ~~assigned to the parcel of land shall cease to exist.~~

2469 ~~e. The underlying density on each parcel of land located~~
2470 ~~within a rural land stewardship area shall not be increased or~~
2471 ~~decreased by the local government, except as a result of the~~
2472 ~~conveyance or use of transferable rural land use credits, as~~
2473 ~~long as the parcel remains within the rural land stewardship~~
2474 ~~area.~~

2475 ~~f. Transferable rural land use credits shall cease to~~
2476 ~~exist on a parcel of land where the underlying density assigned~~
2477 ~~to the parcel of land is utilized.~~

2478 ~~g. An increase in the density of use on a parcel of land~~
2479 ~~located within a designated receiving area may occur only~~
2480 ~~through the assignment or use of transferable rural land use~~
2481 ~~credits and shall not require a plan amendment.~~

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2482 ~~h. A change in the density of land use on parcels located~~
2483 ~~within receiving areas shall be specified in a development order~~
2484 ~~which reflects the total number of transferable rural land use~~
2485 ~~credits assigned to the parcel of land and the infrastructure~~
2486 ~~and support services necessary to provide for a functional mix~~
2487 ~~of land uses corresponding to the plan of development.~~

2488 ~~i. Land within a rural land stewardship area may be~~
2489 ~~removed from the rural land stewardship area through a plan~~
2490 ~~amendment.~~

2491 ~~j. Transferable rural land use credits may be assigned at~~
2492 ~~different ratios of credits per acre according to the natural~~
2493 ~~resource or other beneficial use characteristics of the land and~~
2494 ~~according to the land use remaining following the transfer of~~
2495 ~~credits, with the highest number of credits per acre assigned to~~
2496 ~~the most environmentally valuable land or, in locations where~~
2497 ~~the retention of open space and agricultural land is a priority,~~
2498 ~~to such lands.~~

2499 ~~k. The use or conveyance of transferable rural land use~~
2500 ~~credits must be recorded in the public records of the county in~~
2501 ~~which the property is located as a covenant or restrictive~~
2502 ~~easement running with the land in favor of the county and either~~
2503 ~~the Department of Environmental Protection, Department of~~
2504 ~~Agriculture and Consumer Services, a water management district,~~
2505 ~~or a recognized statewide land trust.~~

2506 ~~7. Owners of land within rural land stewardship areas~~
2507 ~~should be provided incentives to enter into rural land~~
2508 ~~stewardship agreements, pursuant to existing law and rules~~
2509 ~~adopted thereto, with state agencies, water management~~

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2510 ~~districts, and local governments to achieve mutually agreed upon~~
2511 ~~conservation objectives. Such incentives may include, but not be~~
2512 ~~limited to, the following:~~

2513 ~~a. Opportunity to accumulate transferable mitigation~~
2514 ~~credits.~~

2515 ~~b. Extended permit agreements.~~

2516 ~~e. Opportunities for recreational leases and ecotourism.~~

2517 ~~d. Payment for specified land management services on~~
2518 ~~publicly owned land, or property under covenant or restricted~~
2519 ~~easement in favor of a public entity.~~

2520 ~~e. Option agreements for sale to public entities or~~
2521 ~~private land conservation entities, in either fee or easement,~~
2522 ~~upon achievement of conservation objectives.~~

2523 ~~8. The department shall report to the Legislature on an~~
2524 ~~annual basis on the results of implementation of rural land~~
2525 ~~stewardship areas authorized by the department, including~~
2526 ~~successes and failures in achieving the intent of the~~
2527 ~~Legislature as expressed in this paragraph.~~

2528 ~~(c) The Legislature finds that mixed-use, high-density~~
2529 ~~development is appropriate for urban infill and redevelopment~~
2530 ~~areas. Mixed-use projects accommodate a variety of uses,~~
2531 ~~including residential and commercial, and usually at higher~~
2532 ~~densities that promote pedestrian friendly, sustainable~~
2533 ~~communities. The Legislature recognizes that mixed-use, high-~~
2534 ~~density development improves the quality of life for residents~~
2535 ~~and businesses in urban areas. The Legislature finds that mixed-~~
2536 ~~use, high density redevelopment and infill benefits residents by~~
2537 ~~creating a livable community with alternative modes of~~

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2538 ~~transportation. Furthermore, the Legislature finds that local~~
2539 ~~zoning ordinances often discourage mixed-use, high-density~~
2540 ~~development in areas that are appropriate for urban infill and~~
2541 ~~redevelopment. The Legislature intends to discourage single-use~~
2542 ~~zoning in urban areas which often leads to lower density, land-~~
2543 ~~intensive development outside an urban service area. Therefore,~~
2544 ~~the Department of Community Affairs shall provide technical~~
2545 ~~assistance to local governments in order to encourage mixed-use,~~
2546 ~~high-density urban infill and redevelopment projects.~~

2547 ~~(f) The Legislature finds that a program for the transfer~~
2548 ~~of development rights is a useful tool to preserve historic~~
2549 ~~buildings and create public open spaces in urban areas. A~~
2550 ~~program for the transfer of development rights allows the~~
2551 ~~transfer of density credits from historic properties and public~~
2552 ~~open spaces to areas designated for high-density development.~~
2553 ~~The Legislature recognizes that high-density development is~~
2554 ~~integral to the success of many urban infill and redevelopment~~
2555 ~~projects. The Legislature intends to encourage high-density~~
2556 ~~urban infill and redevelopment while preserving historic~~
2557 ~~structures and open spaces. Therefore, the Department of~~
2558 ~~Community Affairs shall provide technical assistance to local~~
2559 ~~governments in order to promote the transfer of development~~
2560 ~~rights within urban areas for high-density infill and~~
2561 ~~redevelopment projects.~~

2562 ~~(g) The implementation of this subsection shall be subject~~
2563 ~~to the provisions of this chapter, chapters 186 and 187, and~~
2564 ~~applicable agency rules.~~

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2565 ~~(h) The department may adopt rules necessary to implement~~
2566 ~~the provisions of this subsection.~~

2567 ~~(12) A public school facilities element adopted to~~
2568 ~~implement a school concurrency program shall meet the~~
2569 ~~requirements of this subsection. Each county and each~~
2570 ~~municipality within the county, unless exempt or subject to a~~
2571 ~~waiver, must adopt a public school facilities element that is~~
2572 ~~consistent with those adopted by the other local governments~~
2573 ~~within the county and enter the interlocal agreement pursuant to~~
2574 ~~s. 163.31777.~~

2575 ~~(a) The state land planning agency may provide a waiver to~~
2576 ~~a county and to the municipalities within the county if the~~
2577 ~~capacity rate for all schools within the school district is no~~
2578 ~~greater than 100 percent and the projected 5-year capital outlay~~
2579 ~~full-time equivalent student growth rate is less than 10~~
2580 ~~percent. The state land planning agency may allow for a~~
2581 ~~projected 5-year capital outlay full-time equivalent student~~
2582 ~~growth rate to exceed 10 percent when the projected 10-year~~
2583 ~~capital outlay full-time equivalent student enrollment is less~~
2584 ~~than 2,000 students and the capacity rate for all schools within~~
2585 ~~the school district in the tenth year will not exceed the 100-~~
2586 ~~percent limitation. The state land planning agency may allow for~~
2587 ~~a single school to exceed the 100 percent limitation if it can~~
2588 ~~be demonstrated that the capacity rate for that single school is~~
2589 ~~not greater than 105 percent. In making this determination, the~~
2590 ~~state land planning agency shall consider the following~~
2591 ~~criteria:~~

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2592 ~~1. Whether the exceedance is due to temporary~~
2593 ~~circumstances;~~

2594 ~~2. Whether the projected 5-year capital outlay full time~~
2595 ~~equivalent student growth rate for the school district is~~
2596 ~~approaching the 10 percent threshold;~~

2597 ~~3. Whether one or more additional schools within the~~
2598 ~~school district are at or approaching the 100 percent threshold;~~
2599 ~~and~~

2600 ~~4. The adequacy of the data and analysis submitted to~~
2601 ~~support the waiver request.~~

2602 ~~(b) A municipality in a nonexempt county is exempt if the~~
2603 ~~municipality meets all of the following criteria for having no~~
2604 ~~significant impact on school attendance:~~

2605 ~~1. The municipality has issued development orders for~~
2606 ~~fewer than 50 residential dwelling units during the preceding 5~~
2607 ~~years, or the municipality has generated fewer than 25~~
2608 ~~additional public school students during the preceding 5 years.~~

2609 ~~2. The municipality has not annexed new land during the~~
2610 ~~preceding 5 years in land use categories that permit residential~~
2611 ~~uses that will affect school attendance rates.~~

2612 ~~3. The municipality has no public schools located within~~
2613 ~~its boundaries.~~

2614 ~~(c) A public school facilities element shall be based upon~~
2615 ~~data and analyses that address, among other items, how level-of-~~
2616 ~~service standards will be achieved and maintained. Such data and~~
2617 ~~analyses must include, at a minimum, such items as: the~~
2618 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
2619 ~~year school district facilities work program adopted pursuant to~~
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2620 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
2621 ~~1013.31 and an existing educational and ancillary plant map or~~
2622 ~~map series; information on existing development and development~~
2623 ~~anticipated for the next 5 years and the long-term planning~~
2624 ~~period; an analysis of problems and opportunities for existing~~
2625 ~~schools and schools anticipated in the future; an analysis of~~
2626 ~~opportunities to collocate future schools with other public~~
2627 ~~facilities such as parks, libraries, and community centers; an~~
2628 ~~analysis of the need for supporting public facilities for~~
2629 ~~existing and future schools; an analysis of opportunities to~~
2630 ~~locate schools to serve as community focal points; projected~~
2631 ~~future population and associated demographics, including~~
2632 ~~development patterns year by year for the upcoming 5-year and~~
2633 ~~long-term planning periods; and anticipated educational and~~
2634 ~~ancillary plants with land area requirements.~~

2635 ~~(d) The element shall contain one or more goals which~~
2636 ~~establish the long-term end toward which public school programs~~
2637 ~~and activities are ultimately directed.~~

2638 ~~(e) The element shall contain one or more objectives for~~
2639 ~~each goal, setting specific, measurable, intermediate ends that~~
2640 ~~are achievable and mark progress toward the goal.~~

2641 ~~(f) The element shall contain one or more policies for~~
2642 ~~each objective which establish the way in which programs and~~
2643 ~~activities will be conducted to achieve an identified goal.~~

2644 ~~(g) The objectives and policies shall address items such~~
2645 ~~as:~~

- 2646 ~~1. The procedure for an annual update process;~~
- 2647 ~~2. The procedure for school site selection;~~

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- 2648 ~~3. The procedure for school permitting;~~
- 2649 ~~4. Provision for infrastructure necessary to support~~
2650 ~~proposed schools, including potable water, wastewater, drainage,~~
2651 ~~solid waste, transportation, and means by which to assure safe~~
2652 ~~access to schools, including sidewalks, bicycle paths, turn~~
2653 ~~lanes, and signalization;~~
- 2654 ~~5. Provision for colocation of other public facilities,~~
2655 ~~such as parks, libraries, and community centers, in proximity to~~
2656 ~~public schools;~~
- 2657 ~~6. Provision for location of schools proximate to~~
2658 ~~residential areas and to complement patterns of development,~~
2659 ~~including the location of future school sites so they serve as~~
2660 ~~community focal points;~~
- 2661 ~~7. Measures to ensure compatibility of school sites and~~
2662 ~~surrounding land uses;~~
- 2663 ~~8. Coordination with adjacent local governments and the~~
2664 ~~school district on emergency preparedness issues, including the~~
2665 ~~use of public schools to serve as emergency shelters; and~~
- 2666 ~~9. Coordination with the future land use element.~~
- 2667 ~~(h) The element shall include one or more future~~
2668 ~~conditions maps which depict the anticipated location of~~
2669 ~~educational and ancillary plants, including the general location~~
2670 ~~of improvements to existing schools or new schools anticipated~~
2671 ~~over the 5-year or long-term planning period. The maps will of~~
2672 ~~necessity be general for the long-term planning period and more~~
2673 ~~specific for the 5-year period. Maps indicating general~~
2674 ~~locations of future schools or school improvements may not~~
2675 ~~prescribe a land use on a particular parcel of land.~~

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2676 ~~(i) The state land planning agency shall establish a~~
2677 ~~phased schedule for adoption of the public school facilities~~
2678 ~~element and the required updates to the public schools~~
2679 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~
2680 ~~shall provide for each county and local government within the~~
2681 ~~county to adopt the element and update to the agreement no later~~
2682 ~~than December 1, 2008. Plan amendments to adopt a public school~~
2683 ~~facilities element are exempt from the provisions of s.~~
2684 ~~163.3187(1).~~

2685 ~~(j) The state land planning agency may issue a notice to~~
2686 ~~the school board and the local government to show cause why~~
2687 ~~sanctions should not be enforced for failure to enter into an~~
2688 ~~approved interlocal agreement as required by s. 163.31777 or for~~
2689 ~~failure to implement provisions relating to public school~~
2690 ~~concurrency. If the state land planning agency finds that~~
2691 ~~insufficient cause exists for the school board's or local~~
2692 ~~government's failure to enter into an approved interlocal~~
2693 ~~agreement as required by s. 163.31777 or for the school board's~~
2694 ~~or local government's failure to implement the provisions~~
2695 ~~relating to public school concurrency, the state land planning~~
2696 ~~agency shall submit its finding to the Administration Commission~~
2697 ~~which may impose on the local government any of the sanctions~~
2698 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~
2699 ~~district school board any of the sanctions set forth in s.~~
2700 ~~1008.32(4).~~

2701 ~~(13) Local governments are encouraged to develop a~~
2702 ~~community vision that provides for sustainable growth,~~
2703 ~~recognizes its fiscal constraints, and protects its natural~~
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2704 ~~resources. At the request of a local government, the applicable~~
2705 ~~regional planning council shall provide assistance in the~~
2706 ~~development of a community vision.~~

2707 ~~(a) As part of the process of developing a community~~
2708 ~~vision under this section, the local government must hold two~~
2709 ~~public meetings with at least one of those meetings before the~~
2710 ~~local planning agency. Before those public meetings, the local~~
2711 ~~government must hold at least one public workshop with~~
2712 ~~stakeholder groups such as neighborhood associations, community~~
2713 ~~organizations, businesses, private property owners, housing and~~
2714 ~~development interests, and environmental organizations.~~

2715 ~~(b) The local government must, at a minimum, discuss five~~
2716 ~~of the following topics as part of the workshops and public~~
2717 ~~meetings required under paragraph (a):~~

2718 ~~1. Future growth in the area using population forecasts~~
2719 ~~from the Bureau of Economic and Business Research;~~

2720 ~~2. Priorities for economic development;~~

2721 ~~3. Preservation of open space, environmentally sensitive~~
2722 ~~lands, and agricultural lands;~~

2723 ~~4. Appropriate areas and standards for mixed-use~~
2724 ~~development;~~

2725 ~~5. Appropriate areas and standards for high-density~~
2726 ~~commercial and residential development;~~

2727 ~~6. Appropriate areas and standards for economic~~
2728 ~~development opportunities and employment centers;~~

2729 ~~7. Provisions for adequate workforce housing;~~

2730 ~~8. An efficient, interconnected multimodal transportation~~
2731 ~~system; and~~

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2732 ~~9. Opportunities to create land use patterns that~~
2733 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2734 ~~(c) As part of the workshops and public meetings, the~~
2735 ~~local government must discuss strategies for addressing the~~
2736 ~~topics discussed under paragraph (b), including:~~

2737 ~~1. Strategies to preserve open space and environmentally~~
2738 ~~sensitive lands, and to encourage a healthy agricultural~~
2739 ~~economy, including innovative planning and development~~
2740 ~~strategies, such as the transfer of development rights;~~

2741 ~~2. Incentives for mixed-use development, including~~
2742 ~~increased height and intensity standards for buildings that~~
2743 ~~provide residential use in combination with office or commercial~~
2744 ~~space;~~

2745 ~~3. Incentives for workforce housing;~~

2746 ~~4. Designation of an urban service boundary pursuant to~~
2747 ~~subsection (2); and~~

2748 ~~5. Strategies to provide mobility within the community and~~
2749 ~~to protect the Strategic Intermodal System, including the~~
2750 ~~development of a transportation corridor management plan under~~
2751 ~~s. 337.273.~~

2752 ~~(d) The community vision must reflect the community's~~
2753 ~~shared concept for growth and development of the community,~~
2754 ~~including visual representations depicting the desired land use~~
2755 ~~patterns and character of the community during a 10-year~~
2756 ~~planning timeframe. The community vision must also take into~~
2757 ~~consideration economic viability of the vision and private~~
2758 ~~property interests.~~

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2759 ~~(e) After the workshops and public meetings required under~~
2760 ~~paragraph (a) are held, the local government may amend its~~
2761 ~~comprehensive plan to include the community vision as a~~
2762 ~~component in the plan. This plan amendment must be transmitted~~
2763 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
2764 ~~163.3189 at public hearings of the governing body other than~~
2765 ~~those identified in paragraph (a).~~

2766 ~~(f) Amendments submitted under this subsection are exempt~~
2767 ~~from the limitation on the frequency of plan amendments in s.~~
2768 ~~163.3187.~~

2769 ~~(g) A local government that has developed a community~~
2770 ~~vision or completed a visioning process after July 1, 2000, and~~
2771 ~~before July 1, 2005, which substantially accomplishes the goals~~
2772 ~~set forth in this subsection and the appropriate goals,~~
2773 ~~policies, or objectives have been adopted as part of the~~
2774 ~~comprehensive plan or reflected in subsequently adopted land~~
2775 ~~development regulations and the plan amendment incorporating the~~
2776 ~~community vision as a component has been found in compliance is~~
2777 ~~eligible for the incentives in s. 163.3184(17).~~

2778 ~~(14) Local governments are also encouraged to designate an~~
2779 ~~urban service boundary. This area must be appropriate for~~
2780 ~~compact, contiguous urban development within a 10-year planning~~
2781 ~~timeframe. The urban service area boundary must be identified on~~
2782 ~~the future land use map or map series. The local government~~
2783 ~~shall demonstrate that the land included within the urban~~
2784 ~~service boundary is served or is planned to be served with~~
2785 ~~adequate public facilities and services based on the local~~
2786 ~~government's adopted level-of-service standards by adopting a~~
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2787 ~~10-year facilities plan in the capital improvements element~~
2788 ~~which is financially feasible. The local government shall~~
2789 ~~demonstrate that the amount of land within the urban service~~
2790 ~~boundary does not exceed the amount of land needed to~~
2791 ~~accommodate the projected population growth at densities~~
2792 ~~consistent with the adopted comprehensive plan within the 10-~~
2793 ~~year planning timeframe.~~

2794 ~~(a) As part of the process of establishing an urban~~
2795 ~~service boundary, the local government must hold two public~~
2796 ~~meetings with at least one of those meetings before the local~~
2797 ~~planning agency. Before those public meetings, the local~~
2798 ~~government must hold at least one public workshop with~~
2799 ~~stakeholder groups such as neighborhood associations, community~~
2800 ~~organizations, businesses, private property owners, housing and~~
2801 ~~development interests, and environmental organizations.~~

2802 ~~(b)1. After the workshops and public meetings required~~
2803 ~~under paragraph (a) are held, the local government may amend its~~
2804 ~~comprehensive plan to include the urban service boundary. This~~
2805 ~~plan amendment must be transmitted and adopted pursuant to the~~
2806 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
2807 ~~governing body other than those required under paragraph (a).~~

2808 ~~2. This subsection does not prohibit new development~~
2809 ~~outside an urban service boundary. However, a local government~~
2810 ~~that establishes an urban service boundary under this subsection~~
2811 ~~is encouraged to require a full-cost accounting analysis for any~~
2812 ~~new development outside the boundary and to consider the results~~
2813 ~~of that analysis when adopting a plan amendment for property~~
2814 ~~outside the established urban service boundary.~~

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2815 ~~(c) Amendments submitted under this subsection are exempt~~
2816 ~~from the limitation on the frequency of plan amendments in s.~~
2817 ~~163.3187.~~

2818 ~~(d) A local government that has adopted an urban service~~
2819 ~~boundary before July 1, 2005, which substantially accomplishes~~
2820 ~~the goals set forth in this subsection is not required to comply~~
2821 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
2822 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2823 ~~order to satisfy the provisions of this paragraph, the local~~
2824 ~~government must secure a determination from the state land~~
2825 ~~planning agency that the urban service boundary adopted before~~
2826 ~~July 1, 2005, substantially complies with the criteria of this~~
2827 ~~subsection, based on data and analysis submitted by the local~~
2828 ~~government to support this determination. The determination by~~
2829 ~~the state land planning agency is not subject to administrative~~
2830 ~~challenge.~~

2831 (7)~~(15)~~ (a) The Legislature finds that:

2832 1. There are a number of rural agricultural industrial
2833 centers in the state that process, produce, or aid in the
2834 production or distribution of a variety of agriculturally based
2835 products, including, but not limited to, fruits, vegetables,
2836 timber, and other crops, and juices, paper, and building
2837 materials. Rural agricultural industrial centers have a
2838 significant amount of existing associated infrastructure that is
2839 used for processing, producing, or distributing agricultural
2840 products.

2841 2. Such rural agricultural industrial centers are often
2842 located within or near communities in which the economy is
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2843 largely dependent upon agriculture and agriculturally based
2844 products. The centers significantly enhance the economy of such
2845 communities. However, these agriculturally based communities are
2846 often socioeconomically challenged and designated as rural areas
2847 of critical economic concern. If such rural agricultural
2848 industrial centers are lost and not replaced with other job-
2849 creating enterprises, the agriculturally based communities will
2850 lose a substantial amount of their economies.

2851 3. The state has a compelling interest in preserving the
2852 viability of agriculture and protecting rural agricultural
2853 communities and the state from the economic upheaval that would
2854 result from short-term or long-term adverse changes in the
2855 agricultural economy. To protect these communities and promote
2856 viable agriculture for the long term, it is essential to
2857 encourage and permit diversification of existing rural
2858 agricultural industrial centers by providing for jobs that are
2859 not solely dependent upon, but are compatible with and
2860 complement, existing agricultural industrial operations and to
2861 encourage the creation and expansion of industries that use
2862 agricultural products in innovative ways. However, the expansion
2863 and diversification of these existing centers must be
2864 accomplished in a manner that does not promote urban sprawl into
2865 surrounding agricultural and rural areas.

2866 (b) As used in this subsection, the term "rural
2867 agricultural industrial center" means a developed parcel of land
2868 in an unincorporated area on which there exists an operating
2869 agricultural industrial facility or facilities that employ at
2870 least 200 full-time employees in the aggregate and process and
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2871 | prepare for transport a farm product, as defined in s. 163.3162,
2872 | or any biomass material that could be used, directly or
2873 | indirectly, for the production of fuel, renewable energy,
2874 | bioenergy, or alternative fuel as defined by law. The center may
2875 | also include land contiguous to the facility site which is not
2876 | used for the cultivation of crops, but on which other existing
2877 | activities essential to the operation of such facility or
2878 | facilities are located or conducted. The parcel of land must be
2879 | located within, or within 10 miles of, a rural area of critical
2880 | economic concern.

2881 | (c)1. A landowner whose land is located within a rural
2882 | agricultural industrial center may apply for an amendment to the
2883 | local government comprehensive plan for the purpose of
2884 | designating and expanding the existing agricultural industrial
2885 | uses of facilities located within the center or expanding the
2886 | existing center to include industrial uses or facilities that
2887 | are not dependent upon but are compatible with agriculture and
2888 | the existing uses and facilities. A local government
2889 | comprehensive plan amendment under this paragraph must:

2890 | a. Not increase the physical area of the existing rural
2891 | agricultural industrial center by more than 50 percent or 320
2892 | acres, whichever is greater.

2893 | b. Propose a project that would, upon completion, create
2894 | at least 50 new full-time jobs.

2895 | c. Demonstrate that sufficient infrastructure capacity
2896 | exists or will be provided to support the expanded center at the
2897 | level-of-service standards adopted in the local government
2898 | comprehensive plan.

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2899 d. Contain goals, objectives, and policies that will
2900 ensure that any adverse environmental impacts of the expanded
2901 center will be adequately addressed and mitigation implemented
2902 or demonstrate that the local government comprehensive plan
2903 contains such provisions.

2904 2. Within 6 months after receiving an application as
2905 provided in this paragraph, the local government shall transmit
2906 the application to the state land planning agency for review
2907 pursuant to this chapter together with any needed amendments to
2908 the applicable sections of its comprehensive plan to include
2909 goals, objectives, and policies that provide for the expansion
2910 of rural agricultural industrial centers and discourage urban
2911 sprawl in the surrounding areas. Such goals, objectives, and
2912 policies must promote and be consistent with the findings in
2913 this subsection. An amendment that meets the requirements of
2914 this subsection is presumed not to be urban sprawl as defined in
2915 s. 163.3164 and shall be considered within 90 days after any
2916 review required by the state land planning agency if required by
2917 s. 163.3184. ~~consistent with rule 9J-5.006(5), Florida~~
2918 ~~Administrative Code.~~ This presumption may be rebutted by a
2919 preponderance of the evidence.

2920 (d) This subsection does not apply to an optional sector
2921 plan adopted pursuant to s. 163.3245, a rural land stewardship
2922 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
2923 comprehensive plan amendment that includes an inland port
2924 terminal or affiliated port development.

2925 (e) Nothing in this subsection shall be construed to
2926 confer the status of rural area of critical economic concern, or
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2927 any of the rights or benefits derived from such status, on any
2928 land area not otherwise designated as such pursuant to s.
2929 288.0656(7).

2930 Section 13. Section 163.31777, Florida Statutes, is
2931 amended to read:

2932 163.31777 Public schools interlocal agreement.-

2933 (1)(a) The county and municipalities located within the
2934 geographic area of a school district shall enter into an
2935 interlocal agreement with the district school board which
2936 jointly establishes the specific ways in which the plans and
2937 processes of the district school board and the local governments
2938 are to be coordinated. ~~The interlocal agreements shall be
2939 submitted to the state land planning agency and the Office of
2940 Educational Facilities in accordance with a schedule published
2941 by the state land planning agency.~~

2942 ~~(b) The schedule must establish staggered due dates for
2943 submission of interlocal agreements that are executed by both
2944 the local government and the district school board, commencing
2945 on March 1, 2003, and concluding by December 1, 2004, and must
2946 set the same date for all governmental entities within a school
2947 district. However, if the county where the school district is
2948 located contains more than 20 municipalities, the state land
2949 planning agency may establish staggered due dates for the
2950 submission of interlocal agreements by these municipalities. The
2951 schedule must begin with those areas where both the number of
2952 districtwide capital-outlay full-time-equivalent students equals
2953 80 percent or more of the current year's school capacity and the
2954 projected 5-year student growth is 1,000 or greater, or where~~
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2955 ~~the projected 5-year student growth rate is 10 percent or~~
2956 ~~greater.~~

2957 ~~(c) If the student population has declined over the 5-year~~
2958 ~~period preceding the due date for submittal of an interlocal~~
2959 ~~agreement by the local government and the district school board,~~
2960 ~~the local government and the district school board may petition~~
2961 ~~the state land planning agency for a waiver of one or more~~
2962 ~~requirements of subsection (2). The waiver must be granted if~~
2963 ~~the procedures called for in subsection (2) are unnecessary~~
2964 ~~because of the school district's declining school age~~
2965 ~~population, considering the district's 5-year facilities work~~
2966 ~~program prepared pursuant to s. 1013.35. The state land planning~~
2967 ~~agency may modify or revoke the waiver upon a finding that the~~
2968 ~~conditions upon which the waiver was granted no longer exist.~~
2969 ~~The district school board and local governments must submit an~~
2970 ~~interlocal agreement within 1 year after notification by the~~
2971 ~~state land planning agency that the conditions for a waiver no~~
2972 ~~longer exist.~~

2973 ~~(d) Interlocal agreements between local governments and~~
2974 ~~district school boards adopted pursuant to s. 163.3177 before~~
2975 ~~the effective date of this section must be updated and executed~~
2976 ~~pursuant to the requirements of this section, if necessary.~~
2977 ~~Amendments to interlocal agreements adopted pursuant to this~~
2978 ~~section must be submitted to the state land planning agency~~
2979 ~~within 30 days after execution by the parties for review~~
2980 ~~consistent with this section. Local governments and the district~~
2981 ~~school board in each school district are encouraged to adopt a~~
2982 ~~single interlocal agreement to which all join as parties. The~~
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2983 ~~state land planning agency shall assemble and make available~~
2984 ~~model interlocal agreements meeting the requirements of this~~
2985 ~~section and notify local governments and, jointly with the~~
2986 ~~Department of Education, the district school boards of the~~
2987 ~~requirements of this section, the dates for compliance, and the~~
2988 ~~sanctions for noncompliance. The state land planning agency~~
2989 ~~shall be available to informally review proposed interlocal~~
2990 ~~agreements. If the state land planning agency has not received a~~
2991 ~~proposed interlocal agreement for informal review, the state~~
2992 ~~land planning agency shall, at least 60 days before the deadline~~
2993 ~~for submission of the executed agreement, renotify the local~~
2994 ~~government and the district school board of the upcoming~~
2995 ~~deadline and the potential for sanctions.~~

2996 (2) At a minimum, the interlocal agreement must address
2997 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
2998 ~~for exempt local governments as provided in s. 163.3177(12), and~~
2999 ~~must address the following issues:~~

3000 (a) A process by which each local government and the
3001 district school board agree and base their plans on consistent
3002 projections of the amount, type, and distribution of population
3003 growth and student enrollment. The geographic distribution of
3004 jurisdiction-wide growth forecasts is a major objective of the
3005 process.

3006 (b) A process to coordinate and share information relating
3007 to existing and planned public school facilities, including
3008 school renovations and closures, and local government plans for
3009 development and redevelopment.

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3010 (c) Participation by affected local governments with the
3011 district school board in the process of evaluating potential
3012 school closures, significant renovations to existing schools,
3013 and new school site selection before land acquisition. Local
3014 governments shall advise the district school board as to the
3015 consistency of the proposed closure, renovation, or new site
3016 with the local comprehensive plan, including appropriate
3017 circumstances and criteria under which a district school board
3018 may request an amendment to the comprehensive plan for school
3019 siting.

3020 (d) A process for determining the need for and timing of
3021 onsite and offsite improvements to support new, proposed
3022 expansion, or redevelopment of existing schools. The process
3023 must address identification of the party or parties responsible
3024 for the improvements.

3025 (e) A process for the school board to inform the local
3026 government regarding the effect of comprehensive plan amendments
3027 on school capacity. The capacity reporting must be consistent
3028 with laws and rules relating to measurement of school facility
3029 capacity and must also identify how the district school board
3030 will meet the public school demand based on the facilities work
3031 program adopted pursuant to s. 1013.35.

3032 (f) Participation of the local governments in the
3033 preparation of the annual update to the district school board's
3034 5-year district facilities work program and educational plant
3035 survey prepared pursuant to s. 1013.35.

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3036 (g) A process for determining where and how joint use of
3037 either school board or local government facilities can be shared
3038 for mutual benefit and efficiency.

3039 (h) A procedure for the resolution of disputes between the
3040 district school board and local governments, which may include
3041 the dispute resolution processes contained in chapters 164 and
3042 186.

3043 (i) An oversight process, including an opportunity for
3044 public participation, for the implementation of the interlocal
3045 agreement.

3046 ~~(3)(a) The Office of Educational Facilities shall submit~~
3047 ~~any comments or concerns regarding the executed interlocal~~
3048 ~~agreement to the state land planning agency within 30 days after~~
3049 ~~receipt of the executed interlocal agreement. The state land~~
3050 ~~planning agency shall review the executed interlocal agreement~~
3051 ~~to determine whether it is consistent with the requirements of~~
3052 ~~subsection (2), the adopted local government comprehensive plan,~~
3053 ~~and other requirements of law. Within 60 days after receipt of~~
3054 ~~an executed interlocal agreement, the state land planning agency~~
3055 ~~shall publish a notice of intent in the Florida Administrative~~
3056 ~~Weekly and shall post a copy of the notice on the agency's~~
3057 ~~Internet site. The notice of intent must state whether the~~
3058 ~~interlocal agreement is consistent or inconsistent with the~~
3059 ~~requirements of subsection (2) and this subsection, as~~
3060 ~~appropriate.~~

3061 ~~(b) The state land planning agency's notice is subject to~~
3062 ~~challenge under chapter 120; however, an affected person, as~~
3063 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
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3064 ~~administrative proceeding, and this proceeding is the sole means~~
3065 ~~available to challenge the consistency of an interlocal~~
3066 ~~agreement required by this section with the criteria contained~~
3067 ~~in subsection (2) and this subsection. In order to have~~
3068 ~~standing, each person must have submitted oral or written~~
3069 ~~comments, recommendations, or objections to the local government~~
3070 ~~or the school board before the adoption of the interlocal~~
3071 ~~agreement by the school board and local government. The district~~
3072 ~~school board and local governments are parties to any such~~
3073 ~~proceeding. In this proceeding, when the state land planning~~
3074 ~~agency finds the interlocal agreement to be consistent with the~~
3075 ~~criteria in subsection (2) and this subsection, the interlocal~~
3076 ~~agreement shall be determined to be consistent with subsection~~
3077 ~~(2) and this subsection if the local government's and school~~
3078 ~~board's determination of consistency is fairly debatable. When~~
3079 ~~the state planning agency finds the interlocal agreement to be~~
3080 ~~inconsistent with the requirements of subsection (2) and this~~
3081 ~~subsection, the local government's and school board's~~
3082 ~~determination of consistency shall be sustained unless it is~~
3083 ~~shown by a preponderance of the evidence that the interlocal~~
3084 ~~agreement is inconsistent.~~

3085 ~~(c) If the state land planning agency enters a final order~~
3086 ~~that finds that the interlocal agreement is inconsistent with~~
3087 ~~the requirements of subsection (2) or this subsection, it shall~~
3088 ~~forward it to the Administration Commission, which may impose~~
3089 ~~sanctions against the local government pursuant to s.~~
3090 ~~163.3184(11) and may impose sanctions against the district~~
3091 ~~school board by directing the Department of Education to~~

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3092 ~~withhold from the district school board an equivalent amount of~~
3093 ~~funds for school construction available pursuant to ss. 1013.65,~~
3094 ~~1013.68, 1013.70, and 1013.72.~~

3095 ~~(4) If an executed interlocal agreement is not timely~~
3096 ~~submitted to the state land planning agency for review, the~~
3097 ~~state land planning agency shall, within 15 working days after~~
3098 ~~the deadline for submittal, issue to the local government and~~
3099 ~~the district school board a Notice to Show Cause why sanctions~~
3100 ~~should not be imposed for failure to submit an executed~~
3101 ~~interlocal agreement by the deadline established by the agency.~~
3102 ~~The agency shall forward the notice and the responses to the~~
3103 ~~Administration Commission, which may enter a final order citing~~
3104 ~~the failure to comply and imposing sanctions against the local~~
3105 ~~government and district school board by directing the~~
3106 ~~appropriate agencies to withhold at least 5 percent of state~~
3107 ~~funds pursuant to s. 163.3184(11) and by directing the~~
3108 ~~Department of Education to withhold from the district school~~
3109 ~~board at least 5 percent of funds for school construction~~
3110 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
3111 ~~1013.72.~~

3112 ~~(5) Any local government transmitting a public school~~
3113 ~~element to implement school concurrency pursuant to the~~
3114 ~~requirements of s. 163.3180 before the effective date of this~~
3115 ~~section is not required to amend the element or any interlocal~~
3116 ~~agreement to conform with the provisions of this section if the~~
3117 ~~element is adopted prior to or within 1 year after the effective~~
3118 ~~date of this section and remains in effect until the county~~
3119 ~~conducts its evaluation and appraisal report and identifies~~

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3120 ~~changes necessary to more fully conform to the provisions of~~
3121 ~~this section.~~

3122 ~~(6) Except as provided in subsection (7), municipalities~~
3123 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
3124 ~~from the requirements of subsections (1), (2), and (3).~~

3125 ~~(7) At the time of the evaluation and appraisal report,~~
3126 ~~each exempt municipality shall assess the extent to which it~~
3127 ~~continues to meet the criteria for exemption under s.~~
3128 ~~163.3177(12). If the municipality continues to meet these~~
3129 ~~criteria, the municipality shall continue to be exempt from the~~
3130 ~~interlocal agreement requirement. Each municipality exempt under~~
3131 ~~s. 163.3177(12) must comply with the provisions of this section~~
3132 ~~within 1 year after the district school board proposes, in its~~
3133 ~~5-year district facilities work program, a new school within the~~
3134 ~~municipality's jurisdiction.~~

3135 Section 14. Subsection (9) of section 163.3178, Florida
3136 Statutes, is amended to read:

3137 163.3178 Coastal management.—

3138 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
3139 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
3140 ~~process provided in this section. A proposed comprehensive plan~~
3141 ~~amendment shall be found in compliance with state coastal high-~~
3142 ~~hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
3143 ~~Florida Administrative Code, if:~~

3144 1. The adopted level of service for out-of-county
3145 hurricane evacuation is maintained for a category 5 storm event
3146 as measured on the Saffir-Simpson scale; or

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3147 2. A 12-hour evacuation time to shelter is maintained for
3148 a category 5 storm event as measured on the Saffir-Simpson scale
3149 and shelter space reasonably expected to accommodate the
3150 residents of the development contemplated by a proposed
3151 comprehensive plan amendment is available; or

3152 3. Appropriate mitigation is provided that will satisfy
3153 ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate
3154 mitigation shall include, without limitation, payment of money,
3155 contribution of land, and construction of hurricane shelters and
3156 transportation facilities. Required mitigation may ~~shall~~ not
3157 exceed the amount required for a developer to accommodate
3158 impacts reasonably attributable to development. A local
3159 government and a developer shall enter into a binding agreement
3160 to memorialize the mitigation plan.

3161 (b) For those local governments that have not established
3162 a level of service for out-of-county hurricane evacuation by
3163 July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and~~
3164 ~~7., Florida Administrative Code,~~ by following the process in
3165 paragraph (a), the level of service shall be no greater than 16
3166 hours for a category 5 storm event as measured on the Saffir-
3167 Simpson scale.

3168 (c) This subsection shall become effective immediately and
3169 shall apply to all local governments. No later than July 1,
3170 2008, local governments shall amend their future land use map
3171 and coastal management element to include the new definition of
3172 coastal high-hazard area and to depict the coastal high-hazard
3173 area on the future land use map.

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3174 Section 15. Section 163.3180, Florida Statutes, is amended
3175 to read:

3176 163.3180 Concurrency.—

3177 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
3178 water, ~~parks and recreation, schools, and transportation~~
3179 ~~facilities, including mass transit, where applicable,~~ are the
3180 only public facilities and services subject to the concurrency
3181 requirement on a statewide basis. Additional public facilities
3182 and services may not be made subject to concurrency on a
3183 statewide basis without ~~appropriate study and~~ approval by the
3184 Legislature; however, any local government may extend the
3185 concurrency requirement so that it applies to additional public
3186 facilities within its jurisdiction.

3187 (a) If concurrency is applied to other public facilities,
3188 the local government comprehensive plan must provide the
3189 principles, guidelines, standards, and strategies, including
3190 adopted levels of service, to guide its application. In order
3191 for a local government to rescind any optional concurrency
3192 provisions, a comprehensive plan amendment is required. An
3193 amendment rescinding optional concurrency issues is not subject
3194 to state review.

3195 (b) The local government comprehensive plan must
3196 demonstrate, for required or optional concurrency requirements,
3197 that the levels of service adopted can be reasonably met.
3198 Infrastructure needed to ensure that adopted level-of-service
3199 standards are achieved and maintained for the 5-year period of
3200 the capital improvement schedule must be identified pursuant to
3201 the requirements of s. 163.3177(3). The comprehensive plan must

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3202 include principles, guidelines, standards, and strategies for
3203 the establishment of a concurrency management system.

3204 ~~(b) Local governments shall use professionally accepted~~
3205 ~~techniques for measuring level of service for automobiles,~~
3206 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
3207 ~~be used to evaluate increased accessibility by multiple modes~~
3208 ~~and reductions in vehicle miles of travel in an area or zone.~~
3209 ~~The Department of Transportation shall develop methodologies to~~
3210 ~~assist local governments in implementing this multimodal level-~~
3211 ~~of-service analysis. The Department of Community Affairs and the~~
3212 ~~Department of Transportation shall provide technical assistance~~
3213 ~~to local governments in applying these methodologies.~~

3214 (2)(a) Consistent with public health and safety, sanitary
3215 sewer, solid waste, drainage, adequate water supplies, and
3216 potable water facilities shall be in place and available to
3217 serve new development no later than the issuance by the local
3218 government of a certificate of occupancy or its functional
3219 equivalent. Prior to approval of a building permit or its
3220 functional equivalent, the local government shall consult with
3221 the applicable water supplier to determine whether adequate
3222 water supplies to serve the new development will be available no
3223 later than the anticipated date of issuance by the local
3224 government of a certificate of occupancy or its functional
3225 equivalent. A local government may meet the concurrency
3226 requirement for sanitary sewer through the use of onsite sewage
3227 treatment and disposal systems approved by the Department of
3228 Health to serve new development.

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3229 ~~(b) Consistent with the public welfare, and except as~~
3230 ~~otherwise provided in this section, parks and recreation~~
3231 ~~facilities to serve new development shall be in place or under~~
3232 ~~actual construction no later than 1 year after issuance by the~~
3233 ~~local government of a certificate of occupancy or its functional~~
3234 ~~equivalent. However, the acreage for such facilities shall be~~
3235 ~~dedicated or be acquired by the local government prior to~~
3236 ~~issuance by the local government of a certificate of occupancy~~
3237 ~~or its functional equivalent, or funds in the amount of the~~
3238 ~~developer's fair share shall be committed no later than the~~
3239 ~~local government's approval to commence construction.~~

3240 ~~(c) Consistent with the public welfare, and except as~~
3241 ~~otherwise provided in this section, transportation facilities~~
3242 ~~needed to serve new development shall be in place or under~~
3243 ~~actual construction within 3 years after the local government~~
3244 ~~approves a building permit or its functional equivalent that~~
3245 ~~results in traffic generation.~~

3246 (3) Governmental entities that are not responsible for
3247 providing, financing, operating, or regulating public facilities
3248 needed to serve development may not establish binding level-of-
3249 service standards on governmental entities that do bear those
3250 responsibilities. ~~This subsection does not limit the authority~~
3251 ~~of any agency to recommend or make objections, recommendations,~~
3252 ~~comments, or determinations during reviews conducted under s.~~
3253 ~~163.3184.~~

3254 (4) ~~(a)~~ The concurrency requirement as implemented in local
3255 comprehensive plans applies to state and other public facilities

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3256 and development to the same extent that it applies to all other
3257 facilities and development, as provided by law.

3258 ~~(b) The concurrency requirement as implemented in local~~
3259 ~~comprehensive plans does not apply to public transit facilities.~~
3260 ~~For the purposes of this paragraph, public transit facilities~~
3261 ~~include transit stations and terminals; transit station parking;~~
3262 ~~park and ride lots; intermodal public transit connection or~~
3263 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
3264 ~~airport passenger terminals and concourses, air cargo~~
3265 ~~facilities, and hangars for the assembly, manufacture,~~
3266 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
3267 ~~the terms "terminals" and "transit facilities" do not include~~
3268 ~~seaports or commercial or residential development constructed in~~
3269 ~~conjunction with a public transit facility.~~

3270 ~~(c) The concurrency requirement, except as it relates to~~
3271 ~~transportation facilities and public schools, as implemented in~~
3272 ~~local government comprehensive plans, may be waived by a local~~
3273 ~~government for urban infill and redevelopment areas designated~~
3274 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
3275 ~~public health or safety as defined by the local government in~~
3276 ~~its local government comprehensive plan. The waiver shall be~~
3277 ~~adopted as a plan amendment pursuant to the process set forth in~~
3278 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~
3279 ~~exception pursuant to subsection (5) for transportation~~
3280 ~~facilities located within these urban infill and redevelopment~~
3281 ~~areas.~~

3282 (5)(a) If concurrency is applied to transportation
3283 facilities, the local government comprehensive plan must provide

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3284 the principles, guidelines, standards, and strategies, including
3285 adopted levels of service to guide its application.

3286 (b) Local governments shall use professionally accepted
3287 studies to evaluate the appropriate levels of service. Local
3288 governments should consider the number of facilities that will
3289 be necessary to meet level-of-service demands when determining
3290 the appropriate levels of service. The schedule of facilities
3291 that are necessary to meet the adopted level of service shall be
3292 reflected in the capital improvement element.

3293 (c) Local governments shall use professionally accepted
3294 techniques for measuring levels of service when evaluating
3295 potential impacts of a proposed development.

3296 (d) The premise of concurrency is that the public
3297 facilities will be provided in order to achieve and maintain the
3298 adopted level of service standard. A comprehensive plan that
3299 imposes transportation concurrency shall contain appropriate
3300 amendments to the capital improvements element of the
3301 comprehensive plan, consistent with the requirements of s.
3302 163.3177(3). The capital improvements element shall identify
3303 facilities necessary to meet adopted levels of service during a
3304 5-year period.

3305 (e) If a local government applies transportation
3306 concurrency in its jurisdiction, it is encouraged to develop
3307 policy guidelines and techniques to address potential negative
3308 impacts on future development:

3309 1. In urban infill and redevelopment, and urban service
3310 areas.

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3311 2. With special part-time demands on the transportation
3312 system.

3313 3. With de minimis impacts.

3314 4. On community desired types of development, such as
3315 redevelopment, or job creation projects.

3316 (f) Local governments are encouraged to develop tools and
3317 techniques to complement the application of transportation
3318 concurrency such as:

3319 1. Adoption of long-term strategies to facilitate
3320 development patterns that support multimodal solutions,
3321 including urban design, and appropriate land use mixes,
3322 including intensity and density.

3323 2. Adoption of an areawide level of service not dependent
3324 on any single road segment function.

3325 3. Exempting or discounting impacts of locally desired
3326 development, such as development in urban areas, redevelopment,
3327 job creation, and mixed use on the transportation system.

3328 4. Assigning secondary priority to vehicle mobility and
3329 primary priority to ensuring a safe, comfortable, and attractive
3330 pedestrian environment, with convenient interconnection to
3331 transit.

3332 5. Establishing multimodal level of service standards that
3333 rely primarily on nonvehicular modes of transportation where
3334 existing or planned community design will provide adequate level
3335 of mobility.

3336 6. Reducing impact fees or local access fees to promote
3337 development within urban areas, multimodal transportation

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3338 districts, and a balance of mixed use development in certain
3339 areas or districts, or for affordable or workforce housing.

3340 (g) Local governments are encouraged to coordinate with
3341 adjacent local governments for the purpose of using common
3342 methodologies for measuring impacts on transportation
3343 facilities.

3344 (h) Local governments that implement transportation
3345 concurrency must:

3346 1. Consult with the Department of Transportation when
3347 proposed plan amendments affect facilities on the strategic
3348 intermodal system.

3349 2. Exempt public transit facilities from concurrency. For
3350 the purposes of this subparagraph, public transit facilities
3351 include transit stations and terminals; transit station parking;
3352 park-and-ride lots; intermodal public transit connection or
3353 transfer facilities; fixed bus, guideway, and rail stations; and
3354 airport passenger terminals and concourses, air cargo
3355 facilities, and hangars for the assembly, manufacture,
3356 maintenance, or storage of aircraft. As used in this
3357 subparagraph, the terms "terminals" and "transit facilities" do
3358 not include seaports or commercial or residential development
3359 constructed in conjunction with a public transit facility.

3360 3. Allow an applicant for a development-of-regional-impact
3361 development order, a rezoning, or other land use development
3362 permit to satisfy the transportation concurrency requirements of
3363 the local comprehensive plan, the local government's concurrency
3364 management system, and s. 380.06, when applicable, if:

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3365 a. The applicant enters into a binding agreement to pay
3366 for or construct its proportionate share of required
3367 improvements.

3368 b. The proportionate-share contribution or construction is
3369 sufficient to accomplish one or more mobility improvements that
3370 will benefit a regionally significant transportation facility.

3371 c.(I) The local government has provided a means by which
3372 the landowner will be assessed a proportionate share of the cost
3373 of providing the transportation facilities necessary to serve
3374 the proposed development. An applicant shall not be held
3375 responsible for the additional cost of reducing or eliminating
3376 deficiencies.

3377 (II) When an applicant contributes or constructs its
3378 proportionate share pursuant to this subparagraph, a local
3379 government may not require payment or construction of
3380 transportation facilities whose costs would be greater than a
3381 development's proportionate share of the improvements necessary
3382 to mitigate the development's impacts.

3383 (A) The proportionate-share contribution shall be
3384 calculated based upon the number of trips from the proposed
3385 development expected to reach roadways during the peak hour from
3386 the stage or phase being approved, divided by the change in the
3387 peak hour maximum service volume of roadways resulting from
3388 construction of an improvement necessary to maintain or achieve
3389 the adopted level of service, multiplied by the construction
3390 cost, at the time of development payment, of the improvement
3391 necessary to maintain or achieve the adopted level of service.

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3392 (B) In using the proportionate-share formula provided in
3393 this subparagraph, the applicant, in its traffic analysis, shall
3394 identify those roads or facilities that have a transportation
3395 deficiency in accordance with the transportation deficiency as
3396 defined in sub-subparagraph e. The proportionate-share formula
3397 provided in this subparagraph shall be applied only to those
3398 facilities that are determined to be significantly impacted by
3399 the project traffic under review. If any road is determined to
3400 be transportation deficient without the project traffic under
3401 review, the costs of correcting that deficiency shall be removed
3402 from the project's proportionate-share calculation and the
3403 necessary transportation improvements to correct that deficiency
3404 shall be considered to be in place for purposes of the
3405 proportionate-share calculation. The improvement necessary to
3406 correct the transportation deficiency is the funding
3407 responsibility of the entity that has maintenance responsibility
3408 for the facility. The development's proportionate share shall be
3409 calculated only for the needed transportation improvements that
3410 are greater than the identified deficiency.

3411 (C) When the provisions of this subparagraph have been
3412 satisfied for a particular stage or phase of development, all
3413 transportation impacts from that stage or phase for which
3414 mitigation was required and provided shall be deemed fully
3415 mitigated in any transportation analysis for a subsequent stage
3416 or phase of development. Trips from a previous stage or phase
3417 that did not result in impacts for which mitigation was required
3418 or provided may be cumulatively analyzed with trips from a

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3419 subsequent stage or phase to determine whether an impact
3420 requires mitigation for the subsequent stage or phase.

3421 (D) In projecting the number of trips to be generated by
3422 the development under review, any trips assigned to a toll-
3423 financed facility shall be eliminated from the analysis.

3424 (E) The applicant shall receive a credit on a dollar-for-
3425 dollar basis for impact fees, mobility fees, and other
3426 transportation concurrency mitigation requirements paid or
3427 payable in the future for the project. The credit shall be
3428 reduced up to 20 percent by the percentage share that the
3429 project's traffic represents of the added capacity of the
3430 selected improvement, or by the amount specified by local
3431 ordinance, whichever yields the greater credit.

3432 d. This subsection does not require a local government to
3433 approve a development that is not otherwise qualified for
3434 approval pursuant to the applicable local comprehensive plan and
3435 land development regulations.

3436 e. As used in this subsection, the term "transportation
3437 deficiency" means a facility or facilities on which the adopted
3438 level-of-service standard is exceeded by the existing,
3439 committed, and vested trips, plus additional projected
3440 background trips from any source other than the development
3441 project under review, and trips that are forecast by established
3442 traffic standards, including traffic modeling, consistent with
3443 the University of Florida's Bureau of Economic and Business
3444 Research medium population projections. Additional projected
3445 background trips are to be coincident with the particular stage
3446 or phase of development under review.

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3447 ~~(a) The Legislature finds that under limited~~
3448 ~~circumstances, countervailing planning and public policy goals~~
3449 ~~may come into conflict with the requirement that adequate public~~
3450 ~~transportation facilities and services be available concurrent~~
3451 ~~with the impacts of such development. The Legislature further~~
3452 ~~finds that the unintended result of the concurrency requirement~~
3453 ~~for transportation facilities is often the discouragement of~~
3454 ~~urban infill development and redevelopment. Such unintended~~
3455 ~~results directly conflict with the goals and policies of the~~
3456 ~~state comprehensive plan and the intent of this part. The~~
3457 ~~Legislature also finds that in urban centers transportation~~
3458 ~~cannot be effectively managed and mobility cannot be improved~~
3459 ~~solely through the expansion of roadway capacity, that the~~
3460 ~~expansion of roadway capacity is not always physically or~~
3461 ~~financially possible, and that a range of transportation~~
3462 ~~alternatives is essential to satisfy mobility needs, reduce~~
3463 ~~congestion, and achieve healthy, vibrant centers.~~

3464 ~~(b)1. The following are transportation concurrency~~
3465 ~~exception areas:~~

3466 ~~a. A municipality that qualifies as a dense urban land~~
3467 ~~area under s. 163.3164;~~

3468 ~~b. An urban service area under s. 163.3164 that has been~~
3469 ~~adopted into the local comprehensive plan and is located within~~
3470 ~~a county that qualifies as a dense urban land area under s.~~
3471 ~~163.3164; and~~

3472 ~~c. A county, including the municipalities located therein,~~
3473 ~~which has a population of at least 900,000 and qualifies as a~~

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

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

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Community redevelopment areas as defined in s. 163.340;~~

~~c. Downtown revitalization areas as defined in s. 163.3164;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).~~

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

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Urban infill and redevelopment under s. 163.2517; or~~

~~c. Urban service areas as defined in s. 163.3164.~~

~~4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are~~

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3502 ~~encouraged to adopt complementary land use and transportation~~
3503 ~~strategies that reflect the region's shared vision for its~~
3504 ~~future. If the state land planning agency finds insufficient~~
3505 ~~cause for the failure to adopt into its comprehensive plan land~~
3506 ~~use and transportation strategies to support and fund mobility~~
3507 ~~within the designated exception area after 2 years, it shall~~
3508 ~~submit the finding to the Administration Commission, which may~~
3509 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~
3510 ~~(b) against the local government.~~

3511 ~~5. Transportation concurrency exception areas designated~~
3512 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
3513 ~~do not apply to designated transportation concurrency districts~~
3514 ~~located within a county that has a population of at least 1.5~~
3515 ~~million, has implemented and uses a transportation-related~~
3516 ~~concurrency assessment to support alternative modes of~~
3517 ~~transportation, including, but not limited to, mass transit, and~~
3518 ~~does not levy transportation impact fees within the concurrency~~
3519 ~~district.~~

3520 ~~6. Transportation concurrency exception areas designated~~
3521 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
3522 ~~not apply in any county that has exempted more than 40 percent~~
3523 ~~of the area inside the urban service area from transportation~~
3524 ~~concurrency for the purpose of urban infill.~~

3525 ~~7. A local government that does not have a transportation~~
3526 ~~concurrency exception area designated pursuant to subparagraph~~
3527 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
3528 ~~from the concurrency requirement for transportation facilities~~
3529 ~~if the proposed development is otherwise consistent with the~~

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3530 ~~adopted local government comprehensive plan and is a project~~
3531 ~~that promotes public transportation or is located within an area~~
3532 ~~designated in the comprehensive plan for:~~

3533 ~~a. Urban infill development;~~

3534 ~~b. Urban redevelopment;~~

3535 ~~c. Downtown revitalization;~~

3536 ~~d. Urban infill and redevelopment under s. 163.2517; or~~

3537 ~~e. An urban service area specifically designated as a~~
3538 ~~transportation concurrency exception area which includes lands~~
3539 ~~appropriate for compact, contiguous urban development, which~~
3540 ~~does not exceed the amount of land needed to accommodate the~~
3541 ~~projected population growth at densities consistent with the~~
3542 ~~adopted comprehensive plan within the 10-year planning period,~~
3543 ~~and which is served or is planned to be served with public~~
3544 ~~facilities and services as provided by the capital improvements~~
3545 ~~element.~~

3546 ~~(c) The Legislature also finds that developments located~~
3547 ~~within urban infill, urban redevelopment, urban service, or~~
3548 ~~downtown revitalization areas or areas designated as urban~~
3549 ~~infill and redevelopment areas under s. 163.2517, which pose~~
3550 ~~only special part-time demands on the transportation system, are~~
3551 ~~exempt from the concurrency requirement for transportation~~
3552 ~~facilities. A special part-time demand is one that does not have~~
3553 ~~more than 200 scheduled events during any calendar year and does~~
3554 ~~not affect the 100 highest traffic volume hours.~~

3555 ~~(d) Except for transportation concurrency exception areas~~
3556 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
3557 ~~or subparagraph (b)3., the following requirements apply:~~

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3558 ~~1. The local government shall both adopt into the~~
3559 ~~comprehensive plan and implement long-term strategies to support~~
3560 ~~and fund mobility within the designated exception area,~~
3561 ~~including alternative modes of transportation. The plan~~
3562 ~~amendment must also demonstrate how strategies will support the~~
3563 ~~purpose of the exception and how mobility within the designated~~
3564 ~~exception area will be provided.~~

3565 ~~2. The strategies must address urban design; appropriate~~
3566 ~~land use mixes, including intensity and density; and network~~
3567 ~~connectivity plans needed to promote urban infill,~~
3568 ~~redevelopment, or downtown revitalization. The comprehensive~~
3569 ~~plan amendment designating the concurrency exception area must~~
3570 ~~be accompanied by data and analysis supporting the local~~
3571 ~~government's determination of the boundaries of the~~
3572 ~~transportation concurrency exception area.~~

3573 ~~(c) Before designating a concurrency exception area~~
3574 ~~pursuant to subparagraph (b)7., the state land planning agency~~
3575 ~~and the Department of Transportation shall be consulted by the~~
3576 ~~local government to assess the impact that the proposed~~
3577 ~~exception area is expected to have on the adopted level of~~
3578 ~~service standards established for regional transportation~~
3579 ~~facilities identified pursuant to s. 186.507, including the~~
3580 ~~Strategic Intermodal System and roadway facilities funded in~~
3581 ~~accordance with s. 339.2819. Further, the local government shall~~
3582 ~~provide a plan for the mitigation of impacts to the Strategic~~
3583 ~~Intermodal System, including, if appropriate, access management,~~
3584 ~~parallel reliever roads, transportation demand management, and~~
3585 ~~other measures.~~

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3586 ~~(f) The designation of a transportation concurrency~~
3587 ~~exception area does not limit a local government's home rule~~
3588 ~~power to adopt ordinances or impose fees. This subsection does~~
3589 ~~not affect any contract or agreement entered into or development~~
3590 ~~order rendered before the creation of the transportation~~
3591 ~~concurrency exception area except as provided in s.~~
3592 ~~380.06(29) (e).~~

3593 ~~(g) The Office of Program Policy Analysis and Government~~
3594 ~~Accountability shall submit to the President of the Senate and~~
3595 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3596 ~~a report on transportation concurrency exception areas created~~
3597 ~~pursuant to this subsection. At a minimum, the report shall~~
3598 ~~address the methods that local governments have used to~~
3599 ~~implement and fund transportation strategies to achieve the~~
3600 ~~purposes of designated transportation concurrency exception~~
3601 ~~areas, and the effects of the strategies on mobility,~~
3602 ~~congestion, urban design, the density and intensity of land use~~
3603 ~~mixes, and network connectivity plans used to promote urban~~
3604 ~~infill, redevelopment, or downtown revitalization.~~

3605 ~~(6) The Legislature finds that a de minimis impact is~~
3606 ~~consistent with this part. A de minimis impact is an impact that~~
3607 ~~would not affect more than 1 percent of the maximum volume at~~
3608 ~~the adopted level of service of the affected transportation~~
3609 ~~facility as determined by the local government. No impact will~~
3610 ~~be de minimis if the sum of existing roadway volumes and the~~
3611 ~~projected volumes from approved projects on a transportation~~
3612 ~~facility would exceed 110 percent of the maximum volume at the~~
3613 ~~adopted level of service of the affected transportation~~

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3614 ~~facility; provided however, that an impact of a single family~~
3615 ~~home on an existing lot will constitute a de minimis impact on~~
3616 ~~all roadways regardless of the level of the deficiency of the~~
3617 ~~roadway. Further, no impact will be de minimis if it would~~
3618 ~~exceed the adopted level of service standard of any affected~~
3619 ~~designated hurricane evacuation routes. Each local government~~
3620 ~~shall maintain sufficient records to ensure that the 110 percent~~
3621 ~~criterion is not exceeded. Each local government shall submit~~
3622 ~~annually, with its updated capital improvements element, a~~
3623 ~~summary of the de minimis records. If the state land planning~~
3624 ~~agency determines that the 110 percent criterion has been~~
3625 ~~exceeded, the state land planning agency shall notify the local~~
3626 ~~government of the exceedance and that no further de minimis~~
3627 ~~exceptions for the applicable roadway may be granted until such~~
3628 ~~time as the volume is reduced below the 110 percent. The local~~
3629 ~~government shall provide proof of this reduction to the state~~
3630 ~~land planning agency before issuing further de minimis~~
3631 ~~exceptions.~~

3632 ~~(7) In order to promote infill development and~~
3633 ~~redevelopment, one or more transportation concurrency management~~
3634 ~~areas may be designated in a local government comprehensive~~
3635 ~~plan. A transportation concurrency management area must be a~~
3636 ~~compact geographic area with an existing network of roads where~~
3637 ~~multiple, viable alternative travel paths or modes are available~~
3638 ~~for common trips. A local government may establish an areawide~~
3639 ~~level-of-service standard for such a transportation concurrency~~
3640 ~~management area based upon an analysis that provides for a~~
3641 ~~justification for the areawide level of service, how urban~~

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3642 ~~infill development or redevelopment will be promoted, and how~~
3643 ~~mobility will be accomplished within the transportation~~
3644 ~~concurrency management area. Prior to the designation of a~~
3645 ~~concurrency management area, the Department of Transportation~~
3646 ~~shall be consulted by the local government to assess the impact~~
3647 ~~that the proposed concurrency management area is expected to~~
3648 ~~have on the adopted level of service standards established for~~
3649 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
3650 ~~and roadway facilities funded in accordance with s. 339.2819.~~
3651 ~~Further, the local government shall, in cooperation with the~~
3652 ~~Department of Transportation, develop a plan to mitigate any~~
3653 ~~impacts to the Strategic Intermodal System, including, if~~
3654 ~~appropriate, the development of a long-term concurrency~~
3655 ~~management system pursuant to subsection (9) and s.~~
3656 ~~163.3177(3)(d). Transportation concurrency management areas~~
3657 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3658 ~~provisions of this section by July 1, 2006, or at the time of~~
3659 ~~the comprehensive plan update pursuant to the evaluation and~~
3660 ~~appraisal report, whichever occurs last. The state land planning~~
3661 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
3662 ~~be consistent with this subsection.~~

3663 ~~(8) When assessing the transportation impacts of proposed~~
3664 ~~urban redevelopment within an established existing urban service~~
3665 ~~area, 110 percent of the actual transportation impact caused by~~
3666 ~~the previously existing development must be reserved for the~~
3667 ~~redevelopment, even if the previously existing development has a~~
3668 ~~lesser or nonexistent impact pursuant to the calculations of the~~
3669 ~~local government. Redevelopment requiring less than 110 percent~~
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3670 ~~of the previously existing capacity shall not be prohibited due~~
3671 ~~to the reduction of transportation levels of service below the~~
3672 ~~adopted standards. This does not preclude the appropriate~~
3673 ~~assessment of fees or accounting for the impacts within the~~
3674 ~~concurrency management system and capital improvements program~~
3675 ~~of the affected local government. This paragraph does not affect~~
3676 ~~local government requirements for appropriate development~~
3677 ~~permits.~~

3678 ~~(9) (a) Each local government may adopt as a part of its~~
3679 ~~plan, long-term transportation and school concurrency management~~
3680 ~~systems with a planning period of up to 10 years for specially~~
3681 ~~designated districts or areas where significant backlogs exist.~~
3682 ~~The plan may include interim level-of-service standards on~~
3683 ~~certain facilities and shall rely on the local government's~~
3684 ~~schedule of capital improvements for up to 10 years as a basis~~
3685 ~~for issuing development orders that authorize commencement of~~
3686 ~~construction in these designated districts or areas. The~~
3687 ~~concurrency management system must be designed to correct~~
3688 ~~existing deficiencies and set priorities for addressing~~
3689 ~~backlogged facilities. The concurrency management system must be~~
3690 ~~financially feasible and consistent with other portions of the~~
3691 ~~adopted local plan, including the future land use map.~~

3692 ~~(b) If a local government has a transportation or school~~
3693 ~~facility backlog for existing development which cannot be~~
3694 ~~adequately addressed in a 10-year plan, the state land planning~~
3695 ~~agency may allow it to develop a plan and long-term schedule of~~
3696 ~~capital improvements covering up to 15 years for good and~~
3697 ~~sufficient cause, based on a general comparison between that~~

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3698 ~~local government and all other similarly situated local~~
3699 ~~jurisdictions, using the following factors:~~

3700 ~~1. The extent of the backlog.~~

3701 ~~2. For roads, whether the backlog is on local or state~~
3702 ~~roads.~~

3703 ~~3. The cost of eliminating the backlog.~~

3704 ~~4. The local government's tax and other revenue-raising~~
3705 ~~efforts.~~

3706 ~~(c) The local government may issue approvals to commence~~
3707 ~~construction notwithstanding this section, consistent with and~~
3708 ~~in areas that are subject to a long-term concurrency management~~
3709 ~~system.~~

3710 ~~(d) If the local government adopts a long-term concurrency~~
3711 ~~management system, it must evaluate the system periodically. At~~
3712 ~~a minimum, the local government must assess its progress toward~~
3713 ~~improving levels of service within the long-term concurrency~~
3714 ~~management district or area in the evaluation and appraisal~~
3715 ~~report and determine any changes that are necessary to~~
3716 ~~accelerate progress in meeting acceptable levels of service.~~

3717 ~~(10) Except in transportation concurrency exception areas,~~
3718 ~~with regard to roadway facilities on the Strategic Intermodal~~
3719 ~~System designated in accordance with s. 339.63, local~~
3720 ~~governments shall adopt the level of service standard~~
3721 ~~established by the Department of Transportation by rule.~~

3722 ~~However, if the Office of Tourism, Trade, and Economic~~
3723 ~~Development concurs in writing with the local government that~~
3724 ~~the proposed development is for a qualified job creation project~~
3725 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
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3726 ~~after consulting with the Department of Transportation, may~~
3727 ~~provide for a waiver of transportation concurrency for the~~
3728 ~~project. For all other roads on the State Highway System, local~~
3729 ~~governments shall establish an adequate level of service~~
3730 ~~standard that need not be consistent with any level of service~~
3731 ~~standard established by the Department of Transportation. In~~
3732 ~~establishing adequate level of service standards for any~~
3733 ~~arterial roads, or collector roads as appropriate, which~~
3734 ~~traverse multiple jurisdictions, local governments shall~~
3735 ~~consider compatibility with the roadway facility's adopted~~
3736 ~~level of service standards in adjacent jurisdictions. Each local~~
3737 ~~government within a county shall use a professionally accepted~~
3738 ~~methodology for measuring impacts on transportation facilities~~
3739 ~~for the purposes of implementing its concurrency management~~
3740 ~~system. Counties are encouraged to coordinate with adjacent~~
3741 ~~counties, and local governments within a county are encouraged~~
3742 ~~to coordinate, for the purpose of using common methodologies for~~
3743 ~~measuring impacts on transportation facilities for the purpose~~
3744 ~~of implementing their concurrency management systems.~~

3745 ~~(11) In order to limit the liability of local governments,~~
3746 ~~a local government may allow a landowner to proceed with~~
3747 ~~development of a specific parcel of land notwithstanding a~~
3748 ~~failure of the development to satisfy transportation~~
3749 ~~concurrency, when all the following factors are shown to exist:~~

3750 ~~(a) The local government with jurisdiction over the~~
3751 ~~property has adopted a local comprehensive plan that is in~~
3752 ~~compliance.~~

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3753 ~~(b) The proposed development would be consistent with the~~
3754 ~~future land use designation for the specific property and with~~
3755 ~~pertinent portions of the adopted local plan, as determined by~~
3756 ~~the local government.~~

3757 ~~(c) The local plan includes a financially feasible capital~~
3758 ~~improvements element that provides for transportation facilities~~
3759 ~~adequate to serve the proposed development, and the local~~
3760 ~~government has not implemented that element.~~

3761 ~~(d) The local government has provided a means by which the~~
3762 ~~landowner will be assessed a fair share of the cost of providing~~
3763 ~~the transportation facilities necessary to serve the proposed~~
3764 ~~development.~~

3765 ~~(e) The landowner has made a binding commitment to the~~
3766 ~~local government to pay the fair share of the cost of providing~~
3767 ~~the transportation facilities to serve the proposed development.~~

3768 ~~(12) (a) A development of regional impact may satisfy the~~
3769 ~~transportation concurrency requirements of the local~~
3770 ~~comprehensive plan, the local government's concurrency~~
3771 ~~management system, and s. 380.06 by payment of a proportionate-~~
3772 ~~share contribution for local and regionally significant traffic~~
3773 ~~impacts, if:~~

3774 ~~1. The development of regional impact which, based on its~~
3775 ~~location or mix of land uses, is designed to encourage~~
3776 ~~pedestrian or other nonautomotive modes of transportation;~~

3777 ~~2. The proportionate share contribution for local and~~
3778 ~~regionally significant traffic impacts is sufficient to pay for~~
3779 ~~one or more required mobility improvements that will benefit a~~
3780 ~~regionally significant transportation facility;~~

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3781 ~~3. The owner and developer of the development of regional~~
3782 ~~impact pays or assures payment of the proportionate share~~
3783 ~~contribution; and~~

3784 ~~4. If the regionally significant transportation facility~~
3785 ~~to be constructed or improved is under the maintenance authority~~
3786 ~~of a governmental entity, as defined by s. 334.03(12), other~~
3787 ~~than the local government with jurisdiction over the development~~
3788 ~~of regional impact, the developer is required to enter into a~~
3789 ~~binding and legally enforceable commitment to transfer funds to~~
3790 ~~the governmental entity having maintenance authority or to~~
3791 ~~otherwise assure construction or improvement of the facility.~~

3792
3793 ~~The proportionate share contribution may be applied to any~~
3794 ~~transportation facility to satisfy the provisions of this~~
3795 ~~subsection and the local comprehensive plan, but, for the~~
3796 ~~purposes of this subsection, the amount of the proportionate-~~
3797 ~~share contribution shall be calculated based upon the cumulative~~
3798 ~~number of trips from the proposed development expected to reach~~
3799 ~~roadways during the peak hour from the complete buildout of a~~
3800 ~~stage or phase being approved, divided by the change in the peak~~
3801 ~~hour maximum service volume of roadways resulting from~~
3802 ~~construction of an improvement necessary to maintain the adopted~~
3803 ~~level of service, multiplied by the construction cost, at the~~
3804 ~~time of developer payment, of the improvement necessary to~~
3805 ~~maintain the adopted level of service. For purposes of this~~
3806 ~~subsection, "construction cost" includes all associated costs of~~
3807 ~~the improvement. Proportionate share mitigation shall be limited~~
3808 ~~to ensure that a development of regional impact meeting the~~

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3809 ~~requirements of this subsection mitigates its impact on the~~
3810 ~~transportation system but is not responsible for the additional~~
3811 ~~cost of reducing or eliminating backlogs. This subsection also~~
3812 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
3813 ~~and to detailed specific area plans implementing optional sector~~
3814 ~~plans pursuant to s. 163.3245.~~

3815 ~~(b) As used in this subsection, the term "backlog" means a~~
3816 ~~facility or facilities on which the adopted level of service~~
3817 ~~standard is exceeded by the existing trips, plus additional~~
3818 ~~projected background trips from any source other than the~~
3819 ~~development project under review that are forecast by~~
3820 ~~established traffic standards, including traffic modeling,~~
3821 ~~consistent with the University of Florida Bureau of Economic and~~
3822 ~~Business Research medium population projections. Additional~~
3823 ~~projected background trips are to be coincident with the~~
3824 ~~particular stage or phase of development under review.~~

3825 ~~(13) School concurrency shall be established on a~~
3826 ~~districtwide basis and shall include all public schools in the~~
3827 ~~district and all portions of the district, whether located in a~~
3828 ~~municipality or an unincorporated area unless exempt from the~~
3829 ~~public school facilities element pursuant to s. 163.3177(12).~~

3830 (6) (a) If concurrency is applied to public education
3831 facilities, The application of school concurrency to development
3832 shall be based upon the adopted comprehensive plan, as amended.
3833 all local governments within a county, except as provided in
3834 paragraph (i) (f), shall include principles, guidelines,
3835 standards, and strategies, including adopted levels of service,
3836 in their comprehensive plans and adopt and transmit to the state

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3837 ~~land planning agency the necessary plan amendments, along with~~
3838 ~~the interlocal agreements. If the county and one or more~~
3839 ~~municipalities have adopted school concurrency into its~~
3840 ~~comprehensive plan and interlocal agreement that represents at~~
3841 ~~least 80 percent of the total countywide population, the failure~~
3842 ~~of one or more municipalities to adopt the concurrency and enter~~
3843 ~~into the interlocal agreement does not preclude implementation~~
3844 ~~of school concurrency within jurisdictions of the school~~
3845 ~~district that have opted to implement concurrency. agreement,~~
3846 ~~for a compliance review pursuant to s. 163.3184(7) and (8). The~~
3847 ~~minimum requirements for school concurrency are the following:~~

3848 ~~(a) Public school facilities element. A local government~~
3849 ~~shall adopt and transmit to the state land planning agency a~~
3850 ~~plan or plan amendment which includes a public school facilities~~
3851 ~~element which is consistent with the requirements of s.~~
3852 ~~163.3177(12) and which is determined to be in compliance as~~
3853 ~~defined in s. 163.3184(1)(b). All local government provisions~~
3854 ~~included in comprehensive plans regarding school concurrency~~
3855 ~~public school facilities plan elements within a county must be~~
3856 ~~consistent with each other as well as the requirements of this~~
3857 ~~part.~~

3858 ~~(b) Level of service standards. The Legislature recognizes~~
3859 ~~that an essential requirement for a concurrency management~~
3860 ~~system is the level of service at which a public facility is~~
3861 ~~expected to operate.~~

3862 ~~1. Local governments and school boards imposing school~~
3863 ~~concurrency shall exercise authority in conjunction with each~~
3864 ~~other to establish jointly adequate level-of-service standards,~~
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3865 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
3866 necessary to implement the adopted local government
3867 comprehensive plan, based on data and analysis.

3868 ~~(c)2.~~ Public school level-of-service standards shall be
3869 included and adopted into the capital improvements element of
3870 the local comprehensive plan and shall apply districtwide to all
3871 schools of the same type. Types of schools may include
3872 elementary, middle, and high schools as well as special purpose
3873 facilities such as magnet schools.

3874 ~~(d)3.~~ Local governments and school boards may ~~shall have~~
3875 ~~the option to~~ utilize tiered level-of-service standards to allow
3876 time to achieve an adequate and desirable level of service as
3877 circumstances warrant.

3878 ~~(e)4.~~ ~~For the purpose of determining whether levels of~~
3879 ~~service have been achieved, for the first 3 years of school~~
3880 ~~concurrency implementation,~~ A school district that includes
3881 relocatable facilities in its inventory of student stations
3882 shall include the capacity of such relocatable facilities as
3883 provided in s. 1013.35(2)(b)2.f., provided the relocatable
3884 facilities were purchased after 1998 and the relocatable
3885 facilities meet the standards for long-term use pursuant to s.
3886 1013.20.

3887 ~~(e) Service areas.~~ ~~The Legislature recognizes that an~~
3888 ~~essential requirement for a concurrency system is a designation~~
3889 ~~of the area within which the level of service will be measured~~
3890 ~~when an application for a residential development permit is~~
3891 ~~reviewed for school concurrency purposes. This delineation is~~
3892 ~~also important for purposes of determining whether the local~~
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3893 ~~government has a financially feasible public school capital~~
3894 ~~facilities program that will provide schools which will achieve~~
3895 ~~and maintain the adopted level of service standards.~~

3896 (f)1. In order to balance competing interests, preserve
3897 the constitutional concept of uniformity, and avoid disruption
3898 of existing educational and growth management processes, local
3899 governments are encouraged, if they elect to adopt school
3900 concurrency, to ~~initially~~ apply school concurrency to
3901 development ~~only~~ on a districtwide basis so that a concurrency
3902 determination for a specific development will be based upon the
3903 availability of school capacity districtwide. ~~To ensure that~~
3904 ~~development is coordinated with schools having available~~
3905 ~~capacity, within 5 years after adoption of school concurrency,~~

3906 2. If a local government elects to ~~governments shall~~ apply
3907 school concurrency on a less than districtwide basis, by ~~such as~~
3908 using school attendance zones or concurrency service areas; ~~as~~
3909 ~~provided in subparagraph 2.~~

3910 a.2. ~~For local governments applying school concurrency on~~
3911 ~~a less than districtwide basis, such as utilizing school~~
3912 ~~attendance zones or larger school concurrency service areas,~~
3913 Local governments and school boards shall have the burden to
3914 demonstrate that the utilization of school capacity is maximized
3915 to the greatest extent possible in the comprehensive plan and
3916 amendment, taking into account transportation costs and court-
3917 approved desegregation plans, as well as other factors. In
3918 addition, in order to achieve concurrency within the service
3919 area boundaries selected by local governments and school boards,
3920 the service area boundaries, together with the standards for

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3921 establishing those boundaries, shall be identified and included
3922 as supporting data and analysis for the comprehensive plan.

3923 b.3. Where school capacity is available on a districtwide
3924 basis but school concurrency is applied on a less than
3925 districtwide basis in the form of concurrency service areas, if
3926 the adopted level-of-service standard cannot be met in a
3927 particular service area as applied to an application for a
3928 development permit and if the needed capacity for the particular
3929 service area is available in one or more contiguous service
3930 areas, as adopted by the local government, then the local
3931 government may not deny an application for site plan or final
3932 subdivision approval or the functional equivalent for a
3933 development or phase of a development on the basis of school
3934 concurrency, and if issued, development impacts shall be
3935 subtracted from the shifted to contiguous service area's areas
3936 with schools having available capacity totals. Students from the
3937 development may not be required to go to the adjacent service
3938 area unless the school board rezones the area in which the
3939 development occurs.

3940 (g)(d) Financial feasibility. ~~The Legislature recognizes~~
3941 ~~that financial feasibility is an important issue because The~~
3942 ~~premise of concurrency is that the public facilities will be~~
3943 ~~provided in order to achieve and maintain the adopted level-of-~~
3944 ~~service standard. This part and chapter 9J-5, Florida~~
3945 ~~Administrative Code, contain specific standards to determine the~~
3946 ~~financial feasibility of capital programs. These standards were~~
3947 ~~adopted to make concurrency more predictable and local~~
3948 ~~governments more accountable.~~

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3949 1. A comprehensive plan that imposes ~~amendment seeking to~~
3950 ~~impose~~ school concurrency shall contain appropriate amendments
3951 to the capital improvements element of the comprehensive plan,
3952 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~
3953 ~~5.016, Florida Administrative Code.~~ The capital improvements
3954 element shall identify facilities necessary to meet adopted
3955 levels of service during a 5-year period consistent with the
3956 school board's educational ~~set forth a financially feasible~~
3957 ~~public school capital facilities plan program, established in~~
3958 ~~conjunction with the school board, that demonstrates that the~~
3959 ~~adopted level of service standards will be achieved and~~
3960 ~~maintained.~~

3961 (h)1. In order to limit the liability of local
3962 governments, a local government may allow a landowner to proceed
3963 with development of a specific parcel of land notwithstanding a
3964 failure of the development to satisfy school concurrency, if all
3965 the following factors are shown to exist:

3966 a. The proposed development would be consistent with the
3967 future land use designation for the specific property and with
3968 pertinent portions of the adopted local plan, as determined by
3969 the local government.

3970 b. The local government's capital improvements element and
3971 the school board's educational facilities plan provide for
3972 school facilities adequate to serve the proposed development,
3973 and the local government or school board has not implemented
3974 that element or the project includes a plan that demonstrates
3975 that the capital facilities needed as a result of the project
3976 can be reasonably provided.

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3977 c. The local government and school board have provided a
3978 means by which the landowner will be assessed a proportionate
3979 share of the cost of providing the school facilities necessary
3980 to serve the proposed development.

3981 ~~2. Such amendments shall demonstrate that the public~~
3982 ~~school capital facilities program meets all of the financial~~
3983 ~~feasibility standards of this part and chapter 9J-5, Florida~~
3984 ~~Administrative Code, that apply to capital programs which~~
3985 ~~provide the basis for mandatory concurrency on other public~~
3986 ~~facilities and services.~~

3987 ~~3. When the financial feasibility of a public school~~
3988 ~~capital facilities program is evaluated by the state land~~
3989 ~~planning agency for purposes of a compliance determination, the~~
3990 ~~evaluation shall be based upon the service areas selected by the~~
3991 ~~local governments and school board.~~

3992 ~~2.(c) Availability standard. Consistent with the public~~
3993 ~~welfare, If a local government applies school concurrency, it~~
3994 ~~may not deny an application for site plan, final subdivision~~
3995 ~~approval, or the functional equivalent for a development or~~
3996 ~~phase of a development authorizing residential development for~~
3997 ~~failure to achieve and maintain the level-of-service standard~~
3998 ~~for public school capacity in a local school concurrency~~
3999 ~~management system where adequate school facilities will be in~~
4000 ~~place or under actual construction within 3 years after the~~
4001 ~~issuance of final subdivision or site plan approval, or the~~
4002 ~~functional equivalent. School concurrency is satisfied if the~~
4003 ~~developer executes a legally binding commitment to provide~~
4004 ~~mitigation proportionate to the demand for public school~~

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4005 facilities to be created by actual development of the property,
4006 including, but not limited to, the options described in sub-
4007 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share
4008 mitigation of impacts on public school facilities must be
4009 established in the comprehensive plan ~~public school facilities~~
4010 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.

4011 a.1. Appropriate mitigation options include the
4012 contribution of land; the construction, expansion, or payment
4013 for land acquisition or construction of a public school
4014 facility; the construction of a charter school that complies
4015 with the requirements of s. 1002.33(18); or the creation of
4016 mitigation banking based on the construction of a public school
4017 facility in exchange for the right to sell capacity credits.
4018 Such options must include execution by the applicant and the
4019 local government of a development agreement that constitutes a
4020 legally binding commitment to pay proportionate-share mitigation
4021 for the additional residential units approved by the local
4022 government in a development order and actually developed on the
4023 property, taking into account residential density allowed on the
4024 property prior to the plan amendment that increased the overall
4025 residential density. The district school board must be a party
4026 to such an agreement. As a condition of its entry into such a
4027 development agreement, the local government may require the
4028 landowner to agree to continuing renewal of the agreement upon
4029 its expiration.

4030 b.2. If the interlocal agreement ~~education facilities plan~~
4031 and the local government comprehensive plan ~~public educational~~
4032 ~~facilities element~~ authorize a contribution of land; the

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4033 construction, expansion, or payment for land acquisition; the
4034 construction or expansion of a public school facility, or a
4035 portion thereof; or the construction of a charter school that
4036 complies with the requirements of s. 1002.33(18), as
4037 proportionate-share mitigation, the local government shall
4038 credit such a contribution, construction, expansion, or payment
4039 toward any other impact fee or exaction imposed by local
4040 ordinance for the same need, on a dollar-for-dollar basis at
4041 fair market value.

4042 ~~c.3.~~ Any proportionate-share mitigation must be directed
4043 by the school board toward a school capacity improvement
4044 identified in the ~~a financially feasible 5-year school board's~~
4045 educational facilities district work plan that satisfies the
4046 demands created by the development in accordance with a binding
4047 developer's agreement.

4048 ~~4. If a development is precluded from commencing because~~
4049 ~~there is inadequate classroom capacity to mitigate the impacts~~
4050 ~~of the development, the development may nevertheless commence if~~
4051 ~~there are accelerated facilities in an approved capital~~
4052 ~~improvement element scheduled for construction in year four or~~
4053 ~~later of such plan which, when built, will mitigate the proposed~~
4054 ~~development, or if such accelerated facilities will be in the~~
4055 ~~next annual update of the capital facilities element, the~~
4056 ~~developer enters into a binding, financially guaranteed~~
4057 ~~agreement with the school district to construct an accelerated~~
4058 ~~facility within the first 3 years of an approved capital~~
4059 ~~improvement plan, and the cost of the school facility is equal~~
4060 ~~to or greater than the development's proportionate share. When~~

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4061 ~~the completed school facility is conveyed to the school~~
4062 ~~district, the developer shall receive impact fee credits usable~~
4063 ~~within the zone where the facility is constructed or any~~
4064 ~~attendance zone contiguous with or adjacent to the zone where~~
4065 ~~the facility is constructed.~~

4066 3.5. This paragraph does not limit the authority of a
4067 local government to deny a development permit or its functional
4068 equivalent pursuant to its home rule regulatory powers, except
4069 as provided in this part.

4070 ~~(i) (f) Intergovernmental coordination.~~

4071 ~~1. When establishing concurrency requirements for public~~
4072 ~~schools, a local government shall satisfy the requirements for~~
4073 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
4074 ~~and 2., except that A municipality is not required to be a~~
4075 ~~signatory to the interlocal agreement required by paragraph (j)~~
4076 ~~ss. 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for~~
4077 ~~imposition of school concurrency, and as a nonsignatory, may~~
4078 ~~shall not participate in the adopted local school concurrency~~
4079 ~~system, if the municipality meets all of the following criteria~~
4080 ~~for having no significant impact on school attendance:~~

4081 ~~1.a.~~ The municipality has issued development orders for
4082 fewer than 50 residential dwelling units during the preceding 5
4083 years, or the municipality has generated fewer than 25
4084 additional public school students during the preceding 5 years.

4085 ~~2.b.~~ The municipality has not annexed new land during the
4086 preceding 5 years in land use categories which permit
4087 residential uses that will affect school attendance rates.

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4088 ~~3.e.~~ The municipality has no public schools located within
4089 its boundaries.

4090 ~~4.d.~~ At least 80 percent of the developable land within
4091 the boundaries of the municipality has been built upon.

4092 ~~2. A municipality which qualifies as having no significant~~
4093 ~~impact on school attendance pursuant to the criteria of~~
4094 ~~subparagraph 1. must review and determine at the time of its~~
4095 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
4096 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
4097 ~~If the municipality determines that it no longer meets the~~
4098 ~~criteria, it must adopt appropriate school concurrency goals,~~
4099 ~~objectives, and policies in its plan amendments based on the~~
4100 ~~evaluation and appraisal report, and enter into the existing~~
4101 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
4102 ~~163.31777, in order to fully participate in the school~~
4103 ~~concurrency system. If such a municipality fails to do so, it~~
4104 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4105 ~~(j)(g) Interlocal agreement for school concurrency.~~ When
4106 establishing concurrency requirements for public schools, a
4107 local government must enter into an interlocal agreement that
4108 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
4109 163.31777 and the requirements of this subsection. The
4110 interlocal agreement shall acknowledge both the school board's
4111 constitutional and statutory obligations to provide a uniform
4112 system of free public schools on a countywide basis, and the
4113 land use authority of local governments, including their
4114 authority to approve or deny comprehensive plan amendments and
4115 development orders. ~~The interlocal agreement shall be submitted~~
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4116 ~~to the state land planning agency by the local government as a~~
4117 ~~part of the compliance review, along with the other necessary~~
4118 ~~amendments to the comprehensive plan required by this part. In~~
4119 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
4120 ~~163.31777,~~ The interlocal agreement shall meet the following
4121 requirements:

4122 1. Establish the mechanisms for coordinating the
4123 development, adoption, and amendment of each local government's
4124 school concurrency related provisions of the comprehensive plan
4125 ~~public school facilities element~~ with each other and the plans
4126 of the school board to ensure a uniform districtwide school
4127 concurrency system.

4128 ~~2. Establish a process for the development of siting~~
4129 ~~criteria which encourages the location of public schools~~
4130 ~~proximate to urban residential areas to the extent possible and~~
4131 ~~seeks to collocate schools with other public facilities such as~~
4132 ~~parks, libraries, and community centers to the extent possible.~~

4133 ~~2.3.~~ Specify uniform, districtwide level-of-service
4134 standards for public schools of the same type and the process
4135 for modifying the adopted level-of-service standards.

4136 ~~4. Establish a process for the preparation, amendment, and~~
4137 ~~joint approval by each local government and the school board of~~
4138 ~~a public school capital facilities program which is financially~~
4139 ~~feasible, and a process and schedule for incorporation of the~~
4140 ~~public school capital facilities program into the local~~
4141 ~~government comprehensive plans on an annual basis.~~

4142 ~~3.5.~~ Define the geographic application of school
4143 concurrency. If school concurrency is to be applied on a less
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4144 than districtwide basis in the form of concurrency service
4145 areas, the agreement shall establish criteria and standards for
4146 the establishment and modification of school concurrency service
4147 areas. ~~The agreement shall also establish a process and schedule~~
4148 ~~for the mandatory incorporation of the school concurrency~~
4149 ~~service areas and the criteria and standards for establishment~~
4150 ~~of the service areas into the local government comprehensive~~
4151 ~~plans.~~ The agreement shall ensure maximum utilization of school
4152 capacity, taking into account transportation costs and court-
4153 approved desegregation plans, as well as other factors. ~~The~~
4154 ~~agreement shall also ensure the achievement and maintenance of~~
4155 ~~the adopted level of service standards for the geographic area~~
4156 ~~of application throughout the 5 years covered by the public~~
4157 ~~school capital facilities plan and thereafter by adding a new~~
4158 ~~fifth year during the annual update.~~

4159 4.6. Establish a uniform districtwide procedure for
4160 implementing school concurrency which provides for:

4161 a. The evaluation of development applications for
4162 compliance with school concurrency requirements, including
4163 information provided by the school board on affected schools,
4164 impact on levels of service, and programmed improvements for
4165 affected schools and any options to provide sufficient capacity;

4166 b. An opportunity for the school board to review and
4167 comment on the effect of comprehensive plan amendments and
4168 rezonings on the public school facilities plan; and

4169 c. The monitoring and evaluation of the school concurrency
4170 system.

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4171 ~~7. Include provisions relating to amendment of the~~
4172 ~~agreement.~~

4173 ~~5.8. A process and uniform methodology for determining~~
4174 ~~proportionate-share mitigation pursuant to paragraph (h)~~
4175 ~~subparagraph (e)1.~~

4176 ~~(k)(h) Local government authority.~~ This subsection does
4177 not limit the authority of a local government to grant or deny a
4178 development permit or its functional equivalent prior to the
4179 implementation of school concurrency.

4180 ~~(14) The state land planning agency shall, by October 1,~~
4181 ~~1998, adopt by rule minimum criteria for the review and~~
4182 ~~determination of compliance of a public school facilities~~
4183 ~~element adopted by a local government for purposes of imposition~~
4184 ~~of school concurrency.~~

4185 ~~(15)(a) Multimodal transportation districts may be~~
4186 ~~established under a local government comprehensive plan in areas~~
4187 ~~delineated on the future land use map for which the local~~
4188 ~~comprehensive plan assigns secondary priority to vehicle~~
4189 ~~mobility and primary priority to assuring a safe, comfortable,~~
4190 ~~and attractive pedestrian environment, with convenient~~
4191 ~~interconnection to transit. Such districts must incorporate~~
4192 ~~community design features that will reduce the number of~~
4193 ~~automobile trips or vehicle miles of travel and will support an~~
4194 ~~integrated, multimodal transportation system. Prior to the~~
4195 ~~designation of multimodal transportation districts, the~~
4196 ~~Department of Transportation shall be consulted by the local~~
4197 ~~government to assess the impact that the proposed multimodal~~
4198 ~~district area is expected to have on the adopted level of-~~

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4199 ~~service standards established for Strategic Intermodal System~~
4200 ~~facilities, as defined in s. 339.64, and roadway facilities~~
4201 ~~funded in accordance with s. 339.2819. Further, the local~~
4202 ~~government shall, in cooperation with the Department of~~
4203 ~~Transportation, develop a plan to mitigate any impacts to the~~
4204 ~~Strategic Intermodal System, including the development of a~~
4205 ~~long-term concurrency management system pursuant to subsection~~
4206 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
4207 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
4208 ~~provisions of this section by July 1, 2006, or at the time of~~
4209 ~~the comprehensive plan update pursuant to the evaluation and~~
4210 ~~appraisal report, whichever occurs last.~~

4211 ~~(b) Community design elements of such a district include:~~
4212 ~~a complementary mix and range of land uses, including~~
4213 ~~educational, recreational, and cultural uses; interconnected~~
4214 ~~networks of streets designed to encourage walking and bicycling,~~
4215 ~~with traffic-calming where desirable; appropriate densities and~~
4216 ~~intensities of use within walking distance of transit stops;~~
4217 ~~daily activities within walking distance of residences, allowing~~
4218 ~~independence to persons who do not drive; public uses, streets,~~
4219 ~~and squares that are safe, comfortable, and attractive for the~~
4220 ~~pedestrian, with adjoining buildings open to the street and with~~
4221 ~~parking not interfering with pedestrian, transit, automobile,~~
4222 ~~and truck travel modes.~~

4223 ~~(c) Local governments may establish multimodal level-of-~~
4224 ~~service standards that rely primarily on nonvehicular modes of~~
4225 ~~transportation within the district, when justified by an~~
4226 ~~analysis demonstrating that the existing and planned community~~
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4227 ~~design will provide an adequate level of mobility within the~~
4228 ~~district based upon professionally accepted multimodal level-of-~~
4229 ~~service methodologies. The analysis must also demonstrate that~~
4230 ~~the capital improvements required to promote community design~~
4231 ~~are financially feasible over the development or redevelopment~~
4232 ~~timeframe for the district and that community design features~~
4233 ~~within the district provide convenient interconnection for a~~
4234 ~~multimodal transportation system. Local governments may issue~~
4235 ~~development permits in reliance upon all planned community~~
4236 ~~design capital improvements that are financially feasible over~~
4237 ~~the development or redevelopment timeframe for the district,~~
4238 ~~without regard to the period of time between development or~~
4239 ~~redevelopment and the scheduled construction of the capital~~
4240 ~~improvements. A determination of financial feasibility shall be~~
4241 ~~based upon currently available funding or funding sources that~~
4242 ~~could reasonably be expected to become available over the~~
4243 ~~planning period.~~

4244 ~~(d) Local governments may reduce impact fees or local~~
4245 ~~access fees for development within multimodal transportation~~
4246 ~~districts based on the reduction of vehicle trips per household~~
4247 ~~or vehicle miles of travel expected from the development pattern~~
4248 ~~planned for the district.~~

4249 ~~(16) It is the intent of the Legislature to provide a~~
4250 ~~method by which the impacts of development on transportation~~
4251 ~~facilities can be mitigated by the cooperative efforts of the~~
4252 ~~public and private sectors. The methodology used to calculate~~
4253 ~~proportionate fair share mitigation under this section shall be~~
4254 ~~as provided for in subsection (12).~~

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4255 ~~(a) By December 1, 2006, each local government shall adopt~~
4256 ~~by ordinance a methodology for assessing proportionate fair-~~
4257 ~~share mitigation options. By December 1, 2005, the Department of~~
4258 ~~Transportation shall develop a model transportation concurrency~~
4259 ~~management ordinance with methodologies for assessing~~
4260 ~~proportionate fair-share mitigation options.~~

4261 ~~(b)1. In its transportation concurrency management system,~~
4262 ~~a local government shall, by December 1, 2006, include~~
4263 ~~methodologies that will be applied to calculate proportionate~~
4264 ~~fair-share mitigation. A developer may choose to satisfy all~~
4265 ~~transportation concurrency requirements by contributing or~~
4266 ~~paying proportionate fair share mitigation if transportation~~
4267 ~~facilities or facility segments identified as mitigation for~~
4268 ~~traffic impacts are specifically identified for funding in the~~
4269 ~~5-year schedule of capital improvements in the capital~~
4270 ~~improvements element of the local plan or the long-term~~
4271 ~~concurrency management system or if such contributions or~~
4272 ~~payments to such facilities or segments are reflected in the 5-~~
4273 ~~year schedule of capital improvements in the next regularly~~
4274 ~~scheduled update of the capital improvements element. Updates to~~
4275 ~~the 5-year capital improvements element which reflect~~
4276 ~~proportionate fair-share contributions may not be found not in~~
4277 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4278 ~~additional contributions, payments or funding sources are~~
4279 ~~reasonably anticipated during a period not to exceed 10 years to~~
4280 ~~fully mitigate impacts on the transportation facilities.~~

4281 ~~2. Proportionate fair-share mitigation shall be applied as~~
4282 ~~a credit against impact fees to the extent that all or a portion~~
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4283 ~~of the proportionate fair share mitigation is used to address~~
4284 ~~the same capital infrastructure improvements contemplated by the~~
4285 ~~local government's impact fee ordinance.~~

4286 ~~(c) Proportionate fair share mitigation includes, without~~
4287 ~~limitation, separately or collectively, private funds,~~
4288 ~~contributions of land, and construction and contribution of~~
4289 ~~facilities and may include public funds as determined by the~~
4290 ~~local government. Proportionate fair share mitigation may be~~
4291 ~~directed toward one or more specific transportation improvements~~
4292 ~~reasonably related to the mobility demands created by the~~
4293 ~~development and such improvements may address one or more modes~~
4294 ~~of travel. The fair market value of the proportionate fair share~~
4295 ~~mitigation shall not differ based on the form of mitigation. A~~
4296 ~~local government may not require a development to pay more than~~
4297 ~~its proportionate fair share contribution regardless of the~~
4298 ~~method of mitigation. Proportionate fair share mitigation shall~~
4299 ~~be limited to ensure that a development meeting the requirements~~
4300 ~~of this section mitigates its impact on the transportation~~
4301 ~~system but is not responsible for the additional cost of~~
4302 ~~reducing or eliminating backlogs.~~

4303 ~~(d) This subsection does not require a local government to~~
4304 ~~approve a development that is not otherwise qualified for~~
4305 ~~approval pursuant to the applicable local comprehensive plan and~~
4306 ~~land development regulations.~~

4307 ~~(e) Mitigation for development impacts to facilities on~~
4308 ~~the Strategic Intermodal System made pursuant to this subsection~~
4309 ~~requires the concurrence of the Department of Transportation.~~

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4310 ~~(f) If the funds in an adopted 5-year capital improvements~~
4311 ~~element are insufficient to fully fund construction of a~~
4312 ~~transportation improvement required by the local government's~~
4313 ~~concurrency management system, a local government and a~~
4314 ~~developer may still enter into a binding proportionate share~~
4315 ~~agreement authorizing the developer to construct that amount of~~
4316 ~~development on which the proportionate share is calculated if~~
4317 ~~the proportionate share amount in such agreement is sufficient~~
4318 ~~to pay for one or more improvements which will, in the opinion~~
4319 ~~of the governmental entity or entities maintaining the~~
4320 ~~transportation facilities, significantly benefit the impacted~~
4321 ~~transportation system. The improvements funded by the~~
4322 ~~proportionate share component must be adopted into the 5-year~~
4323 ~~capital improvements schedule of the comprehensive plan at the~~
4324 ~~next annual capital improvements element update. The funding of~~
4325 ~~any improvements that significantly benefit the impacted~~
4326 ~~transportation system satisfies concurrency requirements as a~~
4327 ~~mitigation of the development's impact upon the overall~~
4328 ~~transportation system even if there remains a failure of~~
4329 ~~concurrency on other impacted facilities.~~

4330 ~~(g) Except as provided in subparagraph (b)1., this section~~
4331 ~~may not prohibit the Department of Community Affairs from~~
4332 ~~finding other portions of the capital improvements element~~
4333 ~~amendments not in compliance as provided in this chapter.~~

4334 ~~(h) The provisions of this subsection do not apply to a~~
4335 ~~development of regional impact satisfying the requirements of~~
4336 ~~subsection (12).~~

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4337 ~~(i) As used in this subsection, the term "backlog" means a~~
4338 ~~facility or facilities on which the adopted level-of-service~~
4339 ~~standard is exceeded by the existing trips, plus additional~~
4340 ~~projected background trips from any source other than the~~
4341 ~~development project under review that are forecast by~~
4342 ~~established traffic standards, including traffic modeling,~~
4343 ~~consistent with the University of Florida Bureau of Economic and~~
4344 ~~Business Research medium population projections. Additional~~
4345 ~~projected background trips are to be coincident with the~~
4346 ~~particular stage or phase of development under review.~~

4347 ~~(17) A local government and the developer of affordable~~
4348 ~~workforce housing units developed in accordance with s.~~
4349 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
4350 ~~or centers in close proximity to the affordable workforce~~
4351 ~~housing units. If at least 50 percent of the units are occupied~~
4352 ~~by an employee or employees of an identified employment center~~
4353 ~~or centers, all of the affordable workforce housing units are~~
4354 ~~exempt from transportation concurrency requirements, and the~~
4355 ~~local government may not reduce any transportation trip-~~
4356 ~~generation entitlements of an approved development-of-regional-~~
4357 ~~impact development order. As used in this subsection, the term~~
4358 ~~"close proximity" means 5 miles from the nearest point of the~~
4359 ~~development of regional impact to the nearest point of the~~
4360 ~~employment center, and the term "employment center" means a~~
4361 ~~place of employment that employs at least 25 or more full-time~~
4362 ~~employees.~~

4363 Section 16. Section 163.3182, Florida Statutes, is amended
4364 to read:

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4365 163.3182 Transportation deficiencies ~~concurrency~~

4366 ~~backlogs~~.—

4367 (1) DEFINITIONS.—For purposes of this section, the term:

4368 (a) "Transportation deficiency ~~concurrency backlog~~ area"

4369 means the geographic area within the unincorporated portion of a

4370 county or within the municipal boundary of a municipality

4371 designated in a local government comprehensive plan for which a

4372 transportation development ~~concurrency backlog~~ authority is

4373 created pursuant to this section. A transportation deficiency

4374 ~~concurrency backlog~~ area created within the corporate boundary

4375 of a municipality shall be made pursuant to an interlocal

4376 agreement between a county, a municipality or municipalities,

4377 and any affected taxing authority or authorities.

4378 (b) "Authority" or "transportation development ~~concurrency~~

4379 ~~backlog~~ authority" means the governing body of a county or

4380 municipality within which an authority is created.

4381 (c) "Governing body" means the council, commission, or

4382 other legislative body charged with governing the county or

4383 municipality within which an a ~~transportation concurrency~~

4384 ~~backlog~~ authority is created pursuant to this section.

4385 (d) "Transportation deficiency ~~concurrency backlog~~" means

4386 an identified need ~~deficiency~~ where the existing and projected

4387 extent of traffic volume exceeds the level of service standard

4388 adopted in a local government comprehensive plan for a

4389 transportation facility.

4390 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"

4391 means the plan adopted as part of a local government

4392 comprehensive plan by the governing body of a county or

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4393 municipality acting as a transportation development ~~concurrency~~
4394 ~~backlog~~ authority.

4395 (f) "Transportation ~~concurrency backlog~~ project" means any
4396 designated transportation project identified for construction
4397 within the jurisdiction of a transportation development
4398 ~~concurrency backlog~~ authority.

4399 (g) "Debt service millage" means any millage levied
4400 pursuant to s. 12, Art. VII of the State Constitution.

4401 (h) "Increment revenue" means the amount calculated
4402 pursuant to subsection (5).

4403 (i) "Taxing authority" means a public body that levies or
4404 is authorized to levy an ad valorem tax on real property located
4405 within a transportation deficiency ~~concurrency backlog~~ area,
4406 except a school district.

4407 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
4408 ~~BACKLOG~~ AUTHORITIES.—

4409 (a) A county or municipality may create a transportation
4410 development ~~concurrency backlog~~ authority if it has an
4411 identified transportation deficiency ~~concurrency backlog~~.

4412 (b) Acting as the transportation development ~~concurrency~~
4413 ~~backlog~~ authority within the authority's jurisdictional
4414 boundary, the governing body of a county or municipality shall
4415 adopt and implement a plan to eliminate all identified
4416 transportation deficiencies ~~concurrency backlogs~~ within the
4417 authority's jurisdiction using funds provided pursuant to
4418 subsection (5) and as otherwise provided pursuant to this
4419 section.

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4420 (c) The Legislature finds and declares that there exist in
 4421 many counties and municipalities areas that have significant
 4422 transportation deficiencies and inadequate transportation
 4423 facilities; that many insufficiencies and inadequacies severely
 4424 limit or prohibit the satisfaction of transportation level of
 4425 service concurrency standards; that the transportation
 4426 insufficiencies and inadequacies affect the health, safety, and
 4427 welfare of the residents of these counties and municipalities;
 4428 that the transportation insufficiencies and inadequacies
 4429 adversely affect economic development and growth of the tax base
 4430 for the areas in which these insufficiencies and inadequacies
 4431 exist; and that the elimination of transportation deficiencies
 4432 and inadequacies and the satisfaction of transportation
 4433 concurrency standards are paramount public purposes for the
 4434 state and its counties and municipalities.

4435 (3) POWERS OF A TRANSPORTATION DEVELOPMENT CONCURRENTLY
 4436 BACKLOG AUTHORITY.—Each transportation development concurrency
 4437 backlog authority created pursuant to this section has the
 4438 powers necessary or convenient to carry out the purposes of this
 4439 section, including the following powers in addition to others
 4440 granted in this section:

4441 (a) To make and execute contracts and other instruments
 4442 necessary or convenient to the exercise of its powers under this
 4443 section.

4444 (b) To undertake and carry out transportation concurrency
 4445 backlog projects for transportation facilities designed to
 4446 relieve transportation deficiencies that have a concurrency
 4447 backlog within the authority's jurisdiction. Transportation

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4448 ~~Concurrency backlog~~ projects may include transportation
4449 facilities that provide for alternative modes of travel
4450 including sidewalks, bikeways, and mass transit which are
4451 related to a deficient ~~backlogged~~ transportation facility.

4452 (c) To invest any transportation ~~concurrency backlog~~ funds
4453 held in reserve, sinking funds, or any such funds not required
4454 for immediate disbursement in property or securities in which
4455 savings banks may legally invest funds subject to the control of
4456 the authority and to redeem such bonds as have been issued
4457 pursuant to this section at the redemption price established
4458 therein, or to purchase such bonds at less than redemption
4459 price. All such bonds redeemed or purchased shall be canceled.

4460 (d) To borrow money, including, but not limited to,
4461 issuing debt obligations such as, but not limited to, bonds,
4462 notes, certificates, and similar debt instruments; to apply for
4463 and accept advances, loans, grants, contributions, and any other
4464 forms of financial assistance from the Federal Government or the
4465 state, county, or any other public body or from any sources,
4466 public or private, for the purposes of this part; to give such
4467 security as may be required; to enter into and carry out
4468 contracts or agreements; and to include in any contracts for
4469 financial assistance with the Federal Government for or with
4470 respect to a transportation ~~concurrency backlog~~ project and
4471 related activities such conditions imposed under federal laws as
4472 the transportation development ~~concurrency backlog~~ authority
4473 considers reasonable and appropriate and which are not
4474 inconsistent with the purposes of this section.

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4475 (e) To make or have made all surveys and plans necessary
4476 to the carrying out of the purposes of this section; to contract
4477 with any persons, public or private, in making and carrying out
4478 such plans; and to adopt, approve, modify, or amend such
4479 transportation sufficiency ~~concurrency backlog~~ plans.

4480 (f) To appropriate such funds and make such expenditures
4481 as are necessary to carry out the purposes of this section, and
4482 to enter into agreements with other public bodies, which
4483 agreements may extend over any period notwithstanding any
4484 provision or rule of law to the contrary.

4485 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.-

4486 ~~(a)~~ Each transportation development ~~concurrency backlog~~
4487 authority shall adopt a transportation sufficiency ~~concurrency~~
4488 ~~backlog~~ plan as a part of the local government comprehensive
4489 plan within 6 months after the creation of the authority. The
4490 plan must:

4491 (a)1. Identify all transportation facilities that have
4492 been designated as deficient and require the expenditure of
4493 moneys to upgrade, modify, or mitigate the deficiency.

4494 (b)2. Include a priority listing of all transportation
4495 facilities that have been designated as deficient and do not
4496 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
4497 the applicable local government comprehensive plan.

4498 (c)3. Establish a schedule for financing and construction
4499 of transportation ~~concurrency backlog~~ projects that will
4500 eliminate transportation deficiencies ~~concurrency backlogs~~
4501 within the jurisdiction of the authority within 10 years after
4502 the transportation sufficiency ~~concurrency backlog~~ plan

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4503 adoption. The schedule shall be adopted as part of the local
4504 government comprehensive plan.

4505 ~~(b) The adoption of the transportation concurrency backlog~~
4506 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4507
4508 Notwithstanding such schedule requirements, as long as the
4509 schedule provides for the elimination of all transportation
4510 deficiencies ~~concurrency backlogs~~ within 10 years after the
4511 adoption of the transportation sufficiency ~~concurrency backlog~~
4512 plan, the final maturity date of any debt incurred to finance or
4513 refinance the related projects may be no later than 40 years
4514 after the date the debt is incurred and the authority may
4515 continue operations and administer the trust fund established as
4516 provided in subsection (5) for as long as the debt remains
4517 outstanding.

4518 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
4519 development ~~concurrency backlog~~ authority shall establish a
4520 local transportation ~~concurrency backlog~~ trust fund upon
4521 creation of the authority. Each local trust fund shall be
4522 administered by the transportation development ~~concurrency~~
4523 ~~backlog~~ authority within which a transportation deficiencies
4524 have ~~concurrency backlog~~ has been identified. Each local trust
4525 fund must continue to be funded under this section for as long
4526 as the projects set forth in the related transportation
4527 sufficiency ~~concurrency backlog~~ plan remain to be completed or
4528 until any debt incurred to finance or refinance the related
4529 projects is no longer outstanding, whichever occurs later.
4530 Beginning in the first fiscal year after the creation of the
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4531 authority, each local trust fund shall be funded by the proceeds
4532 of an ad valorem tax increment collected within each
4533 transportation deficiency ~~concurrency backlog~~ area to be
4534 determined annually and shall be a minimum of 25 percent of the
4535 difference between the amounts set forth in paragraphs (a) and
4536 (b), except that if all of the affected taxing authorities agree
4537 under an interlocal agreement, a particular local trust fund may
4538 be funded by the proceeds of an ad valorem tax increment greater
4539 than 25 percent of the difference between the amounts set forth
4540 in paragraphs (a) and (b):

4541 (a) The amount of ad valorem tax levied each year by each
4542 taxing authority, exclusive of any amount from any debt service
4543 millage, on taxable real property contained within the
4544 jurisdiction of the transportation development ~~concurrency~~
4545 ~~backlog~~ authority and within the transportation deficiency
4546 ~~backlog~~ area; and

4547 (b) The amount of ad valorem taxes which would have been
4548 produced by the rate upon which the tax is levied each year by
4549 or for each taxing authority, exclusive of any debt service
4550 millage, upon the total of the assessed value of the taxable
4551 real property within the transportation deficiency ~~concurrency~~
4552 ~~backlog~~ area as shown on the most recent assessment roll used in
4553 connection with the taxation of such property of each taxing
4554 authority prior to the effective date of the ordinance funding
4555 the trust fund.

4556 (6) EXEMPTIONS.—

4557 (a) The following public bodies or taxing authorities are
4558 exempt from ~~the provisions of~~ this section:

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4559 1. A special district that levies ad valorem taxes on
4560 taxable real property in more than one county.

4561 2. A special district for which the sole available source
4562 of revenue is the authority to levy ad valorem taxes at the time
4563 an ordinance is adopted under this section. However, revenues or
4564 aid that may be dispensed or appropriated to a district as
4565 defined in s. 388.011 at the discretion of an entity other than
4566 such district are ~~shall~~ not be deemed available.

4567 3. A library district.

4568 4. A neighborhood improvement district created under the
4569 Safe Neighborhoods Act.

4570 5. A metropolitan transportation authority.

4571 6. A water management district created under s. 373.069.

4572 7. A community redevelopment agency.

4573 (b) A transportation development ~~concurrency exemption~~
4574 authority may also exempt from this section a special district
4575 that levies ad valorem taxes within the transportation
4576 deficiency ~~concurrency backlog~~ area pursuant to s.
4577 163.387(2) (d) .

4578 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
4579 of a transportation sufficiency ~~concurrency backlog~~ plan as a
4580 part of the local government comprehensive plan, and the plan
4581 going into effect, the area subject to the plan shall be deemed
4582 to have achieved and maintained transportation level-of-service
4583 standards, ~~and to have met requirements for financial~~
4584 ~~feasibility for transportation facilities, and for the purpose~~
4585 ~~of proposed development transportation concurrency has been~~
4586 ~~satisfied~~. Proportionate fair-share mitigation shall be limited

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4587 to ensure that a development inside a transportation deficiency
4588 ~~concurrency backlog~~ area is not responsible for the additional
4589 costs of eliminating deficiencies ~~backlogs~~.

4590 (8) DISSOLUTION.—Upon completion of all transportation
4591 ~~concurrency backlog~~ projects identified in the transportation
4592 sufficiency plan and repayment or defeasance of all debt issued
4593 to finance or refinance such projects, a transportation
4594 development ~~concurrency backlog~~ authority shall be dissolved,
4595 and its assets and liabilities transferred to the county or
4596 municipality within which the authority is located. All
4597 remaining assets of the authority must be used for
4598 implementation of transportation projects within the
4599 jurisdiction of the authority. The local government
4600 comprehensive plan shall be amended to remove the transportation
4601 concurrency backlog plan.

4602 Section 17. Section 163.3184, Florida Statutes, is amended
4603 to read:

4604 163.3184 Process for adoption of comprehensive plan or
4605 plan amendment.—

4606 (1) DEFINITIONS.—As used in this section, the term:

4607 (a) "Affected person" includes the affected local
4608 government; persons owning property, residing, or owning or
4609 operating a business within the boundaries of the local
4610 government whose plan is the subject of the review; owners of
4611 real property abutting real property that is the subject of a
4612 proposed change to a future land use map; and adjoining local
4613 governments that can demonstrate that the plan or plan amendment
4614 will produce substantial impacts on the increased need for
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4615 publicly funded infrastructure or substantial impacts on areas
4616 designated for protection or special treatment within their
4617 jurisdiction. Each person, other than an adjoining local
4618 government, in order to qualify under this definition, shall
4619 also have submitted oral or written comments, recommendations,
4620 or objections to the local government during the period of time
4621 beginning with the transmittal hearing for the plan or plan
4622 amendment and ending with the adoption of the plan or plan
4623 amendment.

4624 (b) "In compliance" means consistent with the requirements
4625 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and 163.3245, and~~
4626 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
4627 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
4628 ~~Administrative Code, where such rule is not inconsistent with~~
4629 ~~this part~~ and with the principles for guiding development in
4630 designated areas of critical state concern and with part III of
4631 chapter 369, where applicable.

4632 (c) "Reviewing agencies" means:

- 4633 1. The state land planning agency;
4634 2. The appropriate regional planning council;
4635 3. The appropriate water management district;
4636 4. The Department of Environmental Protection;
4637 5. The Department of State;
4638 6. The Department of Transportation;
4639 7. In the case of plan amendments relating to public
4640 schools, the Department of Education;

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4641 8. In the case of plans or plan amendments that affect a
4642 military installation listed in s. 163.3175, the commanding
4643 officer of the affected military installation;

4644 9. In the case of county plans and plan amendments, the
4645 Fish and Wildlife Conservation Commission and the Department of
4646 Agriculture and Consumer Services; and

4647 10. In the case of municipal plans and plan amendments,
4648 the county in which the municipality is located.

4649 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4650 (a) Plan amendments adopted by local governments shall
4651 follow the expedited state review process in subsection (3),
4652 except as set forth in paragraphs (b) and (c).

4653 (b) Plan amendments that qualify as small-scale
4654 development amendments may follow the small-scale review process
4655 in s. 163.3187.

4656 (c) Plan amendments that are in an area of critical state
4657 concern designated pursuant to s. 380.05; propose a rural land
4658 stewardship area pursuant to s. 163.3248; propose a sector plan
4659 pursuant to s. 163.3245; update a comprehensive plan based on an
4660 evaluation and appraisal pursuant to s. 163.3191; or are new
4661 plans for newly incorporated municipalities adopted pursuant to
4662 s. 163.3167 shall follow the state coordinated review process in
4663 subsection (4).

4664 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
4665 COMPREHENSIVE PLAN AMENDMENTS.—

4666 (a) The process for amending a comprehensive plan
4667 described in this subsection shall apply to all amendments

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4668 except as provided in paragraphs (2) (b) and (c) and shall be
4669 applicable statewide.

4670 (b)1. The local government, after the initial public
4671 hearing held pursuant to subsection (11), shall transmit within
4672 10 days the amendment or amendments and appropriate supporting
4673 data and analyses to the reviewing agencies. The local governing
4674 body shall also transmit a copy of the amendments and supporting
4675 data and analyses to any other local government or governmental
4676 agency that has filed a written request with the governing body.

4677 2. The reviewing agencies and any other local government
4678 or governmental agency specified in subparagraph 1. may provide
4679 comments regarding the amendment or amendments to the local
4680 government. State agencies shall only comment on important state
4681 resources and facilities that will be adversely impacted by the
4682 amendment if adopted. Comments provided by state agencies shall
4683 state with specificity how the plan amendment will adversely
4684 impact an important state resource or facility and shall
4685 identify measures the local government may take to eliminate,
4686 reduce, or mitigate the adverse impacts. Such comments, if not
4687 resolved, may result in a challenge by the state land planning
4688 agency to the plan amendment. Agencies and local governments
4689 must transmit their comments to the affected local government
4690 such that they are received by the local government not later
4691 than 30 days from the date on which the agency or government
4692 received the amendment or amendments. Reviewing agencies shall
4693 also send a copy of their comments to the state land planning
4694 agency.

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4695 3. Comments to the local government from a regional
4696 planning council, county, or municipality shall be limited as
4697 follows:

4698 a. The regional planning council review and comments shall
4699 be limited to adverse effects on regional resources or
4700 facilities identified in the strategic regional policy plan and
4701 extrajurisdictional impacts that would be inconsistent with the
4702 comprehensive plan of any affected local government within the
4703 region. A regional planning council may not review and comment
4704 on a proposed comprehensive plan amendment prepared by such
4705 council unless the plan amendment has been changed by the local
4706 government subsequent to the preparation of the plan amendment
4707 by the regional planning council.

4708 b. County comments shall be in the context of the
4709 relationship and effect of the proposed plan amendments on the
4710 county plan.

4711 c. Municipal comments shall be in the context of the
4712 relationship and effect of the proposed plan amendments on the
4713 municipal plan.

4714 d. Military installation comments shall be provided in
4715 accordance with s. 163.3175.

4716 4. Comments to the local government from state agencies
4717 shall be limited to the following subjects as they relate to
4718 important state resources and facilities that will be adversely
4719 impacted by the amendment if adopted:

4720 a. The Department of Environmental Protection shall limit
4721 its comments to the subjects of air and water pollution;
4722 wetlands and other surface waters of the state; federal and

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4723 state-owned lands and interest in lands, including state parks,
4724 greenways and trails, and conservation easements; solid waste;
4725 water and wastewater treatment; and the Everglades ecosystem
4726 restoration.

4727 b. The Department of State shall limit its comments to the
4728 subjects of historic and archeological resources.

4729 c. The Department of Transportation shall limit its
4730 comments to issues within the agency's jurisdiction as it
4731 relates to transportation resources and facilities of state
4732 importance.

4733 d. The Fish and Wildlife Conservation Commission shall
4734 limit its comments to subjects relating to fish and wildlife
4735 habitat and listed species and their habitat.

4736 e. The Department of Agriculture and Consumer Services
4737 shall limit its comments to the subjects of agriculture,
4738 forestry, and aquaculture issues.

4739 f. The Department of Education shall limit its comments to
4740 the subject of public school facilities.

4741 g. The appropriate water management district shall limit
4742 its comments to flood protection and floodplain management,
4743 wetlands and other surface waters, and regional water supply.

4744 h. The state land planning agency shall limit its comments
4745 to important state resources and facilities outside the
4746 jurisdiction of other commenting state agencies and may include
4747 comments on countervailing planning policies and objectives
4748 served by the plan amendment that should be balanced against
4749 potential adverse impacts to important state resources and
4750 facilities.

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4751 (c)1. The local government shall hold its second public
4752 hearing, which shall be a hearing on whether to adopt one or
4753 more comprehensive plan amendments pursuant to subsection (11).
4754 If the local government fails, within 180 days after receipt of
4755 agency comments, to hold the second public hearing, the
4756 amendments shall be deemed withdrawn unless extended by
4757 agreement with notice to the state land planning agency and any
4758 affected person that provided comments on the amendment. The
4759 180-day limitation does not apply to amendments processed
4760 pursuant to s. 380.06.

4761 2. All comprehensive plan amendments adopted by the
4762 governing body, along with the supporting data and analysis,
4763 shall be transmitted within 10 days after the second public
4764 hearing to the state land planning agency and any other agency
4765 or local government that provided timely comments under
4766 subparagraph (b)2.

4767 3. The state land planning agency shall notify the local
4768 government of any deficiencies within 5 working days after
4769 receipt of an amendment package. For purposes of completeness,
4770 an amendment shall be deemed complete if it contains a full,
4771 executed copy of the adoption ordinance or ordinances; in the
4772 case of a text amendment, a full copy of the amended language in
4773 legislative format with new words inserted in the text
4774 underlined, and words deleted stricken with hyphens; in the case
4775 of a future land use map amendment, a copy of the future land
4776 use map clearly depicting the parcel, its existing future land
4777 use designation, and its adopted designation; and a copy of any
4778 data and analyses the local government deems appropriate.

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4779 4. An amendment adopted under this paragraph does not
4780 become effective until 31 days after the state land planning
4781 agency notifies the local government that the plan amendment
4782 package is complete. If timely challenged, an amendment does not
4783 become effective until the state land planning agency or the
4784 Administration Commission enters a final order determining the
4785 adopted amendment to be in compliance.

4786 (4) STATE COORDINATED REVIEW PROCESS.—

4787 (a) ~~(2)~~ Coordination.—The state land planning agency shall
4788 only use the state coordinated review process described in this
4789 subsection for review of comprehensive plans and plan amendments
4790 described in paragraph (2) (c). Each comprehensive plan or plan
4791 amendment proposed to be adopted pursuant to this subsection
4792 part shall be transmitted, adopted, and reviewed in the manner
4793 prescribed in this subsection section. The state land planning
4794 agency shall have responsibility for plan review, coordination,
4795 and the preparation and transmission of comments, pursuant to
4796 this subsection section, to the local governing body responsible
4797 for the comprehensive plan or plan amendment. The state land
4798 planning agency shall maintain a single file concerning any
4799 proposed or adopted plan amendment submitted by a local
4800 government for any review under this section. Copies of all
4801 correspondence, papers, notes, memoranda, and other documents
4802 received or generated by the state land planning agency must be
4803 placed in the appropriate file. Paper copies of all electronic
4804 mail correspondence must be placed in the file. The file and its
4805 contents must be available for public inspection and copying as
4806 provided in chapter 119.

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4807 (b) (3) Local government transmittal of proposed plan or
4808 amendment.—

4809 ~~(a)~~ Each local governing body proposing a plan or plan
4810 amendment specified in paragraph (2) (c) shall transmit the
4811 complete proposed comprehensive plan or plan amendment to the
4812 reviewing agencies ~~state land planning agency, the appropriate~~
4813 ~~regional planning council and water management district, the~~
4814 ~~Department of Environmental Protection, the Department of State,~~
4815 ~~and the Department of Transportation, and, in the case of~~
4816 ~~municipal plans, to the appropriate county, and, in the case of~~
4817 ~~county plans, to the Fish and Wildlife Conservation Commission~~
4818 ~~and the Department of Agriculture and Consumer Services,~~
4819 immediately following the first a public hearing pursuant to
4820 subsection (11). The transmitted document shall clearly indicate
4821 on the cover sheet that this plan amendment is subject to the
4822 state coordinated review process of s. 163.3184 (4) (15) as
4823 specified in the state land planning agency's procedural rules.
4824 The local governing body shall also transmit a copy of the
4825 complete proposed comprehensive plan or plan amendment to any
4826 other unit of local government or government agency in the state
4827 that has filed a written request with the governing body for the
4828 plan or plan amendment. ~~The local government may request a~~
4829 ~~review by the state land planning agency pursuant to subsection~~
4830 ~~(6) at the time of the transmittal of an amendment.~~

4831 ~~(b)~~ ~~A local governing body shall not transmit portions of~~
4832 ~~a plan or plan amendment unless it has previously provided to~~
4833 ~~all state agencies designated by the state land planning agency~~
4834 ~~a complete copy of its adopted comprehensive plan pursuant to~~
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4835 ~~subsection (7) and as specified in the agency's procedural~~
4836 ~~rules. In the case of comprehensive plan amendments, the local~~
4837 ~~governing body shall transmit to the state land planning agency,~~
4838 ~~the appropriate regional planning council and water management~~
4839 ~~district, the Department of Environmental Protection, the~~
4840 ~~Department of State, and the Department of Transportation, and,~~
4841 ~~in the case of municipal plans, to the appropriate county and,~~
4842 ~~in the case of county plans, to the Fish and Wildlife~~
4843 ~~Conservation Commission and the Department of Agriculture and~~
4844 ~~Consumer Services the materials specified in the state land~~
4845 ~~planning agency's procedural rules and, in cases in which the~~
4846 ~~plan amendment is a result of an evaluation and appraisal report~~
4847 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
4848 ~~appraisal report. Local governing bodies shall consolidate all~~
4849 ~~proposed plan amendments into a single submission for each of~~
4850 ~~the two plan amendment adoption dates during the calendar year~~
4851 ~~pursuant to s. 163.3187.~~

4852 ~~(c) A local government may adopt a proposed plan amendment~~
4853 ~~previously transmitted pursuant to this subsection, unless~~
4854 ~~review is requested or otherwise initiated pursuant to~~
4855 ~~subsection (6).~~

4856 ~~(d) In cases in which a local government transmits~~
4857 ~~multiple individual amendments that can be clearly and legally~~
4858 ~~separated and distinguished for the purpose of determining~~
4859 ~~whether to review the proposed amendment, and the state land~~
4860 ~~planning agency elects to review several or a portion of the~~
4861 ~~amendments and the local government chooses to immediately adopt~~
4862 ~~the remaining amendments not reviewed, the amendments~~

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4863 ~~immediately adopted and any reviewed amendments that the local~~
4864 ~~government subsequently adopts together constitute one amendment~~
4865 ~~cycle in accordance with s. 163.3187(1).~~

4866 ~~(c) At the request of an applicant, a local government~~
4867 ~~shall consider an application for zoning changes that would be~~
4868 ~~required to properly enact the provisions of any proposed plan~~
4869 ~~amendment transmitted pursuant to this subsection. Zoning~~
4870 ~~changes approved by the local government are contingent upon the~~
4871 ~~comprehensive plan or plan amendment transmitted becoming~~
4872 ~~effective.~~

4873 (c)(4) Reviewing agency comments INTERGOVERNMENTAL
4874 REVIEW.—The governmental agencies specified in paragraph (b) may
4875 paragraph (3)(a) shall provide comments regarding the plan or
4876 plan amendments in accordance with subparagraphs (3)(b)2.-4.
4877 However, comments on plans or plan amendments required to be
4878 reviewed under the state coordinated review process shall be
4879 sent to the state land planning agency within 30 days after
4880 receipt by the state land planning agency of the complete
4881 proposed plan or plan amendment from the local government. If
4882 the state land planning agency comments on a plan or plan
4883 amendment adopted under the state coordinated review process, it
4884 shall provide comments according to paragraph (d). Any other
4885 unit of local government or government agency specified in
4886 paragraph (b) may provide comments to the state land planning
4887 agency in accordance with subparagraphs (3)(b)2.-4. within 30
4888 days after receipt by the state land planning agency of the
4889 complete proposed plan or plan amendment. If the plan or plan
4890 ~~amendment includes or relates to the public school facilities~~

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4891 ~~element pursuant to s. 163.3177(12), the state land planning~~
4892 ~~agency shall submit a copy to the Office of Educational~~
4893 ~~Facilities of the Commissioner of Education for review and~~
4894 ~~comment. The appropriate regional planning council shall also~~
4895 ~~provide its written comments to the state land planning agency~~
4896 ~~within 30 days after receipt by the state land planning agency~~
4897 ~~of the complete proposed plan amendment and shall specify any~~
4898 ~~objections, recommendations for modifications, and comments of~~
4899 ~~any other regional agencies to which the regional planning~~
4900 ~~council may have referred the proposed plan amendment. Written~~
4901 ~~comments submitted by the public shall be sent directly to the~~
4902 ~~local government within 30 days after notice of transmittal by~~
4903 ~~the local government of the proposed plan amendment will be~~
4904 ~~considered as if submitted by governmental agencies. All written~~
4905 ~~agency and public comments must be made part of the file~~
4906 ~~maintained under subsection (2).~~

4907 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
4908 ~~the regional planning council pursuant to subsection (4) shall~~
4909 ~~be limited to effects on regional resources or facilities~~
4910 ~~identified in the strategic regional policy plan and~~
4911 ~~extrajurisdictional impacts which would be inconsistent with the~~
4912 ~~comprehensive plan of the affected local government. However,~~
4913 ~~any inconsistency between a local plan or plan amendment and a~~
4914 ~~strategic regional policy plan must not be the sole basis for a~~
4915 ~~notice of intent to find a local plan or plan amendment not in~~
4916 ~~compliance with this act. A regional planning council shall not~~
4917 ~~review and comment on a proposed comprehensive plan it prepared~~
4918 ~~itself unless the plan has been changed by the local government~~

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4919 ~~subsequent to the preparation of the plan by the regional~~
4920 ~~planning agency. The review of the county land planning agency~~
4921 ~~pursuant to subsection (4) shall be primarily in the context of~~
4922 ~~the relationship and effect of the proposed plan amendment on~~
4923 ~~any county comprehensive plan element. Any review by~~
4924 ~~municipalities will be primarily in the context of the~~
4925 ~~relationship and effect on the municipal plan.~~

4926 ~~(d)(6) State land planning agency review.-~~

4927 ~~(a) The state land planning agency shall review a proposed~~
4928 ~~plan amendment upon request of a regional planning council,~~
4929 ~~affected person, or local government transmitting the plan~~
4930 ~~amendment. The request from the regional planning council or~~
4931 ~~affected person must be received within 30 days after~~
4932 ~~transmittal of the proposed plan amendment pursuant to~~
4933 ~~subsection (3). A regional planning council or affected person~~
4934 ~~requesting a review shall do so by submitting a written request~~
4935 ~~to the agency with a notice of the request to the local~~
4936 ~~government and any other person who has requested notice.~~

4937 ~~(b) The state land planning agency may review any proposed~~
4938 ~~plan amendment regardless of whether a request for review has~~
4939 ~~been made, if the agency gives notice to the local government,~~
4940 ~~and any other person who has requested notice, of its intention~~
4941 ~~to conduct such a review within 35 days after receipt of the~~
4942 ~~complete proposed plan amendment.~~

4943 ~~1.(c) The state land planning agency shall establish by~~
4944 ~~rule a schedule for receipt of comments from the various~~
4945 ~~government agencies, as well as written public comments,~~
4946 ~~pursuant to subsection (4). If the state land planning agency~~

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4947 | elects to review a plan or plan ~~the amendment or the agency is~~
4948 | ~~required to review the amendment as~~ specified in paragraph
4949 | (2) (c) (a), the agency shall issue a report giving its
4950 | objections, recommendations, and comments regarding the proposed
4951 | plan or plan amendment within 60 days after receipt of the
4952 | ~~complete proposed plan or plan~~ amendment ~~by the state land~~
4953 | ~~planning agency.~~ Notwithstanding the limitation on comments in
4954 | sub-subparagraph (3) (b) 4.g., the state land planning agency may
4955 | make objections, recommendations, and comments in its report
4956 | regarding whether the plan or plan amendment is in compliance
4957 | and whether the plan or plan amendment will adversely impact
4958 | important state resources and facilities. Any objection
4959 | regarding an important state resource or facility that will be
4960 | adversely impacted by the adopted plan or plan amendment shall
4961 | also state with specificity how the plan or plan amendment will
4962 | adversely impact the important state resource or facility and
4963 | shall identify measures the local government may take to
4964 | eliminate, reduce, or mitigate the adverse impacts. When a
4965 | federal, state, or regional agency has implemented a permitting
4966 | program, ~~the state land planning agency shall not require a~~
4967 | local government is not required to duplicate or exceed that
4968 | permitting program in its comprehensive plan or to implement
4969 | such a permitting program in its land development regulations.
4970 | This subparagraph does not ~~Nothing contained herein shall~~
4971 | prohibit the state land planning agency in conducting its review
4972 | of local plans or plan amendments from making objections,
4973 | recommendations, and comments ~~or making compliance~~
4974 | ~~determinations~~ regarding densities and intensities consistent

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4975 with ~~the provisions of~~ this part. In preparing its comments, the
4976 state land planning agency shall only base its considerations on
4977 written, and not oral, comments, ~~from any source.~~

4978 2.(d) The state land planning agency review shall identify
4979 all written communications with the agency regarding the
4980 proposed plan amendment. ~~If the state land planning agency does~~
4981 ~~not issue such a review, it shall identify in writing to the~~
4982 ~~local government all written communications received 30 days~~
4983 ~~after transmittal.~~ The written identification must include a
4984 list of all documents received or generated by the agency, which
4985 list must be of sufficient specificity to enable the documents
4986 to be identified and copies requested, if desired, and the name
4987 of the person to be contacted to request copies of any
4988 identified document. ~~The list of documents must be made a part~~
4989 ~~of the public records of the state land planning agency.~~

4990 (e)(7) Local government review of comments; adoption of
4991 plan or amendments and transmittal.-

4992 1.(a) The local government shall review the report written
4993 ~~comments~~ submitted to it by the state land planning agency, if
4994 any, and written comments submitted to it by any other person,
4995 agency, or government. ~~Any comments, recommendations, or~~
4996 ~~objections and any reply to them shall be public documents, a~~
4997 ~~part of the permanent record in the matter, and admissible in~~
4998 ~~any proceeding in which the comprehensive plan or plan amendment~~
4999 ~~may be at issue.~~ The local government, upon receipt of the
5000 report written comments from the state land planning agency,
5001 shall hold its second public hearing, which shall be a hearing
5002 to determine whether to adopt the comprehensive plan or one or
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5003 more comprehensive plan amendments pursuant to subsection (11).
5004 If the local government fails to hold the second hearing within
5005 180 days after receipt of the state land planning agency's
5006 report, the amendments shall be deemed withdrawn unless extended
5007 by agreement with notice to the state land planning agency and
5008 any affected person that provided comments on the amendment. The
5009 180-day limitation does not apply to amendments processed
5010 pursuant to s. 380.06.

5011 2. All comprehensive plan amendments adopted by the
5012 governing body, along with the supporting data and analysis,
5013 shall be transmitted within 10 days after the second public
5014 hearing to the state land planning agency and any other agency
5015 or local government that provided timely comments under
5016 paragraph (c).

5017 3. The state land planning agency shall notify the local
5018 government of any deficiencies within 5 working days after
5019 receipt of a plan or plan amendment package. For purposes of
5020 completeness, a plan or plan amendment shall be deemed complete
5021 if it contains a full, executed copy of the adoption ordinance
5022 or ordinances; in the case of a text amendment, a full copy of
5023 the amended language in legislative format with new words
5024 inserted in the text underlined, and words deleted stricken with
5025 hyphens; in the case of a future land use map amendment, a copy
5026 of the future land use map clearly depicting the parcel, its
5027 existing future land use designation, and its adopted
5028 designation; and a copy of any data and analyses the local
5029 government deems appropriate.

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5030 4. After the state land planning agency makes a
5031 determination of completeness regarding the adopted plan or plan
5032 amendment, the state land planning agency shall have 45 days to
5033 determine if the plan or plan amendment is in compliance with
5034 this act. Unless the plan or plan amendment is substantially
5035 changed from the one commented on, the state land planning
5036 agency's compliance determination shall be limited to objections
5037 raised in the objections, recommendations, and comments report.
5038 During the period provided for in this subparagraph, the state
5039 land planning agency shall issue, through a senior administrator
5040 or the secretary, a notice of intent to find that the plan or
5041 plan amendment is in compliance or not in compliance. The state
5042 land planning agency shall post a copy of the notice of intent
5043 on the agency's Internet website. Publication by the state land
5044 planning agency of the notice of intent on the state land
5045 planning agency's Internet site shall be prima facie evidence of
5046 compliance with the publication requirements of this
5047 subparagraph.

5048 5. A plan or plan amendment adopted under the state
5049 coordinated review process shall go into effect pursuant to the
5050 state land planning agency's notice of intent. If timely
5051 challenged, an amendment does not become effective until the
5052 state land planning agency or the Administration Commission
5053 enters a final order determining the adopted amendment to be in
5054 compliance.

5055 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
5056 AMENDMENTS.—

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5057 (a) Any affected person as defined in paragraph (1)(a) may
5058 file a petition with the Division of Administrative Hearings
5059 pursuant to ss. 120.569 and 120.57, with a copy served on the
5060 affected local government, to request a formal hearing to
5061 challenge whether the plan or plan amendments are in compliance
5062 as defined in paragraph (1)(b). This petition must be filed with
5063 the division within 30 days after the local government adopts
5064 the amendment. The state land planning agency may not intervene
5065 in a proceeding initiated by an affected person.

5066 (b) The state land planning agency may file a petition
5067 with the Division of Administrative Hearings pursuant to ss.
5068 120.569 and 120.57, with a copy served on the affected local
5069 government, to request a formal hearing to challenge whether the
5070 plan or plan amendment is in compliance as defined in paragraph
5071 (1)(b). The state land planning agency's petition must clearly
5072 state the reasons for the challenge. Under the expedited state
5073 review process, this petition must be filed with the division
5074 within 30 days after the state land planning agency notifies the
5075 local government that the plan amendment package is complete
5076 according to subparagraph (3)(c)3. Under the state coordinated
5077 review process, this petition must be filed with the division
5078 within 45 days after the state land planning agency notifies the
5079 local government that the plan amendment package is complete
5080 according to subparagraph (3)(c)3.

5081 1. The state land planning agency's challenge to plan
5082 amendments adopted under the expedited state review process
5083 shall be limited to the comments provided by the reviewing
5084 agencies pursuant to subparagraphs (3)(b)2.-4., upon a

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5085 determination by the state land planning agency that an
5086 important state resource or facility will be adversely impacted
5087 by the adopted plan amendment. The state land planning agency's
5088 petition shall state with specificity how the plan amendment
5089 will adversely impact the important state resource or facility.
5090 The state land planning agency may challenge a plan amendment
5091 that has substantially changed from the version on which the
5092 agencies provided comments but only upon a determination by the
5093 state land planning agency that an important state resource or
5094 facility will be adversely impacted.

5095 2. If the state land planning agency issues a notice of
5096 intent to find the comprehensive plan or plan amendment not in
5097 compliance with this act, the notice of intent shall be
5098 forwarded to the Division of Administrative Hearings of the
5099 Department of Management Services, which shall conduct a
5100 proceeding under ss. 120.569 and 120.57 in the county of and
5101 convenient to the affected local jurisdiction. The parties to
5102 the proceeding shall be the state land planning agency, the
5103 affected local government, and any affected person who
5104 intervenes. No new issue may be alleged as a reason to find a
5105 plan or plan amendment not in compliance in an administrative
5106 pleading filed more than 21 days after publication of notice
5107 unless the party seeking that issue establishes good cause for
5108 not alleging the issue within that time period. Good cause does
5109 not include excusable neglect.

5110 (c) An administrative law judge shall hold a hearing in
5111 the affected local jurisdiction on whether the plan or plan
5112 amendment is in compliance.

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5113 1. In challenges filed by an affected person, the
5114 comprehensive plan or plan amendment shall be determined to be
5115 in compliance if the local government's determination of
5116 compliance is fairly debatable.

5117 2.a. In challenges filed by the state land planning
5118 agency, the local government's determination that the
5119 comprehensive plan or plan amendment is in compliance is
5120 presumed to be correct, and the local government's determination
5121 shall be sustained unless it is shown by a preponderance of the
5122 evidence that the comprehensive plan or plan amendment is not in
5123 compliance.

5124 b. In challenges filed by the state land planning agency,
5125 the local government's determination that elements of its plan
5126 are related to and consistent with each other shall be sustained
5127 if the determination is fairly debatable.

5128 3. In challenges filed by the state land planning agency
5129 that require a determination by the agency that an important
5130 state resource or facility will be adversely impacted by the
5131 adopted plan or plan amendment, the local government may contest
5132 the agency's determination of an important state resource or
5133 facility. The state land planning agency shall prove its
5134 determination by clear and convincing evidence.

5135 (d) If the administrative law judge recommends that the
5136 amendment be found not in compliance, the judge shall submit the
5137 recommended order to the Administration Commission for final
5138 agency action. The Administration Commission shall enter a final
5139 order within 45 days after its receipt of the recommended order.

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5140 (e) If the administrative law judge recommends that the
5141 amendment be found in compliance, the judge shall submit the
5142 recommended order to the state land planning agency.

5143 1. If the state land planning agency determines that the
5144 plan amendment should be found not in compliance, the agency
5145 shall refer, within 30 days after receipt of the recommended
5146 order, the recommended order and its determination to the
5147 Administration Commission for final agency action.

5148 2. If the state land planning agency determines that the
5149 plan amendment should be found in compliance, the agency shall
5150 enter its final order not later than 30 days after receipt of
5151 the recommended order.

5152 (f) Parties to a proceeding under this subsection may
5153 enter into compliance agreements using the process in subsection
5154 (6).

5155 (6) COMPLIANCE AGREEMENT.-

5156 (a) At any time after the filing of a challenge, the state
5157 land planning agency and the local government may voluntarily
5158 enter into a compliance agreement to resolve one or more of the
5159 issues raised in the proceedings. Affected persons who have
5160 initiated a formal proceeding or have intervened in a formal
5161 proceeding may also enter into a compliance agreement with the
5162 local government. All parties granted intervenor status shall be
5163 provided reasonable notice of the commencement of a compliance
5164 agreement negotiation process and a reasonable opportunity to
5165 participate in such negotiation process. Negotiation meetings
5166 with local governments or intervenors shall be open to the
5167 public. The state land planning agency shall provide each party

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5168 granted intervenor status with a copy of the compliance
5169 agreement within 10 days after the agreement is executed. The
5170 compliance agreement shall list each portion of the plan or plan
5171 amendment that has been challenged, and shall specify remedial
5172 actions that the local government has agreed to complete within
5173 a specified time in order to resolve the challenge, including
5174 adoption of all necessary plan amendments. The compliance
5175 agreement may also establish monitoring requirements and
5176 incentives to ensure that the conditions of the compliance
5177 agreement are met.

5178 (b) Upon the filing of a compliance agreement executed by
5179 the parties to a challenge and the local government with the
5180 Division of Administrative Hearings, any administrative
5181 proceeding under ss. 120.569 and 120.57 regarding the plan or
5182 plan amendment covered by the compliance agreement shall be
5183 stayed.

5184 (c) Before its execution of a compliance agreement, the
5185 local government must approve the compliance agreement at a
5186 public hearing advertised at least 10 days before the public
5187 hearing in a newspaper of general circulation in the area in
5188 accordance with the advertisement requirements of chapter 125 or
5189 chapter 166, as applicable.

5190 (d) The local government shall hold a single public
5191 hearing for adopting remedial amendments.

5192 (e) For challenges to amendments adopted under the
5193 expedited review process, if the local government adopts a
5194 comprehensive plan amendment pursuant to a compliance agreement,
5195 an affected person or the state land planning agency may file a

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5196 revised challenge with the Division of Administrative Hearings
5197 within 15 days after the adoption of the remedial amendment.

5198 (f) For challenges to amendments adopted under the state
5199 coordinated process, the state land planning agency, upon
5200 receipt of a plan or plan amendment adopted pursuant to a
5201 compliance agreement, shall issue a cumulative notice of intent
5202 addressing both the remedial amendment and the plan or plan
5203 amendment that was the subject of the agreement.

5204 1. If the local government adopts a comprehensive plan or
5205 plan amendment pursuant to a compliance agreement and a notice
5206 of intent to find the plan amendment in compliance is issued,
5207 the state land planning agency shall forward the notice of
5208 intent to the Division of Administrative Hearings and the
5209 administrative law judge shall realign the parties in the
5210 pending proceeding under ss. 120.569 and 120.57, which shall
5211 thereafter be governed by the process contained in paragraph
5212 (5) (a) and subparagraph (5) (c)1., including provisions relating
5213 to challenges by an affected person, burden of proof, and issues
5214 of a recommended order and a final order. Parties to the
5215 original proceeding at the time of realignment may continue as
5216 parties without being required to file additional pleadings to
5217 initiate a proceeding, but may timely amend their pleadings to
5218 raise any challenge to the amendment that is the subject of the
5219 cumulative notice of intent, and must otherwise conform to the
5220 rules of procedure of the Division of Administrative Hearings.
5221 Any affected person not a party to the realigned proceeding may
5222 challenge the plan amendment that is the subject of the
5223 cumulative notice of intent by filing a petition with the agency

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5224 as provided in subsection (5). The agency shall forward the
5225 petition filed by the affected person not a party to the
5226 realigned proceeding to the Division of Administrative Hearings
5227 for consolidation with the realigned proceeding. If the
5228 cumulative notice of intent is not challenged, the state land
5229 planning agency shall request that the Division of
5230 Administrative Hearings relinquish jurisdiction to the state
5231 land planning agency for issuance of a final order.

5232 2. If the local government adopts a comprehensive plan
5233 amendment pursuant to a compliance agreement and a notice of
5234 intent is issued that finds the plan amendment not in
5235 compliance, the state land planning agency shall forward the
5236 notice of intent to the Division of Administrative Hearings,
5237 which shall consolidate the proceeding with the pending
5238 proceeding and immediately set a date for a hearing in the
5239 pending proceeding under ss. 120.569 and 120.57. Affected
5240 persons who are not a party to the underlying proceeding under
5241 ss. 120.569 and 120.57 may challenge the plan amendment adopted
5242 pursuant to the compliance agreement by filing a petition
5243 pursuant to paragraph (5) (a).

5244 (g) This subsection does not prohibit a local government
5245 from amending portions of its comprehensive plan other than
5246 those that are the subject of a challenge. However, such
5247 amendments to the plan may not be inconsistent with the
5248 compliance agreement.

5249 (h) This subsection does not require settlement by any
5250 party against its will or preclude the use of other informal

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5251 dispute resolution methods in the course of or in addition to
5252 the method described in this subsection.

5253 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5254 (a) At any time after the matter has been forwarded to the
5255 Division of Administrative Hearings, the local government
5256 proposing the amendment may demand formal mediation or the local
5257 government proposing the amendment or an affected person who is
5258 a party to the proceeding may demand informal mediation or
5259 expeditious resolution of the amendment proceedings by serving
5260 written notice on the state land planning agency if a party to
5261 the proceeding, all other parties to the proceeding, and the
5262 administrative law judge.

5263 (b) Upon receipt of a notice pursuant to paragraph (a),
5264 the administrative law judge shall set the matter for final
5265 hearing no more than 30 days after receipt of the notice. Once a
5266 final hearing has been set, no continuance in the hearing, and
5267 no additional time for post-hearing submittals, may be granted
5268 without the written agreement of the parties absent a finding by
5269 the administrative law judge of extraordinary circumstances.
5270 Extraordinary circumstances do not include matters relating to
5271 workload or need for additional time for preparation,
5272 negotiation, or mediation.

5273 (c) Absent a showing of extraordinary circumstances, the
5274 administrative law judge shall issue a recommended order, in a
5275 case proceeding under subsection (5), within 30 days after
5276 filing of the transcript, unless the parties agree in writing to
5277 a longer time.

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5278 (d) Absent a showing of extraordinary circumstances, the
5279 Administration Commission shall issue a final order, in a case
5280 proceeding under subsection (5), within 45 days after the
5281 issuance of the recommended order, unless the parties agree in
5282 writing to a longer time. ~~have 120 days to adopt or adopt with~~
5283 ~~changes the proposed comprehensive plan or s. 163.3191 plan~~
5284 ~~amendments. In the case of comprehensive plan amendments other~~
5285 ~~than those proposed pursuant to s. 163.3191, the local~~
5286 ~~government shall have 60 days to adopt the amendment, adopt the~~
5287 ~~amendment with changes, or determine that it will not adopt the~~
5288 ~~amendment. The adoption of the proposed plan or plan amendment~~
5289 ~~or the determination not to adopt a plan amendment, other than a~~
5290 ~~plan amendment proposed pursuant to s. 163.3191, shall be made~~
5291 ~~in the course of a public hearing pursuant to subsection (15).~~
5292 ~~The local government shall transmit the complete adopted~~
5293 ~~comprehensive plan or plan amendment, including the names and~~
5294 ~~addresses of persons compiled pursuant to paragraph (15)(c), to~~
5295 ~~the state land planning agency as specified in the agency's~~
5296 ~~procedural rules within 10 working days after adoption. The~~
5297 ~~local governing body shall also transmit a copy of the adopted~~
5298 ~~comprehensive plan or plan amendment to the regional planning~~
5299 ~~agency and to any other unit of local government or governmental~~
5300 ~~agency in the state that has filed a written request with the~~
5301 ~~governing body for a copy of the plan or plan amendment.~~

5302 ~~(b) If the adopted plan amendment is unchanged from the~~
5303 ~~proposed plan amendment transmitted pursuant to subsection (3)~~
5304 ~~and an affected person as defined in paragraph (1)(a) did not~~
5305 ~~raise any objection, the state land planning agency did not~~

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5306 ~~review the proposed plan amendment, and the state land planning~~
5307 ~~agency did not raise any objections during its review pursuant~~
5308 ~~to subsection (6), the local government may state in the~~
5309 ~~transmittal letter that the plan amendment is unchanged and was~~
5310 ~~not the subject of objections.~~

5311 ~~(8) NOTICE OF INTENT.—~~

5312 ~~(a) If the transmittal letter correctly states that the~~
5313 ~~plan amendment is unchanged and was not the subject of review or~~
5314 ~~objections pursuant to paragraph (7) (b), the state land planning~~
5315 ~~agency has 20 days after receipt of the transmittal letter~~
5316 ~~within which to issue a notice of intent that the plan amendment~~
5317 ~~is in compliance.~~

5318 ~~(b) Except as provided in paragraph (a) or in s.~~
5319 ~~163.3187(3), the state land planning agency, upon receipt of a~~
5320 ~~local government's complete adopted comprehensive plan or plan~~
5321 ~~amendment, shall have 45 days for review and to determine if the~~
5322 ~~plan or plan amendment is in compliance with this act, unless~~
5323 ~~the amendment is the result of a compliance agreement entered~~
5324 ~~into under subsection (16), in which case the time period for~~
5325 ~~review and determination shall be 30 days. If review was not~~
5326 ~~conducted under subsection (6), the agency's determination must~~
5327 ~~be based upon the plan amendment as adopted. If review was~~
5328 ~~conducted under subsection (6), the agency's determination of~~
5329 ~~compliance must be based only upon one or both of the following:~~

5330 ~~1. The state land planning agency's written comments to~~
5331 ~~the local government pursuant to subsection (6); or~~

5332 ~~2. Any changes made by the local government to the~~
5333 ~~comprehensive plan or plan amendment as adopted.~~

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5334 ~~(c)1. During the time period provided for in this~~
5335 ~~subsection, the state land planning agency shall issue, through~~
5336 ~~a senior administrator or the secretary, as specified in the~~
5337 ~~agency's procedural rules, a notice of intent to find that the~~
5338 ~~plan or plan amendment is in compliance or not in compliance. A~~
5339 ~~notice of intent shall be issued by publication in the manner~~
5340 ~~provided by this paragraph and by mailing a copy to the local~~
5341 ~~government. The advertisement shall be placed in that portion of~~
5342 ~~the newspaper where legal notices appear. The advertisement~~
5343 ~~shall be published in a newspaper that meets the size and~~
5344 ~~circulation requirements set forth in paragraph (15) (c) and that~~
5345 ~~has been designated in writing by the affected local government~~
5346 ~~at the time of transmittal of the amendment. Publication by the~~
5347 ~~state land planning agency of a notice of intent in the~~
5348 ~~newspaper designated by the local government shall be prima~~
5349 ~~facie evidence of compliance with the publication requirements~~
5350 ~~of this section. The state land planning agency shall post a~~
5351 ~~copy of the notice of intent on the agency's Internet site. The~~
5352 ~~agency shall, no later than the date the notice of intent is~~
5353 ~~transmitted to the newspaper, send by regular mail a courtesy~~
5354 ~~informational statement to persons who provide their names and~~
5355 ~~addresses to the local government at the transmittal hearing or~~
5356 ~~at the adoption hearing where the local government has provided~~
5357 ~~the names and addresses of such persons to the department at the~~
5358 ~~time of transmittal of the adopted amendment. The informational~~
5359 ~~statements shall include the name of the newspaper in which the~~
5360 ~~notice of intent will appear, the approximate date of~~
5361 ~~publication, the ordinance number of the plan or plan amendment,~~

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5362 and a statement that affected persons have 21 days after the
5363 actual date of publication of the notice to file a petition.

5364 2. A local government that has an Internet site shall post
5365 a copy of the state land planning agency's notice of intent on
5366 the site within 5 days after receipt of the mailed copy of the
5367 agency's notice of intent.

5368 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.~~

5369 ~~(a) If the state land planning agency issues a notice of~~
5370 ~~intent to find that the comprehensive plan or plan amendment~~
5371 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
5372 ~~or s. 163.3191 is in compliance with this act, any affected~~
5373 ~~person may file a petition with the agency pursuant to ss.~~
5374 ~~120.569 and 120.57 within 21 days after the publication of~~
5375 ~~notice. In this proceeding, the local plan or plan amendment~~
5376 ~~shall be determined to be in compliance if the local~~
5377 ~~government's determination of compliance is fairly debatable.~~

5378 ~~(b) The hearing shall be conducted by an administrative~~
5379 ~~law judge of the Division of Administrative Hearings of the~~
5380 ~~Department of Management Services, who shall hold the hearing in~~
5381 ~~the county of and convenient to the affected local jurisdiction~~
5382 ~~and submit a recommended order to the state land planning~~
5383 ~~agency. The state land planning agency shall allow for the~~
5384 ~~filing of exceptions to the recommended order and shall issue a~~
5385 ~~final order after receipt of the recommended order if the state~~
5386 ~~land planning agency determines that the plan or plan amendment~~
5387 ~~is in compliance. If the state land planning agency determines~~
5388 ~~that the plan or plan amendment is not in compliance, the agency~~

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5389 shall ~~submit the recommended order to the Administration~~
5390 ~~Commission for final agency action.~~

5391 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~
5392 ~~COMPLIANCE.~~

5393 ~~(a) If the state land planning agency issues a notice of~~
5394 ~~intent to find the comprehensive plan or plan amendment not in~~
5395 ~~compliance with this act, the notice of intent shall be~~
5396 ~~forwarded to the Division of Administrative Hearings of the~~
5397 ~~Department of Management Services, which shall conduct a~~
5398 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
5399 ~~convenient to the affected local jurisdiction. The parties to~~
5400 ~~the proceeding shall be the state land planning agency, the~~
5401 ~~affected local government, and any affected person who~~
5402 ~~intervenes. No new issue may be alleged as a reason to find a~~
5403 ~~plan or plan amendment not in compliance in an administrative~~
5404 ~~pleading filed more than 21 days after publication of notice~~
5405 ~~unless the party seeking that issue establishes good cause for~~
5406 ~~not alleging the issue within that time period. Good cause shall~~
5407 ~~not include excusable neglect. In the proceeding, the local~~
5408 ~~government's determination that the comprehensive plan or plan~~
5409 ~~amendment is in compliance is presumed to be correct. The local~~
5410 ~~government's determination shall be sustained unless it is shown~~
5411 ~~by a preponderance of the evidence that the comprehensive plan~~
5412 ~~or plan amendment is not in compliance. The local government's~~
5413 ~~determination that elements of its plans are related to and~~
5414 ~~consistent with each other shall be sustained if the~~
5415 ~~determination is fairly debatable.~~

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5416 ~~(b) The administrative law judge assigned by the division~~
5417 ~~shall submit a recommended order to the Administration~~
5418 ~~Commission for final agency action.~~

5419 ~~(c) Prior to the hearing, the state land planning agency~~
5420 ~~shall afford an opportunity to mediate or otherwise resolve the~~
5421 ~~dispute. If a party to the proceeding requests mediation or~~
5422 ~~other alternative dispute resolution, the hearing may not be~~
5423 ~~held until the state land planning agency advises the~~
5424 ~~administrative law judge in writing of the results of the~~
5425 ~~mediation or other alternative dispute resolution. However, the~~
5426 ~~hearing may not be delayed for longer than 90 days for mediation~~
5427 ~~or other alternative dispute resolution unless a longer delay is~~
5428 ~~agreed to by the parties to the proceeding. The costs of the~~
5429 ~~mediation or other alternative dispute resolution shall be borne~~
5430 ~~equally by all of the parties to the proceeding.~~

5431 ~~(8) (11)~~ ADMINISTRATION COMMISSION.—

5432 (a) If the Administration Commission, upon a hearing
5433 pursuant to subsection ~~(5) (9)~~ or ~~subsection (10)~~, finds that the
5434 comprehensive plan or plan amendment is not in compliance with
5435 this act, the commission shall specify remedial actions that
5436 ~~which~~ would bring the comprehensive plan or plan amendment into
5437 compliance.

5438 (b) The commission may specify the sanctions provided in
5439 subparagraphs 1. and 2. to which the local government will be
5440 subject if it elects to make the amendment effective
5441 notwithstanding the determination of noncompliance.

5442 1. The commission may direct state agencies not to provide
5443 funds to increase the capacity of roads, bridges, or water and
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5444 sewer systems within the boundaries of those local governmental
5445 entities which have comprehensive plans or plan elements that
5446 are determined not to be in compliance. The commission order may
5447 also specify that the local government is ~~shall~~ not ~~be~~ eligible
5448 for grants administered under the following programs:

5449 ~~a.1.~~ The Florida Small Cities Community Development Block
5450 Grant Program, as authorized by ss. 290.0401-290.049.

5451 ~~b.2.~~ The Florida Recreation Development Assistance
5452 Program, as authorized by chapter 375.

5453 ~~c.3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and
5454 218.61 and chapter 212, to the extent not pledged to pay back
5455 bonds.

5456 ~~2.(b)~~ If the local government is one which is required to
5457 include a coastal management element in its comprehensive plan
5458 pursuant to s. 163.3177(6)(g), the commission order may also
5459 specify that the local government is not eligible for funding
5460 pursuant to s. 161.091. The commission order may also specify
5461 that the fact that the coastal management element has been
5462 determined to be not in compliance shall be a consideration when
5463 the department considers permits under s. 161.053 and when the
5464 Board of Trustees of the Internal Improvement Trust Fund
5465 considers whether to sell, convey any interest in, or lease any
5466 sovereignty lands or submerged lands until the element is
5467 brought into compliance.

5468 ~~3.(e)~~ The sanctions provided by subparagraphs 1. and 2. do
5469 ~~paragraphs (a) and (b) shall~~ not apply to a local government
5470 regarding any plan amendment, except for plan amendments that
5471 amend plans that have not been finally determined to be in

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5472 compliance with this part, and except as provided in paragraph
5473 (b) ~~s. 163.3189(2) or s. 163.3191(11)~~.

5474 (9) ~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or
5475 party constitutes a certificate that he or she has read the
5476 pleading, motion, or other paper and that, to the best of his or
5477 her knowledge, information, and belief formed after reasonable
5478 inquiry, it is not interposed for any improper purpose, such as
5479 to harass or to cause unnecessary delay, or for economic
5480 advantage, competitive reasons, or frivolous purposes or
5481 needless increase in the cost of litigation. If a pleading,
5482 motion, or other paper is signed in violation of these
5483 requirements, the administrative law judge, upon motion or his
5484 or her own initiative, shall impose upon the person who signed
5485 it, a represented party, or both, an appropriate sanction, which
5486 may include an order to pay to the other party or parties the
5487 amount of reasonable expenses incurred because of the filing of
5488 the pleading, motion, or other paper, including a reasonable
5489 attorney's fee.

5490 (10) ~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
5491 section shall be the sole proceeding or action for a
5492 determination of whether a local government's plan, element, or
5493 amendment is in compliance with this act.

5494 ~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local~~
5495 ~~government comprehensive plan or plan amendment which is~~
5496 ~~applicable to a designated area of critical state concern shall~~
5497 ~~be effective until a final order is issued finding the plan or~~
5498 ~~amendment to be in compliance as defined in this section.~~

5499 (11) ~~(15)~~ PUBLIC HEARINGS.—

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5500 (a) The procedure for transmittal of a complete proposed
5501 comprehensive plan or plan amendment pursuant to subparagraph
5502 ~~subsection~~ (3) (b)1. and paragraph (4) (b) and for adoption of a
5503 comprehensive plan or plan amendment pursuant to
5504 subparagraphs(3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by
5505 affirmative vote of not less than a majority of the members of
5506 the governing body present at the hearing. The adoption of a
5507 comprehensive plan or plan amendment shall be by ordinance. For
5508 the purposes of transmitting or adopting a comprehensive plan or
5509 plan amendment, the notice requirements in chapters 125 and 166
5510 are superseded by this subsection, except as provided in this
5511 part.

5512 (b) The local governing body shall hold at least two
5513 advertised public hearings on the proposed comprehensive plan or
5514 plan amendment as follows:

5515 1. The first public hearing shall be held at the
5516 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
5517 on a weekday at least 7 days after the day that the first
5518 advertisement is published pursuant to the requirements of
5519 chapter 125 or chapter 166.

5520 2. The second public hearing shall be held at the adoption
5521 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
5522 at least 5 days after the day that the second advertisement is
5523 published pursuant to the requirements of chapter 125 or chapter
5524 166.

5525 (c) Nothing in this part is intended to prohibit or limit
5526 the authority of local governments to require a person

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5527 requesting an amendment to pay some or all of the cost of the
5528 public notice.

5529 (12) CONCURRENT ZONING.—At the request of an applicant, a
5530 local government shall consider an application for zoning
5531 changes that would be required to properly enact any proposed
5532 plan amendment transmitted pursuant to this subsection. Zoning
5533 changes approved by the local government are contingent upon the
5534 comprehensive plan or plan amendment transmitted becoming
5535 effective.

5536 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local
5537 government comprehensive plan or plan amendment that is
5538 applicable to a designated area of critical state concern shall
5539 be effective until a final order is issued finding the plan or
5540 amendment to be in compliance as defined in paragraph (1) (b).

5541 ~~(c) The local government shall provide a sign-in form at~~
5542 ~~the transmittal hearing and at the adoption hearing for persons~~
5543 ~~to provide their names and mailing addresses. The sign-in form~~
5544 ~~must advise that any person providing the requested information~~
5545 ~~will receive a courtesy informational statement concerning~~
5546 ~~publications of the state land planning agency's notice of~~
5547 ~~intent. The local government shall add to the sign-in form the~~
5548 ~~name and address of any person who submits written comments~~
5549 ~~concerning the proposed plan or plan amendment during the time~~
5550 ~~period between the commencement of the transmittal hearing and~~
5551 ~~the end of the adoption hearing. It is the responsibility of the~~
5552 ~~person completing the form or providing written comments to~~
5553 ~~accurately, completely, and legibly provide all information~~
5554 ~~needed in order to receive the courtesy informational statement.~~

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5555 ~~(d) The agency shall provide a model sign-in form for~~
5556 ~~providing the list to the agency which may be used by the local~~
5557 ~~government to satisfy the requirements of this subsection.~~

5558 ~~(e) If the proposed comprehensive plan or plan amendment~~
5559 ~~changes the actual list of permitted, conditional, or prohibited~~
5560 ~~uses within a future land use category or changes the actual~~
5561 ~~future land use map designation of a parcel or parcels of land,~~
5562 ~~the required advertisements shall be in the format prescribed by~~
5563 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
5564 ~~municipality.~~

5565 ~~(16) COMPLIANCE AGREEMENTS.—~~

5566 ~~(a) At any time following the issuance of a notice of~~
5567 ~~intent to find a comprehensive plan or plan amendment not in~~
5568 ~~compliance with this part or after the initiation of a hearing~~
5569 ~~pursuant to subsection (9), the state land planning agency and~~
5570 ~~the local government may voluntarily enter into a compliance~~
5571 ~~agreement to resolve one or more of the issues raised in the~~
5572 ~~proceedings. Affected persons who have initiated a formal~~
5573 ~~proceeding or have intervened in a formal proceeding may also~~
5574 ~~enter into the compliance agreement. All parties granted~~
5575 ~~intervenor status shall be provided reasonable notice of the~~
5576 ~~commencement of a compliance agreement negotiation process and a~~
5577 ~~reasonable opportunity to participate in such negotiation~~
5578 ~~process. Negotiation meetings with local governments or~~
5579 ~~intervenor shall be open to the public. The state land planning~~
5580 ~~agency shall provide each party granted intervenor status with a~~
5581 ~~copy of the compliance agreement within 10 days after the~~
5582 ~~agreement is executed. The compliance agreement shall list each~~

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5583 ~~portion of the plan or plan amendment which is not in~~
5584 ~~compliance, and shall specify remedial actions which the local~~
5585 ~~government must complete within a specified time in order to~~
5586 ~~bring the plan or plan amendment into compliance, including~~
5587 ~~adoption of all necessary plan amendments. The compliance~~
5588 ~~agreement may also establish monitoring requirements and~~
5589 ~~incentives to ensure that the conditions of the compliance~~
5590 ~~agreement are met.~~

5591 ~~(b) Upon filing by the state land planning agency of a~~
5592 ~~compliance agreement executed by the agency and the local~~
5593 ~~government with the Division of Administrative Hearings, any~~
5594 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~
5595 ~~the plan or plan amendment covered by the compliance agreement~~
5596 ~~shall be stayed.~~

5597 ~~(c) Prior to its execution of a compliance agreement, the~~
5598 ~~local government must approve the compliance agreement at a~~
5599 ~~public hearing advertised at least 10 days before the public~~
5600 ~~hearing in a newspaper of general circulation in the area in~~
5601 ~~accordance with the advertisement requirements of subsection~~
5602 ~~(15).~~

5603 ~~(d) A local government may adopt a plan amendment pursuant~~
5604 ~~to a compliance agreement in accordance with the requirements of~~
5605 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~
5606 ~~requirements of subsections (2)-(7). The local government shall~~
5607 ~~hold a single adoption public hearing pursuant to the~~
5608 ~~requirements of subparagraph (15) (b)2. and paragraph (15) (c).~~
5609 ~~Within 10 working days after adoption of a plan amendment, the~~
5610 ~~local government shall transmit the amendment to the state land~~

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5611 ~~planning agency as specified in the agency's procedural rules,~~
5612 ~~and shall submit one copy to the regional planning agency and to~~
5613 ~~any other unit of local government or government agency in the~~
5614 ~~state that has filed a written request with the governing body~~
5615 ~~for a copy of the plan amendment, and one copy to any party to~~
5616 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~
5617 ~~status.~~

5618 ~~(c) The state land planning agency, upon receipt of a plan~~
5619 ~~amendment adopted pursuant to a compliance agreement, shall~~
5620 ~~issue a cumulative notice of intent addressing both the~~
5621 ~~compliance agreement amendment and the plan or plan amendment~~
5622 ~~that was the subject of the agreement, in accordance with~~
5623 ~~subsection (8).~~

5624 ~~(f)1. If the local government adopts a comprehensive plan~~
5625 ~~amendment pursuant to a compliance agreement and a notice of~~
5626 ~~intent to find the plan amendment in compliance is issued, the~~
5627 ~~state land planning agency shall forward the notice of intent to~~
5628 ~~the Division of Administrative Hearings and the administrative~~
5629 ~~law judge shall realign the parties in the pending proceeding~~
5630 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
5631 ~~by the process contained in paragraphs (9) (a) and (b), including~~
5632 ~~provisions relating to challenges by an affected person, burden~~
5633 ~~of proof, and issues of a recommended order and a final order,~~
5634 ~~except as provided in subparagraph 2. Parties to the original~~
5635 ~~proceeding at the time of realignment may continue as parties~~
5636 ~~without being required to file additional pleadings to initiate~~
5637 ~~a proceeding, but may timely amend their pleadings to raise any~~
5638 ~~challenge to the amendment which is the subject of the~~

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5639 ~~cumulative notice of intent, and must otherwise conform to the~~
5640 ~~rules of procedure of the Division of Administrative Hearings.~~
5641 ~~Any affected person not a party to the realigned proceeding may~~
5642 ~~challenge the plan amendment which is the subject of the~~
5643 ~~cumulative notice of intent by filing a petition with the agency~~
5644 ~~as provided in subsection (9). The agency shall forward the~~
5645 ~~petition filed by the affected person not a party to the~~
5646 ~~realigned proceeding to the Division of Administrative Hearings~~
5647 ~~for consolidation with the realigned proceeding.~~

5648 ~~2. If any of the issues raised by the state land planning~~
5649 ~~agency in the original subsection (10) proceeding are not~~
5650 ~~resolved by the compliance agreement amendments, any intervenor~~
5651 ~~in the original subsection (10) proceeding may require those~~
5652 ~~issues to be addressed in the pending consolidated realigned~~
5653 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
5654 ~~issues, the burden of proof shall be governed by subsection~~
5655 ~~(10).~~

5656 ~~3. If the local government adopts a comprehensive plan~~
5657 ~~amendment pursuant to a compliance agreement and a notice of~~
5658 ~~intent to find the plan amendment not in compliance is issued,~~
5659 ~~the state land planning agency shall forward the notice of~~
5660 ~~intent to the Division of Administrative Hearings, which shall~~
5661 ~~consolidate the proceeding with the pending proceeding and~~
5662 ~~immediately set a date for hearing in the pending proceeding~~
5663 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~
5664 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
5665 ~~may challenge the plan amendment adopted pursuant to the~~

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5666 ~~compliance agreement by filing a petition pursuant to subsection~~
5667 ~~(10).~~

5668 ~~(g) If the local government fails to adopt a comprehensive~~
5669 ~~plan amendment pursuant to a compliance agreement, the state~~
5670 ~~land planning agency shall notify the Division of Administrative~~
5671 ~~Hearings, which shall set the hearing in the pending proceeding~~
5672 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5673 ~~(h) This subsection does not prohibit a local government~~
5674 ~~from amending portions of its comprehensive plan other than~~
5675 ~~those which are the subject of the compliance agreement.~~
5676 ~~However, such amendments to the plan may not be inconsistent~~
5677 ~~with the compliance agreement.~~

5678 ~~(i) Nothing in this subsection is intended to limit the~~
5679 ~~parties from entering into a compliance agreement at any time~~
5680 ~~before the final order in the proceeding is issued, provided~~
5681 ~~that the provisions of paragraph (c) shall apply regardless of~~
5682 ~~when the compliance agreement is reached.~~

5683 ~~(j) Nothing in this subsection is intended to force any~~
5684 ~~party into settlement against its will or to preclude the use of~~
5685 ~~other informal dispute resolution methods, such as the services~~
5686 ~~offered by the Florida Growth Management Dispute Resolution~~
5687 ~~Consortium, in the course of or in addition to the method~~
5688 ~~described in this subsection.~~

5689 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~
5690 ~~A local government that has adopted a community vision and urban~~
5691 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
5692 ~~amendment related to map amendments solely to property within an~~
5693 ~~urban service boundary in the manner described in subsections~~
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5694 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
5695 ~~and e., 2., and 3., such that state and regional agency review~~
5696 ~~is eliminated. The department may not issue an objections,~~
5697 ~~recommendations, and comments report on proposed plan amendments~~
5698 ~~or a notice of intent on adopted plan amendments; however,~~
5699 ~~affected persons, as defined by paragraph (1)(a), may file a~~
5700 ~~petition for administrative review pursuant to the requirements~~
5701 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
5702 ~~plan amendment. This subsection does not apply to any amendment~~
5703 ~~within an area of critical state concern, to any amendment that~~
5704 ~~increases residential densities allowable in high-hazard coastal~~
5705 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~
5706 ~~the goals, policies, or objectives of the local government's~~
5707 ~~comprehensive plan. Amendments submitted under this subsection~~
5708 ~~are exempt from the limitation on the frequency of plan~~
5709 ~~amendments in s. 163.3187.~~

5710 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS. A~~
5711 ~~municipality that has a designated urban infill and~~
5712 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
5713 ~~related to map amendments solely to property within a designated~~
5714 ~~urban infill and redevelopment area in the manner described in~~
5715 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
5716 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
5717 ~~regional agency review is eliminated. The department may not~~
5718 ~~issue an objections, recommendations, and comments report on~~
5719 ~~proposed plan amendments or a notice of intent on adopted plan~~
5720 ~~amendments; however, affected persons, as defined by paragraph~~
5721 ~~(1)(a), may file a petition for administrative review pursuant~~
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5722 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~
5723 ~~compliance of an adopted plan amendment. This subsection does~~
5724 ~~not apply to any amendment within an area of critical state~~
5725 ~~concern, to any amendment that increases residential densities~~
5726 ~~allowable in high-hazard coastal areas as defined in s.~~
5727 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
5728 ~~objectives of the local government's comprehensive plan.~~
5729 ~~Amendments submitted under this subsection are exempt from the~~
5730 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5731 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
5732 ~~government that identifies in its comprehensive plan the types~~
5733 ~~of housing developments and conditions for which it will~~
5734 ~~consider plan amendments that are consistent with the local~~
5735 ~~housing incentive strategies identified in s. 420.9076 and~~
5736 ~~authorized by the local government may expedite consideration of~~
5737 ~~such plan amendments. At least 30 days prior to adopting a plan~~
5738 ~~amendment pursuant to this subsection, the local government~~
5739 ~~shall notify the state land planning agency of its intent to~~
5740 ~~adopt such an amendment, and the notice shall include the local~~
5741 ~~government's evaluation of site suitability and availability of~~
5742 ~~facilities and services. A plan amendment considered under this~~
5743 ~~subsection shall require only a single public hearing before the~~
5744 ~~local governing body, which shall be a plan amendment adoption~~
5745 ~~hearing as described in subsection (7). The public notice of the~~
5746 ~~hearing required under subparagraph (15)(b)2. must include a~~
5747 ~~statement that the local government intends to use the expedited~~
5748 ~~adoption process authorized under this subsection. The state~~
5749 ~~land planning agency shall issue its notice of intent required~~
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5750 ~~under subsection (8) within 30 days after determining that the~~
5751 ~~amendment package is complete. Any further proceedings shall be~~
5752 ~~governed by subsections (9)-(16).~~

5753 Section 18. Section 163.3187, Florida Statutes, is amended
5754 to read:

5755 163.3187 Process for adoption of small-scale comprehensive
5756 plan amendment ~~of adopted comprehensive plan.-~~

5757 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
5758 ~~this part may be made not more than two times during any~~
5759 ~~calendar year, except:~~

5760 ~~(a) In the case of an emergency, comprehensive plan~~
5761 ~~amendments may be made more often than twice during the calendar~~
5762 ~~year if the additional plan amendment receives the approval of~~
5763 ~~all of the members of the governing body. "Emergency" means any~~
5764 ~~occurrence or threat thereof whether accidental or natural,~~
5765 ~~caused by humankind, in war or peace, which results or may~~
5766 ~~result in substantial injury or harm to the population or~~
5767 ~~substantial damage to or loss of property or public funds.~~

5768 ~~(b) Any local government comprehensive plan amendments~~
5769 ~~directly related to a proposed development of regional impact,~~
5770 ~~including changes which have been determined to be substantial~~
5771 ~~deviations and including Florida Quality Developments pursuant~~
5772 ~~to s. 380.061, may be initiated by a local planning agency and~~
5773 ~~considered by the local governing body at the same time as the~~
5774 ~~application for development approval using the procedures~~
5775 ~~provided for local plan amendment in this section and applicable~~
5776 ~~local ordinances.~~

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5777 ~~(1)(c) Any local government comprehensive plan amendments~~
5778 ~~directly related to proposed small scale development activities~~
5779 ~~may be approved without regard to statutory limits on the~~
5780 ~~frequency of consideration of amendments to the local~~
5781 ~~comprehensive plan. A small scale development amendment may be~~
5782 ~~adopted only under the following conditions:~~

5783 ~~(a)1. The proposed amendment involves a use of 10 acres or~~
5784 ~~fewer and:~~

5785 ~~(b)a. The cumulative annual effect of the acreage for all~~
5786 ~~small scale development amendments adopted by the local~~
5787 ~~government does ~~shall~~ not exceed:~~

5788 ~~(I) a maximum of 120 acres in a calendar year. local~~
5789 ~~government that contains areas specifically designated in the~~
5790 ~~local comprehensive plan for urban infill, urban redevelopment,~~
5791 ~~or downtown revitalization as defined in s. 163.3164, urban~~
5792 ~~infill and redevelopment areas designated under s. 163.2517,~~
5793 ~~transportation concurrency exception areas approved pursuant to~~
5794 ~~s. 163.3180(5), or regional activity centers and urban central~~
5795 ~~business districts approved pursuant to s. 380.06(2)(c);~~
5796 ~~however, amendments under this paragraph may be applied to no~~
5797 ~~more than 60 acres annually of property outside the designated~~
5798 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
5799 ~~pursuant to paragraph (k) shall not be counted toward the~~
5800 ~~acreage limitations for small scale amendments under this~~
5801 ~~paragraph.~~

5802 ~~(II) A maximum of 80 acres in a local government that does~~
5803 ~~not contain any of the designated areas set forth in sub-sub-~~
5804 ~~subparagraph (I).~~

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5805 ~~(III) A maximum of 120 acres in a county established~~
5806 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5807 ~~b. The proposed amendment does not involve the same~~
5808 ~~property granted a change within the prior 12 months.~~

5809 ~~e. The proposed amendment does not involve the same~~
5810 ~~owner's property within 200 feet of property granted a change~~
5811 ~~within the prior 12 months.~~

5812 ~~(c)d.~~ The proposed amendment does not involve a text
5813 change to the goals, policies, and objectives of the local
5814 government's comprehensive plan, but only proposes a land use
5815 change to the future land use map for a site-specific small
5816 scale development activity. However, text changes that relate
5817 directly to, and are adopted simultaneously with, the small
5818 scale future land use map amendment shall be permissible under
5819 this section.

5820 ~~(d)e.~~ The property that is the subject of the proposed
5821 amendment is not located within an area of critical state
5822 concern, unless the project subject to the proposed amendment
5823 involves the construction of affordable housing units meeting
5824 the criteria of s. 420.0004(3), and is located within an area of
5825 critical state concern designated by s. 380.0552 or by the
5826 Administration Commission pursuant to s. 380.05(1). ~~Such~~
5827 ~~amendment is not subject to the density limitations of sub-~~
5828 ~~subparagraph f., and shall be reviewed by the state land~~
5829 ~~planning agency for consistency with the principles for guiding~~
5830 ~~development applicable to the area of critical state concern~~
5831 ~~where the amendment is located and shall not become effective~~
5832 ~~until a final order is issued under s. 380.05(6).~~

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5833 ~~f. If the proposed amendment involves a residential land~~
5834 ~~use, the residential land use has a density of 10 units or less~~
5835 ~~per acre or the proposed future land use category allows a~~
5836 ~~maximum residential density of the same or less than the maximum~~
5837 ~~residential density allowable under the existing future land use~~
5838 ~~category, except that this limitation does not apply to small~~
5839 ~~scale amendments involving the construction of affordable~~
5840 ~~housing units meeting the criteria of s. 420.0004(3) on property~~
5841 ~~which will be the subject of a land use restriction agreement,~~
5842 ~~or small scale amendments described in sub-sub-subparagraph~~
5843 ~~a.(I) that are designated in the local comprehensive plan for~~
5844 ~~urban infill, urban redevelopment, or downtown revitalization as~~
5845 ~~defined in s. 163.3164, urban infill and redevelopment areas~~
5846 ~~designated under s. 163.2517, transportation concurrency~~
5847 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
5848 ~~activity centers and urban central business districts approved~~
5849 ~~pursuant to s. 380.06(2)(e).~~

5850 ~~2.a. A local government that proposes to consider a plan~~
5851 ~~amendment pursuant to this paragraph is not required to comply~~
5852 ~~with the procedures and public notice requirements of s.~~
5853 ~~163.3184(15)(c) for such plan amendments if the local government~~
5854 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
5855 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
5856 ~~amendment under this paragraph is initiated by other than the~~
5857 ~~local government, public notice is required.~~

5858 ~~b. The local government shall send copies of the notice~~
5859 ~~and amendment to the state land planning agency, the regional~~
5860 ~~planning council, and any other person or entity requesting a~~
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5861 ~~copy. This information shall also include a statement~~
5862 ~~identifying any property subject to the amendment that is~~
5863 ~~located within a coastal high-hazard area as identified in the~~
5864 ~~local comprehensive plan.~~

5865 ~~(2)3.~~ Small scale development amendments adopted pursuant
5866 to this ~~section~~ ~~paragraph~~ require only one public hearing before
5867 the governing board, which shall be an adoption hearing as
5868 described in s. 163.3184 ~~(11) (7)~~, and are not subject to the
5869 requirements of s. 163.3184 ~~(3) (6)~~ unless the local government
5870 elects to have them subject to those requirements.

5871 ~~(3)4.~~ If the small scale development amendment involves a
5872 site within an ~~area that is designated by the Governor as a~~
5873 rural area of critical economic concern as defined under s.
5874 288.0656 ~~(2) (d) (7)~~ for the duration of such designation, the 10-
5875 acre limit listed in subsection (1) ~~subparagraph 1.~~ shall be
5876 increased by 100 percent to 20 acres. The local government
5877 approving the small scale plan amendment shall certify to the
5878 Office of Tourism, Trade, and Economic Development that the plan
5879 amendment furthers the economic objectives set forth in the
5880 executive order issued under s. 288.0656(7), and the property
5881 subject to the plan amendment shall undergo public review to
5882 ensure that all concurrency requirements and federal, state, and
5883 local environmental permit requirements are met.

5884 ~~(d) Any comprehensive plan amendment required by a~~
5885 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
5886 ~~without regard to statutory limits on the frequency of adoption~~
5887 ~~of amendments to the comprehensive plan.~~

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5888 ~~(e) A comprehensive plan amendment for location of a state~~
5889 ~~correctional facility. Such an amendment may be made at any time~~
5890 ~~and does not count toward the limitation on the frequency of~~
5891 ~~plan amendments.~~

5892 ~~(f) The capital improvements element annual update~~
5893 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~
5894 ~~related to the schedule.~~

5895 ~~(g) Any local government comprehensive plan amendments~~
5896 ~~directly related to proposed redevelopment of brownfield areas~~
5897 ~~designated under s. 376.80 may be approved without regard to~~
5898 ~~statutory limits on the frequency of consideration of amendments~~
5899 ~~to the local comprehensive plan.~~

5900 ~~(h) Any comprehensive plan amendments for port~~
5901 ~~transportation facilities and projects that are eligible for~~
5902 ~~funding by the Florida Seaport Transportation and Economic~~
5903 ~~Development Council pursuant to s. 311.07.~~

5904 ~~(i) A comprehensive plan amendment for the purpose of~~
5905 ~~designating an urban infill and redevelopment area under s.~~
5906 ~~163.2517 may be approved without regard to the statutory limits~~
5907 ~~on the frequency of amendments to the comprehensive plan.~~

5908 ~~(j) Any comprehensive plan amendment to establish public~~
5909 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
5910 ~~not limited to, adoption of a public school facilities element~~
5911 ~~and adoption of amendments to the capital improvements element~~
5912 ~~and intergovernmental coordination element. In order to ensure~~
5913 ~~the consistency of local government public school facilities~~
5914 ~~elements within a county, such elements shall be prepared and~~
5915 ~~adopted on a similar time schedule.~~

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5916 ~~(k) A local comprehensive plan amendment directly related~~
5917 ~~to providing transportation improvements to enhance life safety~~
5918 ~~on Controlled Access Major Arterial Highways identified in the~~
5919 ~~Florida Intrastate Highway System, in counties as defined in s.~~
5920 ~~125.011, where such roadways have a high incidence of traffic~~
5921 ~~accidents resulting in serious injury or death. Any such~~
5922 ~~amendment shall not include any amendment modifying the~~
5923 ~~designation on a comprehensive development plan land use map nor~~
5924 ~~any amendment modifying the allowable densities or intensities~~
5925 ~~of any land.~~

5926 ~~(l) A comprehensive plan amendment to adopt a public~~
5927 ~~educational facilities element pursuant to s. 163.3177(12) and~~
5928 ~~future land-use map amendments for school siting may be approved~~
5929 ~~notwithstanding statutory limits on the frequency of adopting~~
5930 ~~plan amendments.~~

5931 ~~(m) A comprehensive plan amendment that addresses criteria~~
5932 ~~or compatibility of land uses adjacent to or in close proximity~~
5933 ~~to military installations in a local government's future land~~
5934 ~~use element does not count toward the limitation on the~~
5935 ~~frequency of the plan amendments.~~

5936 ~~(n) Any local government comprehensive plan amendment~~
5937 ~~establishing or implementing a rural land stewardship area~~
5938 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5939 ~~(o) A comprehensive plan amendment that is submitted by an~~
5940 ~~area designated by the Governor as a rural area of critical~~
5941 ~~economic concern under s. 288.0656(7) and that meets the~~
5942 ~~economic development objectives may be approved without regard~~

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5943 ~~to the statutory limits on the frequency of adoption of~~
5944 ~~amendments to the comprehensive plan.~~

5945 ~~(p) Any local government comprehensive plan amendment that~~
5946 ~~is consistent with the local housing incentive strategies~~
5947 ~~identified in s. 420.9076 and authorized by the local~~
5948 ~~government.~~

5949 ~~(q) Any local government plan amendment to designate an~~
5950 ~~urban service area as a transportation concurrency exception~~
5951 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
5952 ~~development of regional impact process under s. 380.06(29).~~

5953 ~~(4)(2)~~ Comprehensive plans may only be amended in such a
5954 way as to preserve the internal consistency of the plan pursuant
5955 to s. 163.3177(2). Corrections, updates, or modifications of
5956 current costs which were set out as part of the comprehensive
5957 plan shall not, for the purposes of this act, be deemed to be
5958 amendments.

5959 ~~(3)(a) The state land planning agency shall not review or~~
5960 ~~issue a notice of intent for small scale development amendments~~
5961 ~~which satisfy the requirements of paragraph (1)(c).~~

5962 (5)(a) Any affected person may file a petition with the
5963 Division of Administrative Hearings pursuant to ss. 120.569 and
5964 120.57 to request a hearing to challenge the compliance of a
5965 small scale development amendment with this act within 30 days
5966 following the local government's adoption of the amendment and
5967 shall serve a copy of the petition on the local government, ~~and~~
5968 ~~shall furnish a copy to the state land planning agency.~~ An
5969 administrative law judge shall hold a hearing in the affected
5970 jurisdiction not less than 30 days nor more than 60 days

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5971 following the filing of a petition and the assignment of an
5972 administrative law judge. The parties to a hearing held pursuant
5973 to this subsection shall be the petitioner, the local
5974 government, and any intervenor. In the proceeding, the plan
5975 amendment shall be determined to be in compliance if the local
5976 government's determination that the small scale development
5977 amendment is in compliance is fairly debatable ~~presumed to be~~
5978 ~~correct. The local government's determination shall be sustained~~
5979 ~~unless it is shown by a preponderance of the evidence that the~~
5980 ~~amendment is not in compliance with the requirements of this~~
5981 ~~act. In any proceeding initiated pursuant to this subsection,~~
5982 The state land planning agency may not intervene in any
5983 proceeding initiated pursuant to this section.

5984 (b)1. If the administrative law judge recommends that the
5985 small scale development amendment be found not in compliance,
5986 the administrative law judge shall submit the recommended order
5987 to the Administration Commission for final agency action. If the
5988 administrative law judge recommends that the small scale
5989 development amendment be found in compliance, the administrative
5990 law judge shall submit the recommended order to the state land
5991 planning agency.

5992 2. If the state land planning agency determines that the
5993 plan amendment is not in compliance, the agency shall submit,
5994 within 30 days following its receipt, the recommended order to
5995 the Administration Commission for final agency action. If the
5996 state land planning agency determines that the plan amendment is
5997 in compliance, the agency shall enter a final order within 30
5998 days following its receipt of the recommended order.

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5999 (c) Small scale development amendments may ~~shall~~ not
6000 become effective until 31 days after adoption. If challenged
6001 within 30 days after adoption, small scale development
6002 amendments may ~~shall~~ not become effective until the state land
6003 planning agency or the Administration Commission, respectively,
6004 issues a final order determining that the adopted small scale
6005 development amendment is in compliance.

6006 (d) In all challenges under this subsection, when a
6007 determination of compliance as defined in s. 163.3184(1)(b) is
6008 made, consideration shall be given to the plan amendment as a
6009 whole and whether the plan amendment furthers the intent of this
6010 part.

6011 ~~(4) Each governing body shall transmit to the state land~~
6012 ~~planning agency a current copy of its comprehensive plan not~~
6013 ~~later than December 1, 1985. Each governing body shall also~~
6014 ~~transmit copies of any amendments it adopts to its comprehensive~~
6015 ~~plan so as to continually update the plans on file with the~~
6016 ~~state land planning agency.~~

6017 ~~(5) Nothing in this part is intended to prohibit or limit~~
6018 ~~the authority of local governments to require that a person~~
6019 ~~requesting an amendment pay some or all of the cost of public~~
6020 ~~notice.~~

6021 ~~(6) (a) No local government may amend its comprehensive~~
6022 ~~plan after the date established by the state land planning~~
6023 ~~agency for adoption of its evaluation and appraisal report~~
6024 ~~unless it has submitted its report or addendum to the state land~~
6025 ~~planning agency as prescribed by s. 163.3191, except for plan~~
6026 ~~amendments described in paragraph (1)(b) or paragraph (1)(h).~~

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6027 ~~(b) A local government may amend its comprehensive plan~~
6028 ~~after it has submitted its adopted evaluation and appraisal~~
6029 ~~report and for a period of 1 year after the initial~~
6030 ~~determination of sufficiency regardless of whether the report~~
6031 ~~has been determined to be insufficient.~~

6032 ~~(c) A local government may not amend its comprehensive~~
6033 ~~plan, except for plan amendments described in paragraph (1)(b),~~
6034 ~~if the 1-year period after the initial sufficiency determination~~
6035 ~~of the report has expired and the report has not been determined~~
6036 ~~to be sufficient.~~

6037 ~~(d) When the state land planning agency has determined~~
6038 ~~that the report has sufficiently addressed all pertinent~~
6039 ~~provisions of s. 163.3191, the local government may amend its~~
6040 ~~comprehensive plan without the limitations imposed by paragraph~~
6041 ~~(a) or paragraph (c).~~

6042 ~~(e) Any plan amendment which a local government attempts~~
6043 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~
6044 ~~invalid, but such invalidity may be overcome if the local~~
6045 ~~government readopts the amendment and transmits the amendment to~~
6046 ~~the state land planning agency pursuant to s. 163.3184(7) after~~
6047 ~~the report is determined to be sufficient.~~

6048 Section 19. Section 163.3189, Florida Statutes, is
6049 repealed.

6050 Section 20. Section 163.3191, Florida Statutes, is amended
6051 to read:

6052 163.3191 Evaluation and appraisal of comprehensive plan.-

6053 (1) At least once every 7 years, each local government
6054 shall evaluate its comprehensive plan to determine if plan

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6055 amendments are necessary to reflect changes in state
6056 requirements in this part since the last update of the
6057 comprehensive plan, and notify the state land planning agency as
6058 to its determination.

6059 (2) If the local government determines amendments to its
6060 comprehensive plan are necessary to reflect changes in state
6061 requirements, the local government shall prepare and transmit
6062 within 1 year such plan amendment or amendments for review
6063 pursuant to s. 163.3184.

6064 (3) Local governments are encouraged to comprehensively
6065 evaluate and, as necessary, update comprehensive plans to
6066 reflect changes in local conditions. Plan amendments transmitted
6067 pursuant to this section shall be reviewed in accordance with s.
6068 163.3184.

6069 (4) If a local government fails to submit its letter
6070 prescribed by subsection (1) or update its plan pursuant to
6071 subsection (2), it may not amend its comprehensive plan until
6072 such time as it complies with this section.

6073 ~~(1) The planning program shall be a continuous and ongoing~~
6074 ~~process. Each local government shall adopt an evaluation and~~
6075 ~~appraisal report once every 7 years assessing the progress in~~
6076 ~~implementing the local government's comprehensive plan.~~
6077 ~~Furthermore, it is the intent of this section that:~~

6078 ~~(a) Adopted comprehensive plans be reviewed through such~~
6079 ~~evaluation process to respond to changes in state, regional, and~~
6080 ~~local policies on planning and growth management and changing~~
6081 ~~conditions and trends, to ensure effective intergovernmental~~

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6082 ~~coordination, and to identify major issues regarding the~~
6083 ~~community's achievement of its goals.~~

6084 ~~(b) After completion of the initial evaluation and~~
6085 ~~appraisal report and any supporting plan amendments, each~~
6086 ~~subsequent evaluation and appraisal report must evaluate the~~
6087 ~~comprehensive plan in effect at the time of the initiation of~~
6088 ~~the evaluation and appraisal report process.~~

6089 ~~(c) Local governments identify the major issues, if~~
6090 ~~applicable, with input from state agencies, regional agencies,~~
6091 ~~adjacent local governments, and the public in the evaluation and~~
6092 ~~appraisal report process. It is also the intent of this section~~
6093 ~~to establish minimum requirements for information to ensure~~
6094 ~~predictability, certainty, and integrity in the growth~~
6095 ~~management process. The report is intended to serve as a summary~~
6096 ~~audit of the actions that a local government has undertaken and~~
6097 ~~identify changes that it may need to make. The report should be~~
6098 ~~based on the local government's analysis of major issues to~~
6099 ~~further the community's goals consistent with statewide minimum~~
6100 ~~standards. The report is not intended to require a comprehensive~~
6101 ~~rewrite of the elements within the local plan, unless a local~~
6102 ~~government chooses to do so.~~

6103 ~~(2) The report shall present an evaluation and assessment~~
6104 ~~of the comprehensive plan and shall contain appropriate~~
6105 ~~statements to update the comprehensive plan, including, but not~~
6106 ~~limited to, words, maps, illustrations, or other media, related~~
6107 ~~to:~~

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6108 ~~(a) Population growth and changes in land area, including~~
6109 ~~annexation, since the adoption of the original plan or the most~~
6110 ~~recent update amendments.~~

6111 ~~(b) The extent of vacant and developable land.~~

6112 ~~(c) The financial feasibility of implementing the~~
6113 ~~comprehensive plan and of providing needed infrastructure to~~
6114 ~~achieve and maintain adopted level of service standards and~~
6115 ~~sustain concurrency management systems through the capital~~
6116 ~~improvements element, as well as the ability to address~~
6117 ~~infrastructure backlogs and meet the demands of growth on public~~
6118 ~~services and facilities.~~

6119 ~~(d) The location of existing development in relation to~~
6120 ~~the location of development as anticipated in the original plan,~~
6121 ~~or in the plan as amended by the most recent evaluation and~~
6122 ~~appraisal report update amendments, such as within areas~~
6123 ~~designated for urban growth.~~

6124 ~~(e) An identification of the major issues for the~~
6125 ~~jurisdiction and, where pertinent, the potential social,~~
6126 ~~economic, and environmental impacts.~~

6127 ~~(f) Relevant changes to the state comprehensive plan, the~~
6128 ~~requirements of this part, the minimum criteria contained in~~
6129 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
6130 ~~strategic regional policy plan since the adoption of the~~
6131 ~~original plan or the most recent evaluation and appraisal report~~
6132 ~~update amendments.~~

6133 ~~(g) An assessment of whether the plan objectives within~~
6134 ~~each element, as they relate to major issues, have been~~
6135 ~~achieved. The report shall include, as appropriate, an~~

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6136 ~~identification as to whether unforeseen or unanticipated changes~~
6137 ~~in circumstances have resulted in problems or opportunities with~~
6138 ~~respect to major issues identified in each element and the~~
6139 ~~social, economic, and environmental impacts of the issue.~~

6140 ~~(h) A brief assessment of successes and shortcomings~~
6141 ~~related to each element of the plan.~~

6142 ~~(i) The identification of any actions or corrective~~
6143 ~~measures, including whether plan amendments are anticipated to~~
6144 ~~address the major issues identified and analyzed in the report.~~
6145 ~~Such identification shall include, as appropriate, new~~
6146 ~~population projections, new revised planning timeframes, a~~
6147 ~~revised future conditions map or map series, an updated capital~~
6148 ~~improvements element, and any new and revised goals, objectives,~~
6149 ~~and policies for major issues identified within each element.~~
6150 ~~This paragraph shall not require the submittal of the plan~~
6151 ~~amendments with the evaluation and appraisal report.~~

6152 ~~(j) A summary of the public participation program and~~
6153 ~~activities undertaken by the local government in preparing the~~
6154 ~~report.~~

6155 ~~(k) The coordination of the comprehensive plan with~~
6156 ~~existing public schools and those identified in the applicable~~
6157 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
6158 ~~assessment shall address, where relevant, the success or failure~~
6159 ~~of the coordination of the future land use map and associated~~
6160 ~~planned residential development with public schools and their~~
6161 ~~capacities, as well as the joint decisionmaking processes~~
6162 ~~engaged in by the local government and the school board in~~
6163 ~~regard to establishing appropriate population projections and~~

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6164 ~~the planning and siting of public school facilities. For those~~
6165 ~~counties or municipalities that do not have a public schools~~
6166 ~~interlocal agreement or public school facilities element, the~~
6167 ~~assessment shall determine whether the local government~~
6168 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
6169 ~~or municipality determines that it no longer meets the criteria,~~
6170 ~~it must adopt appropriate school concurrency goals, objectives,~~
6171 ~~and policies in its plan amendments pursuant to the requirements~~
6172 ~~of the public school facilities element, and enter into the~~
6173 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
6174 ~~and 163.31777 in order to fully participate in the school~~
6175 ~~concurrency system.~~

6176 ~~(l) The extent to which the local government has been~~
6177 ~~successful in identifying alternative water supply projects and~~
6178 ~~traditional water supply projects, including conservation and~~
6179 ~~reuse, necessary to meet the water needs identified in s.~~
6180 ~~373.709(2)(a) within the local government's jurisdiction. The~~
6181 ~~report must evaluate the degree to which the local government~~
6182 ~~has implemented the work plan for building public, private, and~~
6183 ~~regional water supply facilities, including development of~~
6184 ~~alternative water supplies, identified in the element as~~
6185 ~~necessary to serve existing and new development.~~

6186 ~~(m) If any of the jurisdiction of the local government is~~
6187 ~~located within the coastal high-hazard area, an evaluation of~~
6188 ~~whether any past reduction in land use density impairs the~~
6189 ~~property rights of current residents when redevelopment occurs,~~
6190 ~~including, but not limited to, redevelopment following a natural~~
6191 ~~disaster. The property rights of current residents shall be~~

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6192 ~~balanced with public safety considerations. The local government~~
6193 ~~must identify strategies to address redevelopment feasibility~~
6194 ~~and the property rights of affected residents. These strategies~~
6195 ~~may include the authorization of redevelopment up to the actual~~
6196 ~~built density in existence on the property prior to the natural~~
6197 ~~disaster or redevelopment.~~

6198 ~~(n) An assessment of whether the criteria adopted pursuant~~
6199 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~
6200 ~~with military installations.~~

6201 ~~(o) The extent to which a concurrency exception area~~
6202 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
6203 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
6204 ~~transportation district designated pursuant to s. 163.3180(15)~~
6205 ~~has achieved the purpose for which it was created and otherwise~~
6206 ~~complies with the provisions of s. 163.3180.~~

6207 ~~(p) An assessment of the extent to which changes are~~
6208 ~~needed to develop a common methodology for measuring impacts on~~
6209 ~~transportation facilities for the purpose of implementing its~~
6210 ~~concurrency management system in coordination with the~~
6211 ~~municipalities and counties, as appropriate pursuant to s.~~
6212 ~~163.3180(10).~~

6213 ~~(3) Voluntary scoping meetings may be conducted by each~~
6214 ~~local government or several local governments within the same~~
6215 ~~county that agree to meet together. Joint meetings among all~~
6216 ~~local governments in a county are encouraged. All scoping~~
6217 ~~meetings shall be completed at least 1 year prior to the~~
6218 ~~established adoption date of the report. The purpose of the~~
6219 ~~meetings shall be to distribute data and resources available to~~
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6220 ~~assist in the preparation of the report, to provide input on~~
6221 ~~major issues in each community that should be addressed in the~~
6222 ~~report, and to advise on the extent of the effort for the~~
6223 ~~components of subsection (2). If scoping meetings are held, the~~
6224 ~~local government shall invite each state and regional reviewing~~
6225 ~~agency, as well as adjacent and other affected local~~
6226 ~~governments. A preliminary list of new data and major issues~~
6227 ~~that have emerged since the adoption of the original plan, or~~
6228 ~~the most recent evaluation and appraisal report-based update~~
6229 ~~amendments, should be developed by state and regional entities~~
6230 ~~and involved local governments for distribution at the scoping~~
6231 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
6232 ~~a meeting conducted to determine the scope of review of the~~
6233 ~~evaluation and appraisal report by parties to which the report~~
6234 ~~relates.~~

6235 ~~(4) The local planning agency shall prepare the evaluation~~
6236 ~~and appraisal report and shall make recommendations to the~~
6237 ~~governing body regarding adoption of the proposed report. The~~
6238 ~~local planning agency shall prepare the report in conformity~~
6239 ~~with its public participation procedures adopted as required by~~
6240 ~~s. 163.3181. During the preparation of the proposed report and~~
6241 ~~prior to making any recommendation to the governing body, the~~
6242 ~~local planning agency shall hold at least one public hearing,~~
6243 ~~with public notice, on the proposed report. At a minimum, the~~
6244 ~~format and content of the proposed report shall include a table~~
6245 ~~of contents; numbered pages; element headings; section headings~~
6246 ~~within elements; a list of included tables, maps, and figures; a~~
6247 ~~title and sources for all included tables; a preparation date;~~

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6248 ~~and the name of the preparer. Where applicable, maps shall~~
6249 ~~include major natural and artificial geographic features; city,~~
6250 ~~county, and state lines; and a legend indicating a north arrow,~~
6251 ~~map scale, and the date.~~

6252 ~~(5) Ninety days prior to the scheduled adoption date, the~~
6253 ~~local government may provide a proposed evaluation and appraisal~~
6254 ~~report to the state land planning agency and distribute copies~~
6255 ~~to state and regional commenting agencies as prescribed by rule,~~
6256 ~~adjacent jurisdictions, and interested citizens for review. All~~
6257 ~~review comments, including comments by the state land planning~~
6258 ~~agency, shall be transmitted to the local government and state~~
6259 ~~land planning agency within 30 days after receipt of the~~
6260 ~~proposed report.~~

6261 ~~(6) The governing body, after considering the review~~
6262 ~~comments and recommended changes, if any, shall adopt the~~
6263 ~~evaluation and appraisal report by resolution or ordinance at a~~
6264 ~~public hearing with public notice. The governing body shall~~
6265 ~~adopt the report in conformity with its public participation~~
6266 ~~procedures adopted as required by s. 163.3181. The local~~
6267 ~~government shall submit to the state land planning agency three~~
6268 ~~copies of the report, a transmittal letter indicating the dates~~
6269 ~~of public hearings, and a copy of the adoption resolution or~~
6270 ~~ordinance. The local government shall provide a copy of the~~
6271 ~~report to the reviewing agencies which provided comments for the~~
6272 ~~proposed report, or to all the reviewing agencies if a proposed~~
6273 ~~report was not provided pursuant to subsection (5), including~~
6274 ~~the adjacent local governments. Within 60 days after receipt,~~
6275 ~~the state land planning agency shall review the adopted report~~

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6276 ~~and make a preliminary sufficiency determination that shall be~~
6277 ~~forwarded by the agency to the local government for its~~
6278 ~~consideration. The state land planning agency shall issue a~~
6279 ~~final sufficiency determination within 90 days after receipt of~~
6280 ~~the adopted evaluation and appraisal report.~~

6281 ~~(7) The intent of the evaluation and appraisal process is~~
6282 ~~the preparation of a plan update that clearly and concisely~~
6283 ~~achieves the purpose of this section. Toward this end, the~~
6284 ~~sufficiency review of the state land planning agency shall~~
6285 ~~concentrate on whether the evaluation and appraisal report~~
6286 ~~sufficiently fulfills the components of subsection (2). If the~~
6287 ~~state land planning agency determines that the report is~~
6288 ~~insufficient, the governing body shall adopt a revision of the~~
6289 ~~report and submit the revised report for review pursuant to~~
6290 ~~subsection (6).~~

6291 ~~(8) The state land planning agency may delegate the review~~
6292 ~~of evaluation and appraisal reports, including all state land~~
6293 ~~planning agency duties under subsections (4) (7), to the~~
6294 ~~appropriate regional planning council. When the review has been~~
6295 ~~delegated to a regional planning council, any local government~~
6296 ~~in the region may elect to have its report reviewed by the~~
6297 ~~regional planning council rather than the state land planning~~
6298 ~~agency. The state land planning agency shall by agreement~~
6299 ~~provide for uniform and adequate review of reports and shall~~
6300 ~~retain oversight for any delegation of review to a regional~~
6301 ~~planning council.~~

6302 ~~(9) The state land planning agency may establish a phased~~
6303 ~~schedule for adoption of reports. The schedule shall provide~~

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6304 ~~each local government at least 7 years from plan adoption or~~
6305 ~~last established adoption date for a report and shall allot~~
6306 ~~approximately one-seventh of the reports to any 1 year. In order~~
6307 ~~to allow the municipalities to use data and analyses gathered by~~
6308 ~~the counties, the state land planning agency shall schedule~~
6309 ~~municipal report adoption dates between 1 year and 18 months~~
6310 ~~later than the report adoption date for the county in which~~
6311 ~~those municipalities are located. A local government may adopt~~
6312 ~~its report no earlier than 90 days prior to the established~~
6313 ~~adoption date. Small municipalities which were scheduled by~~
6314 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
6315 ~~evaluation and appraisal report after February 2, 1999, shall be~~
6316 ~~rescheduled to adopt their report together with the other~~
6317 ~~municipalities in their county as provided in this subsection.~~

6318 ~~(10) The governing body shall amend its comprehensive plan~~
6319 ~~based on the recommendations in the report and shall update the~~
6320 ~~comprehensive plan based on the components of subsection (2),~~
6321 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
6322 ~~163.3189. Amendments to update a comprehensive plan based on the~~
6323 ~~evaluation and appraisal report shall be adopted during a single~~
6324 ~~amendment cycle within 18 months after the report is determined~~
6325 ~~to be sufficient by the state land planning agency, except the~~
6326 ~~state land planning agency may grant an extension for adoption~~
6327 ~~of a portion of such amendments. The state land planning agency~~
6328 ~~may grant a 6-month extension for the adoption of such~~
6329 ~~amendments if the request is justified by good and sufficient~~
6330 ~~cause as determined by the agency. An additional extension may~~
6331 ~~also be granted if the request will result in greater~~

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6332 ~~coordination between transportation and land use, for the~~
6333 ~~purposes of improving Florida's transportation system, as~~
6334 ~~determined by the agency in coordination with the Metropolitan~~
6335 ~~Planning Organization program. Beginning July 1, 2006, failure~~
6336 ~~to timely adopt and transmit update amendments to the~~
6337 ~~comprehensive plan based on the evaluation and appraisal report~~
6338 ~~shall result in a local government being prohibited from~~
6339 ~~adopting amendments to the comprehensive plan until the~~
6340 ~~evaluation and appraisal report update amendments have been~~
6341 ~~adopted and transmitted to the state land planning agency. The~~
6342 ~~prohibition on plan amendments shall commence when the update~~
6343 ~~amendments to the comprehensive plan are past due. The~~
6344 ~~comprehensive plan as amended shall be in compliance as defined~~
6345 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
6346 ~~of the update amendments to the comprehensive plan, the local~~
6347 ~~government shall provide to the state land planning agency and~~
6348 ~~to all agencies designated by rule a complete copy of the~~
6349 ~~updated comprehensive plan.~~

6350 ~~(11) The Administration Commission may impose the~~
6351 ~~sanctions provided by s. 163.3184(11) against any local~~
6352 ~~government that fails to adopt and submit a report, or that~~
6353 ~~fails to implement its report through timely and sufficient~~
6354 ~~amendments to its local plan, except for reasons of excusable~~
6355 ~~delay or valid planning reasons agreed to by the state land~~
6356 ~~planning agency or found present by the Administration~~
6357 ~~Commission. Sanctions for untimely or insufficient plan~~
6358 ~~amendments shall be prospective only and shall begin after a~~
6359 ~~final order has been issued by the Administration Commission and~~
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6360 ~~a reasonable period of time has been allowed for the local~~
6361 ~~government to comply with an adverse determination by the~~
6362 ~~Administration Commission through adoption of plan amendments~~
6363 ~~that are in compliance. The state land planning agency may~~
6364 ~~initiate, and an affected person may intervene in, such a~~
6365 ~~proceeding by filing a petition with the Division of~~
6366 ~~Administrative Hearings, which shall appoint an administrative~~
6367 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~
6368 ~~120.57(1) and shall submit a recommended order to the~~
6369 ~~Administration Commission. The affected local government shall~~
6370 ~~be a party to any such proceeding. The commission may implement~~
6371 ~~this subsection by rule.~~

6372 ~~(5)-(12)~~ The state land planning agency may ~~shall~~ not adopt
6373 rules to implement this section, other than procedural rules or
6374 a schedule indicating when local governments must comply with
6375 the requirements of this section.

6376 ~~(13)~~ The state land planning agency shall regularly review
6377 the evaluation and appraisal report process and submit a report
6378 to the Governor, the Administration Commission, the Speaker of
6379 the House of Representatives, the President of the Senate, and
6380 the respective community affairs committees of the Senate and
6381 the House of Representatives. The first report shall be
6382 submitted by December 31, 2004, and subsequent reports shall be
6383 submitted every 5 years thereafter. At least 9 months before the
6384 due date of each report, the Secretary of Community Affairs
6385 shall appoint a technical committee of at least 15 members to
6386 assist in the preparation of the report. The membership of the
6387 technical committee shall consist of representatives of local

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6388 ~~governments, regional planning councils, the private sector, and~~
6389 ~~environmental organizations. The report shall assess the~~
6390 ~~effectiveness of the evaluation and appraisal report process.~~

6391 ~~(14) The requirement of subsection (10) prohibiting a~~
6392 ~~local government from adopting amendments to the local~~
6393 ~~comprehensive plan until the evaluation and appraisal report~~
6394 ~~update amendments have been adopted and transmitted to the state~~
6395 ~~land planning agency does not apply to a plan amendment proposed~~
6396 ~~for adoption by the appropriate local government as defined in~~
6397 ~~s. 163.3178(2)(k) in order to integrate a port comprehensive~~
6398 ~~master plan with the coastal management element of the local~~
6399 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
6400 ~~comprehensive master plan or the proposed plan amendment does~~
6401 ~~not cause or contribute to the failure of the local government~~
6402 ~~to comply with the requirements of the evaluation and appraisal~~
6403 ~~report.~~

6404 Section 21. Paragraph (b) of subsection (2) of section
6405 163.3217, Florida Statutes, is amended to read:

6406 163.3217 Municipal overlay for municipal incorporation.—

6407 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
6408 OVERLAY.—

6409 (b)~~1~~. A municipal overlay shall be adopted as an amendment
6410 to the local government comprehensive plan as prescribed by s.
6411 163.3184.

6412 ~~2. A county may consider the adoption of a municipal~~
6413 ~~overlay without regard to the provisions of s. 163.3187(1)~~
6414 ~~regarding the frequency of adoption of amendments to the local~~
6415 ~~comprehensive plan.~~

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6416 Section 22. Subsection (3) of section 163.3220, Florida
6417 Statutes, is amended to read:

6418 163.3220 Short title; legislative intent.—

6419 (3) In conformity with, in furtherance of, and to
6420 implement the Community ~~Local Government Comprehensive~~ Planning
6421 ~~and Land Development Regulation~~ Act and the Florida State
6422 Comprehensive Planning Act of 1972, it is the intent of the
6423 Legislature to encourage a stronger commitment to comprehensive
6424 and capital facilities planning, ensure the provision of
6425 adequate public facilities for development, encourage the
6426 efficient use of resources, and reduce the economic cost of
6427 development.

6428 Section 23. Subsections (2) and (11) of section 163.3221,
6429 Florida Statutes, are amended to read:

6430 163.3221 Florida Local Government Development Agreement
6431 Act; definitions.—As used in ss. 163.3220-163.3243:

6432 (2) "Comprehensive plan" means a plan adopted pursuant to
6433 the Community ~~"Local Government Comprehensive Planning and Land~~
6434 ~~Development Regulation~~ Act."

6435 (11) "Local planning agency" means the agency designated
6436 to prepare a comprehensive plan or plan amendment pursuant to
6437 the Community ~~"Florida Local Government Comprehensive Planning~~
6438 ~~and Land Development Regulation~~ Act."

6439 Section 24. Section 163.3229, Florida Statutes, is amended
6440 to read:

6441 163.3229 Duration of a development agreement and
6442 relationship to local comprehensive plan.—The duration of a
6443 development agreement may shall not exceed 30 20 years, unless
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6444 ~~it is. It may be~~ extended by mutual consent of the governing
6445 body and the developer, subject to a public hearing in
6446 accordance with s. 163.3225. No development agreement shall be
6447 effective or be implemented by a local government unless the
6448 local government's comprehensive plan and plan amendments
6449 implementing or related to the agreement are ~~found~~ in compliance
6450 ~~by the state land planning agency in accordance~~ with s.
6451 163.3184, ~~s. 163.3187, or s. 163.3189.~~

6452 Section 25. Section 163.3235, Florida Statutes, is amended
6453 to read:

6454 163.3235 Periodic review of a development agreement.—A
6455 local government shall review land subject to a development
6456 agreement at least once every 12 months to determine if there
6457 has been demonstrated good faith compliance with the terms of
6458 the development agreement. ~~For each annual review conducted~~
6459 ~~during years 6 through 10 of a development agreement, the review~~
6460 ~~shall be incorporated into a written report which shall be~~
6461 ~~submitted to the parties to the agreement and the state land~~
6462 ~~planning agency. The state land planning agency shall adopt~~
6463 ~~rules regarding the contents of the report, provided that the~~
6464 ~~report shall be limited to the information sufficient to~~
6465 ~~determine the extent to which the parties are proceeding in good~~
6466 ~~faith to comply with the terms of the development agreement. If~~
6467 the local government finds, on the basis of substantial
6468 competent evidence, that there has been a failure to comply with
6469 the terms of the development agreement, the agreement may be
6470 revoked or modified by the local government.

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6471 Section 26. Section 163.3239, Florida Statutes, is amended
6472 to read:

6473 163.3239 Recording and effectiveness of a development
6474 agreement.—Within 14 days after a local government enters into a
6475 development agreement, the local government shall record the
6476 agreement with the clerk of the circuit court in the county
6477 where the local government is located. ~~A copy of the recorded~~
6478 ~~development agreement shall be submitted to the state land~~
6479 ~~planning agency within 14 days after the agreement is recorded.~~
6480 A development agreement is ~~shall~~ not be effective until it is
6481 properly recorded in the public records of the county ~~and until~~
6482 ~~30 days after having been received by the state land planning~~
6483 ~~agency pursuant to this section.~~ The burdens of the development
6484 agreement shall be binding upon, and the benefits of the
6485 agreement shall inure to, all successors in interest to the
6486 parties to the agreement.

6487 Section 27. Section 163.3243, Florida Statutes, is amended
6488 to read:

6489 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
6490 adversely affected person as defined in s. 163.3215(2), ~~or the~~
6491 ~~state land planning agency~~ may file an action for injunctive
6492 relief in the circuit court where the local government is
6493 located to enforce the terms of a development agreement or to
6494 challenge compliance of the agreement with ~~the provisions of~~ ss.
6495 163.3220- 163.3243.

6496 Section 28. Section 163.3245, Florida Statutes, is amended
6497 to read:

6498 163.3245 ~~Optional~~ Sector plans.—

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6499 (1) In recognition of the benefits of ~~conceptual~~ long-
6500 range planning for ~~the buildout of an area, and detailed~~
6501 ~~planning for~~ specific areas, ~~as a demonstration project, the~~
6502 ~~requirements of s. 380.06 may be addressed as identified by this~~
6503 ~~section for up to five~~ local governments or combinations of
6504 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
6505 plans ~~a plan an optional~~ sector plan in accordance with this
6506 section. This section is intended to promote and encourage long-
6507 term planning for conservation, development, and agriculture on
6508 a landscape scale; to further the intent of s. 163.3177(11),
6509 which supports innovative and flexible planning and development
6510 strategies, and the purposes of this part, and part I of chapter
6511 380; to facilitate protection of regionally significant
6512 resources, including, but not limited to, regionally significant
6513 water courses and wildlife corridors; and to avoid duplication
6514 of effort in terms of the level of data and analysis required
6515 for a development of regional impact, while ensuring the
6516 adequate mitigation of impacts to applicable regional resources
6517 and facilities, including those within the jurisdiction of other
6518 local governments, as would otherwise be provided. ~~Optional~~
6519 Sector plans are intended for substantial geographic areas that
6520 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
6521 local governmental jurisdictions and are to emphasize urban form
6522 and protection of regionally significant resources and public
6523 facilities. ~~A The state land planning agency may approve~~
6524 ~~optional sector plans of less than 5,000 acres based on local~~
6525 ~~circumstances if it is determined that the plan would further~~
6526 ~~the purposes of this part and part I of chapter 380. Preparation~~
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6527 ~~of an optional sector plan is authorized by agreement between~~
6528 ~~the state land planning agency and the applicable local~~
6529 ~~governments under s. 163.3171(4). An optional sector plan may be~~
6530 ~~adopted through one or more comprehensive plan amendments under~~
6531 ~~s. 163.3184. However, an optional sector plan may not be adopted~~
6532 ~~authorized in an area of critical state concern.~~

6533 (2) Upon the request of a local government having
6534 jurisdiction, ~~The state land planning agency may enter into an~~
6535 ~~agreement to authorize preparation of an optional sector plan~~
6536 ~~upon the request of one or more local governments based on~~
6537 ~~consideration of problems and opportunities presented by~~
6538 ~~existing development trends; the effectiveness of current~~
6539 ~~comprehensive plan provisions; the potential to further the~~
6540 ~~state comprehensive plan, applicable strategic regional policy~~
6541 ~~plans, this part, and part I of chapter 380; and those factors~~
6542 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
6543 planning council shall conduct a scoping meeting with affected
6544 local governments and those agencies identified in s.
6545 163.3184(1)(c)(4) before preparation of the sector plan
6546 ~~execution of the agreement authorized by this section.~~ The
6547 purpose of this meeting is to assist the state land planning
6548 agency and the local government in the identification of the
6549 relevant planning issues to be addressed and the data and
6550 resources available to assist in the preparation of the sector
6551 plan subsequent plan amendments. If a scoping meeting is
6552 conducted, the regional planning council shall make written
6553 recommendations to the state land planning agency and affected
6554 local governments on the issues requested by the local

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6555 government. The scoping meeting shall be noticed and open to the
6556 public. If the entire planning area proposed for the sector plan
6557 is within the jurisdiction of two or more local governments,
6558 some or all of them may enter into a joint planning agreement
6559 pursuant to s. 163.3171 with respect to, ~~including whether a~~
6560 ~~sustainable sector plan would be appropriate. The agreement must~~
6561 ~~define the geographic area to be subject to the sector plan, the~~
6562 ~~planning issues that will be emphasized, procedures ~~requirements~~~~
6563 ~~for intergovernmental coordination to address~~
6564 ~~extrajurisdictional impacts, supporting application materials~~
6565 ~~including data and analysis, ~~and~~ procedures for public~~
6566 ~~participation, or other issues. An agreement may address~~
6567 ~~previously adopted sector plans that are consistent with the~~
6568 ~~standards in this section. Before executing an agreement under~~
6569 ~~this subsection, the local government shall hold a duly noticed~~
6570 ~~public workshop to review and explain to the public the optional~~
6571 ~~sector planning process and the terms and conditions of the~~
6572 ~~proposed agreement. The local government shall hold a duly~~
6573 ~~noticed public hearing to execute the agreement. All meetings~~
6574 ~~between the department and the local government must be open to~~
6575 ~~the public.~~

6576 (3) ~~Optional~~ Sector planning encompasses two levels:
6577 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
6578 master plan for the entire planning area as part of the
6579 comprehensive plan, and adoption by local development order of
6580 two or more buildout overlay to the comprehensive plan, having
6581 ~~no immediate effect on the issuance of development orders or the~~
6582 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
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6583 detailed specific area plans that implement the ~~conceptual~~ long-
6584 term master plan buildout overlay and ~~authorize issuance of~~
6585 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~
6586 ~~such time as a detailed specific area plan is adopted,~~ the
6587 ~~underlying future land use designations apply.~~

6588 (a) In addition to the other requirements of this chapter,
6589 a long-term master plan pursuant to this section ~~conceptual~~
6590 ~~long-term buildout overlay~~ must include maps, illustrations, and
6591 text supported by data and analysis to address the following:

6592 1. A ~~long-range conceptual~~ framework map that, at a
6593 minimum, generally depicts ~~identifies anticipated~~ areas of
6594 urban, agricultural, rural, and conservation land use,
6595 identifies allowed uses in various parts of the planning area,
6596 specifies maximum and minimum densities and intensities of use,
6597 and provides the general framework for the development pattern
6598 in developed areas with graphic illustrations based on a
6599 hierarchy of places and functional place-making components.

6600 2. A general identification of the water supplies needed
6601 and available sources of water, including water resource
6602 development and water supply development projects, and water
6603 conservation measures needed to meet the projected demand of the
6604 future land uses in the long-term master plan.

6605 3. A general identification of the transportation
6606 facilities to serve the future land uses in the long-term master
6607 plan, including guidelines to be used to establish each modal
6608 component intended to optimize mobility.

6609 4.2. A general identification of other regionally
6610 significant public facilities ~~consistent with chapter 9J-2,~~
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6611 ~~Florida Administrative Code, irrespective of local governmental~~
6612 ~~jurisdiction necessary to support buildout of the anticipated~~
6613 ~~future land uses, which may include central utilities provided~~
6614 ~~onsite within the planning area, and policies setting forth the~~
6615 ~~procedures to be used to mitigate the impacts of future land~~
6616 ~~uses on public facilities.~~

6617 ~~5.3. A general identification of regionally significant~~
6618 ~~natural resources within the planning area based on the best~~
6619 ~~available data and policies setting forth the procedures for~~
6620 ~~protection or conservation of specific resources consistent with~~
6621 ~~the overall conservation and development strategy for the~~
6622 ~~planning area consistent with chapter 9J-2, Florida~~
6623 ~~Administrative Code.~~

6624 ~~6.4. General principles and guidelines addressing that~~
6625 ~~address the urban form and the interrelationships of anticipated~~
6626 ~~future land uses; the protection and, as appropriate,~~
6627 ~~restoration and management of lands identified for permanent~~
6628 ~~preservation through recordation of conservation easements~~
6629 ~~consistent with s. 704.06, which shall be phased or staged in~~
6630 ~~coordination with detailed specific area plans to reflect phased~~
6631 ~~or staged development within the planning area; and a~~
6632 ~~discussion, at the applicant's option, of the extent, if any, to~~
6633 ~~which the plan will address restoring key ecosystems, achieving~~
6634 ~~a more clean, healthy environment; limiting urban sprawl;~~
6635 ~~providing a range of housing types; protecting wildlife and~~
6636 ~~natural areas; advancing the efficient use of land and other~~
6637 ~~resources; and creating quality communities of a design that~~

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6638 promotes travel by multiple transportation modes; and enhancing
6639 the prospects for the creation of jobs.

6640 7.5. Identification of general procedures and policies to
6641 facilitate ~~ensure~~ intergovernmental coordination to address
6642 extrajurisdictional impacts from the future land uses ~~long-range~~
6643 ~~conceptual framework map.~~

6644
6645 A long-term master plan adopted pursuant to this section may be
6646 based upon a planning period longer than the generally
6647 applicable planning period of the local comprehensive plan,
6648 shall specify the projected population within the planning area
6649 during the chosen planning period, and may include a phasing or
6650 staging schedule that allocates a portion of the local
6651 government's future growth to the planning area through the
6652 planning period. A long-term master plan adopted pursuant to
6653 this section is not required to demonstrate need based upon
6654 projected population growth or on any other basis.

6655 (b) In addition to the other requirements of this chapter,
6656 ~~including those in paragraph (a),~~ the detailed specific area
6657 plans shall be consistent with the long-term master plan and
6658 must include conditions and commitments that provide for:

6659 1. Development or conservation of an area of adequate size
6660 ~~to accommodate a level of development which achieves a~~
6661 ~~functional relationship between a full range of land uses within~~
6662 ~~the area and to encompass~~ at least 1,000 acres consistent with
6663 the long-term master plan. The local government ~~state land~~
6664 ~~planning agency~~ may approve detailed specific area plans of less
6665 than 1,000 acres based on local circumstances if it is

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6666 determined that the detailed specific area plan furthers the
6667 purposes of this part and part I of chapter 380.

6668 2. Detailed identification and analysis of the maximum and
6669 minimum densities and intensities of use and the distribution,
6670 extent, and location of future land uses.

6671 3. Detailed identification of water resource development
6672 and water supply development projects and related infrastructure
6673 and water conservation measures to address water needs of
6674 development in the detailed specific area plan.

6675 4. Detailed identification of the transportation
6676 facilities to serve the future land uses in the detailed
6677 specific area plan.

6678 ~~5.3.~~ Detailed identification of other regionally
6679 significant public facilities, including public facilities
6680 outside the jurisdiction of the host local government,
6681 ~~anticipated~~ impacts of future land uses on those facilities, and
6682 required improvements consistent with the long-term master plan
6683 ~~chapter 9J-2, Florida Administrative Code.~~

6684 ~~6.4.~~ Public facilities necessary to serve development in
6685 the detailed specific area plan for the short term, including
6686 developer contributions in a ~~financially feasible~~ 5-year capital
6687 improvement schedule of the affected local government.

6688 ~~7.5.~~ Detailed analysis and identification of specific
6689 measures to ensure ~~assure~~ the protection and, as appropriate,
6690 restoration and management of lands within the boundary of the
6691 detailed specific area plan identified for permanent
6692 preservation through recordation of conservation easements
6693 consistent with s. 704.06, which easements shall be effective

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6694 before or concurrent with the effective date of the detailed
6695 specific area plan of regionally significant natural resources
6696 and other important resources both within and outside the host
6697 jurisdiction, ~~including those regionally significant resources~~
6698 ~~identified in chapter 9J-2, Florida Administrative Code.~~

6699 8.6. Detailed principles and guidelines addressing that
6700 ~~address~~ the urban form and the interrelationships of anticipated
6701 future land uses; ~~and a discussion, at the applicant's option,~~
6702 ~~of the extent, if any, to which the plan will address restoring~~
6703 ~~key ecosystems,~~ achieving a more clean, healthy environment; ~~and~~
6704 limiting urban sprawl; providing a range of housing types; and
6705 protecting wildlife and natural areas; ~~and~~ advancing the efficient
6706 use of land and other resources; ~~and~~ creating quality
6707 communities of a design that promotes travel by multiple
6708 transportation modes; and enhancing the prospects for the
6709 creation of jobs.

6710 9.7. Identification of specific procedures to facilitate
6711 ~~ensure~~ intergovernmental coordination to address
6712 extrajurisdictional impacts from ~~of~~ the detailed specific area
6713 plan.

6714
6715 A detailed specific area plan adopted by local development order
6716 pursuant to this section may be based upon a planning period
6717 longer than the generally applicable planning period of the
6718 local comprehensive plan and shall specify the projected
6719 population within the specific planning area during the chosen
6720 planning period. A detailed specific area plan adopted pursuant
6721 to this section is not required to demonstrate need based upon

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6722 projected population growth or on any other basis. All lands
6723 identified in the long-term master plan for permanent
6724 preservation shall be subject to a recorded conservation
6725 easement consistent with s. 704.06 before or concurrent with the
6726 effective date of the final detailed specific area plan to be
6727 approved within the planning area.

6728 (c) In its review of a long-term master plan, the state
6729 land planning agency shall consult with the Department of
6730 Agriculture and Consumer Services, the Department of
6731 Environmental Protection, the Fish and Wildlife Conservation
6732 Commission, and the applicable water management district
6733 regarding the design of areas for protection and conservation of
6734 regionally significant natural resources and for the protection
6735 and, as appropriate, restoration and management of lands
6736 identified for permanent preservation.

6737 (d) In its review of a long-term master plan, the state
6738 land planning agency shall consult with the Department of
6739 Transportation, the applicable metropolitan planning
6740 organization, and any urban transit agency regarding the
6741 location, capacity, design, and phasing or staging of major
6742 transportation facilities in the planning area.

6743 (e) Whenever a local government issues a development order
6744 approving a detailed specific area plan, a copy of such order
6745 shall be rendered to the state land planning agency and the
6746 owner or developer of the property affected by such order, as
6747 prescribed by rules of the state land planning agency for a
6748 development order for a development of regional impact. Within
6749 45 days after the order is rendered, the owner, the developer,

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6750 or the state land planning agency may appeal the order to the
6751 Florida Land and Water Adjudicatory Commission by filing a
6752 petition alleging that the detailed specific area plan is not
6753 consistent with the comprehensive plan or with the long-term
6754 master plan adopted pursuant to this section. The appellant
6755 shall furnish a copy of the petition to the opposing party, as
6756 the case may be, and to the local government that issued the
6757 order. The filing of the petition stays the effectiveness of the
6758 order until after completion of the appeal process. However, if
6759 a development order approving a detailed specific area plan has
6760 been challenged by an aggrieved or adversely affected party in a
6761 judicial proceeding pursuant to s. 163.3215, and a party to such
6762 proceeding serves notice to the state land planning agency, the
6763 state land planning agency shall dismiss its appeal to the
6764 commission and shall have the right to intervene in the pending
6765 judicial proceeding pursuant to s. 163.3215. Proceedings for
6766 administrative review of an order approving a detailed specific
6767 area plan shall be conducted consistent with s. 380.07(6). The
6768 commission shall issue a decision granting or denying permission
6769 to develop pursuant to the long-term master plan and the
6770 standards of this part and may attach conditions or restrictions
6771 to its decisions.

6772 (f)-(e) This subsection does may not be construed to
6773 prevent preparation and approval of the optional sector plan and
6774 detailed specific area plan concurrently or in the same
6775 submission.

6776 (4) Upon the long-term master plan becoming legally
6777 effective:

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6778 (a) Any long-range transportation plan developed by a
6779 metropolitan planning organization pursuant to s. 339.175(7)
6780 must be consistent, to the maximum extent feasible, with the
6781 long-term master plan, including, but not limited to, the
6782 projected population and the approved uses and densities and
6783 intensities of use and their distribution within the planning
6784 area. The transportation facilities identified in adopted plans
6785 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
6786 in coordination with the adopted M.P.O. long-range
6787 transportation plan.

6788 (b) The water needs, sources and water resource
6789 development, and water supply development projects identified in
6790 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
6791 be incorporated into the applicable district and regional water
6792 supply plans adopted in accordance with ss. 373.036 and 373.709.
6793 Accordingly, and notwithstanding the permit durations stated in
6794 s. 373.236, an applicant may request and the applicable district
6795 may issue consumptive use permits for durations commensurate
6796 with the long-term master plan or detailed specific area plan,
6797 considering the ability of the master plan area to contribute to
6798 regional water supply availability and the need to maximize
6799 reasonable-beneficial use of the water resource. The permitting
6800 criteria in s. 373.223 shall be applied based upon the projected
6801 population and the approved densities and intensities of use and
6802 their distribution in the long-term master plan; however, the
6803 allocation of the water may be phased over the permit duration
6804 to correspond to actual projected needs. This paragraph does not
6805 supersede the public interest test set forth in s. 373.223. The

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6806 ~~host local government shall submit a monitoring report to the~~
6807 ~~state land planning agency and applicable regional planning~~
6808 ~~council on an annual basis after adoption of a detailed specific~~
6809 ~~area plan. The annual monitoring report must provide summarized~~
6810 ~~information on development orders issued, development that has~~
6811 ~~occurred, public facility improvements made, and public facility~~
6812 ~~improvements anticipated over the upcoming 5 years.~~

6813 (5) When ~~a plan amendment adopting~~ a detailed specific
6814 area plan has become effective for a portion of the planning
6815 area governed by a long-term master plan adopted pursuant to
6816 this section ~~under ss. 163.3184 and 163.3189(2), the provisions~~
6817 ~~of s. 380.06 does de~~ not apply to development within the
6818 geographic area of the detailed specific area plan. However, any
6819 development-of-regional-impact development order that is vested
6820 from the detailed specific area plan may be enforced pursuant to
6821 ~~under~~ s. 380.11.

6822 (a) The local government adopting the detailed specific
6823 area plan is primarily responsible for monitoring and enforcing
6824 the detailed specific area plan. Local governments may ~~shall~~ not
6825 issue any permits or approvals or provide any extensions of
6826 services to development that are not consistent with the
6827 detailed specific ~~sector~~ area plan.

6828 (b) If the state land planning agency has reason to
6829 believe that a violation of any detailed specific area plan, ~~or~~
6830 ~~of any agreement entered into under this section,~~ has occurred
6831 or is about to occur, it may institute an administrative or
6832 judicial proceeding to prevent, abate, or control the conditions

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6833 or activity creating the violation, using the procedures in s.
6834 380.11.

6835 (c) In instituting an administrative or judicial
6836 proceeding involving a ~~an optional~~ sector plan or detailed
6837 specific area plan, including a proceeding pursuant to paragraph
6838 (b), the complaining party shall comply with the requirements of
6839 s. 163.3215(4), (5), (6), and (7), except as provided by
6840 paragraph (3) (e).

6841 (d) The detailed specific area plan shall establish a
6842 buildout date until which the approved development is not
6843 subject to downzoning, unit density reduction, or intensity
6844 reduction, unless the local government can demonstrate that
6845 implementation of the plan is not continuing in good faith based
6846 on standards established by plan policy, that substantial
6847 changes in the conditions underlying the approval of the
6848 detailed specific area plan have occurred, that the detailed
6849 specific area plan was based on substantially inaccurate
6850 information provided by the applicant, or that the change is
6851 clearly established to be essential to the public health,
6852 safety, or welfare.

6853 (6) Concurrent with or subsequent to review and adoption
6854 of a long-term master plan pursuant to paragraph (3) (a), an
6855 applicant may apply for master development approval pursuant to
6856 s. 380.06(21) for the entire planning area in order to establish
6857 a buildout date until which the approved uses and densities and
6858 intensities of use of the master plan are not subject to
6859 downzoning, unit density reduction, or intensity reduction,
6860 unless the local government can demonstrate that implementation

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6861 of the master plan is not continuing in good faith based on
6862 standards established by plan policy, that substantial changes
6863 in the conditions underlying the approval of the master plan
6864 have occurred, that the master plan was based on substantially
6865 inaccurate information provided by the applicant, or that change
6866 is clearly established to be essential to the public health,
6867 safety, or welfare. Review of the application for master
6868 development approval shall be at a level of detail appropriate
6869 for the long-term and conceptual nature of the long-term master
6870 plan and, to the maximum extent possible, may only consider
6871 information provided in the application for a long-term master
6872 plan. Notwithstanding s. 380.06, an increment of development in
6873 such an approved master development plan must be approved by a
6874 detailed specific area plan pursuant to paragraph (3)(b) and is
6875 exempt from review pursuant to s. 380.06.

6876 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
6877 ~~the department shall provide a status report to the Legislative~~
6878 ~~Committee on Intergovernmental Relations regarding each optional~~
6879 ~~sector plan authorized under this section.~~

6880 (7) A developer within an area subject to a long-term
6881 master plan that meets the requirements of paragraph (3)(a) and
6882 subsection (6) or a detailed specific area plan that meets the
6883 requirements of paragraph (3)(b) may enter into a development
6884 agreement with a local government pursuant to ss. 163.3220-
6885 163.3243. The duration of such a development agreement may be
6886 through the planning period of the long-term master plan or the
6887 detailed specific area plan, as the case may be, notwithstanding

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6888 the limit on the duration of a development agreement pursuant to
6889 s. 163.3229.

6890 (8) Any owner of property within the planning area of a
6891 proposed long-term master plan may withdraw his consent to the
6892 master plan at any time prior to local government adoption, and
6893 the local government shall exclude such parcels from the adopted
6894 master plan. Thereafter, the long-term master plan, any detailed
6895 specific area plan, and the exemption from development-of-
6896 regional-impact review under this section do not apply to the
6897 subject parcels. After adoption of a long-term master plan, an
6898 owner may withdraw his or her property from the master plan only
6899 with the approval of the local government by plan amendment
6900 adopted and reviewed pursuant to s. 163.3184.

6901 (9) The adoption of a long-term master plan or a detailed
6902 specific area plan pursuant to this section does not limit the
6903 right to continue existing agricultural or silvicultural uses or
6904 other natural resource-based operations or to establish similar
6905 new uses that are consistent with the plans approved pursuant to
6906 this section.

6907 (10) The state land planning agency may enter into an
6908 agreement with a local government that, on or before July 1,
6909 2011, adopted a large-area comprehensive plan amendment
6910 consisting of at least 15,000 acres that meets the requirements
6911 for a long-term master plan in paragraph (3)(a), after notice
6912 and public hearing by the local government, and thereafter,
6913 notwithstanding s. 380.06, this part, or any planning agreement
6914 or plan policy, the large-area plan shall be implemented through

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6915 detailed specific area plans that meet the requirements of
6916 paragraph (3)(b) and shall otherwise be subject to this section.

6917 (11) Notwithstanding this section, a detailed specific
6918 area plan to implement a conceptual long-term buildout overlay,
6919 adopted by a local government and found in compliance before
6920 July 1, 2011, shall be governed by this section.

6921 (12) Notwithstanding s. 380.06, this part, or any planning
6922 agreement or plan policy, a landowner or developer who has
6923 received approval of a master development-of-regional-impact
6924 development order pursuant to s. 380.06(21) may apply to
6925 implement this order by filing one or more applications to
6926 approve a detailed specific area plan pursuant to paragraph
6927 (3)(b).

6928 (13)~~(7)~~ This section may not be construed to abrogate the
6929 rights of any person under this chapter.

6930 Section 29. Subsections (9), (12), and (14) of section
6931 163.3246, Florida Statutes, are amended to read:

6932 163.3246 Local government comprehensive planning
6933 certification program.-

6934 (9)(a) Upon certification all comprehensive plan
6935 amendments associated with the area certified must be adopted
6936 and reviewed in the manner described in s. ~~ss.~~ 163.3184(5)-
6937 (11)~~(1)~~, ~~(2)~~, ~~(7)~~, ~~(14)~~, ~~(15)~~, and ~~(16)~~ and 163.3187, such that
6938 state and regional agency review is eliminated. Plan amendments
6939 that qualify as small scale development amendments may follow
6940 the small scale review process in s. 163.3187. The department
6941 may not issue any objections, recommendations, and comments
6942 report on proposed plan amendments or a notice of intent on
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6943 adopted plan amendments; however, affected persons, as defined
6944 by s. 163.3184(1)(a), may file a petition for administrative
6945 review pursuant to the requirements of s. 163.3184(5)
6946 ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan
6947 amendment.

6948 (b) Plan amendments that change the boundaries of the
6949 certification area; propose a rural land stewardship area
6950 pursuant to s. 163.3248 ~~163.3177(11)(d)~~; propose a ~~an optional~~
6951 sector plan pursuant to s. 163.3245; ~~propose a school facilities~~
6952 ~~element~~; update a comprehensive plan based on an evaluation and
6953 appraisal review report; impact lands outside the certification
6954 boundary; implement new statutory requirements that require
6955 specific comprehensive plan amendments; or increase hurricane
6956 evacuation times or the need for shelter capacity on lands
6957 within the coastal high-hazard area shall be reviewed pursuant
6958 to s. ss. 163.3184 and ~~163.3187~~.

6959 (12) A local government's certification shall be reviewed
6960 by the local government and the department as part of the
6961 evaluation and appraisal process pursuant to s. 163.3191. Within
6962 1 year after the deadline for the local government to update its
6963 comprehensive plan based on the evaluation and appraisal report,
6964 the department shall renew or revoke the certification. The
6965 local government's ~~failure to adopt a timely evaluation and~~
6966 ~~appraisal report, failure to adopt an evaluation and appraisal~~
6967 ~~report found to be sufficient, or failure to timely adopt~~
6968 necessary amendments to update its comprehensive plan based on
6969 an evaluation and appraisal, which are ~~report~~ found to be in
6970 compliance by the department, shall be cause for revoking the
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6971 certification agreement. The department's decision to renew or
6972 revoke shall be considered agency action subject to challenge
6973 under s. 120.569.

6974 ~~(14) The Office of Program Policy Analysis and Government~~
6975 ~~Accountability shall prepare a report evaluating the~~
6976 ~~certification program, which shall be submitted to the Governor,~~
6977 ~~the President of the Senate, and the Speaker of the House of~~
6978 ~~Representatives by December 1, 2007.~~

6979 Section 30. Section 163.32465, Florida Statutes, is
6980 repealed.

6981 Section 31. Subsection (6) is added to section 163.3247,
6982 Florida Statutes, to read:

6983 163.3247 Century Commission for a Sustainable Florida.-

6984 (6) EXPIRATION.-This section is repealed and the
6985 commission is abolished June 30, 2013.

6986 Section 32. Section 163.3248, Florida Statutes, is created
6987 to read:

6988 163.3248 Rural land stewardship areas.-

6989 (1) Rural land stewardship areas are designed to establish
6990 a long-term incentive based strategy to balance and guide the
6991 allocation of land so as to accommodate future land uses in a
6992 manner that protects the natural environment, stimulate economic
6993 growth and diversification, and encourage the retention of land
6994 for agriculture and other traditional rural land uses.

6995 (2) Upon written request by one or more landowners of the
6996 subject lands to designate lands as a rural land stewardship
6997 area, or pursuant to a private-sector-initiated comprehensive
6998 plan amendment filed by, or with the consent of the owners of

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6999 the subject lands, local governments may adopt a future land use
7000 overlay to designate all or portions of lands classified in the
7001 future land use element as predominantly agricultural, rural,
7002 open, open-rural, or a substantively equivalent land use, as a
7003 rural land stewardship area within which planning and economic
7004 incentives are applied to encourage the implementation of
7005 innovative and flexible planning and development strategies and
7006 creative land use planning techniques to support a diverse
7007 economic and employment base. The future land use overlay may
7008 not require a demonstration of need based on population
7009 projections or any other factors.

7010 (3) Rural land stewardship areas may be used to further
7011 the following broad principles of rural sustainability:
7012 restoration and maintenance of the economic value of rural land;
7013 control of urban sprawl; identification and protection of
7014 ecosystems, habitats, and natural resources; promotion and
7015 diversification of economic activity and employment
7016 opportunities within the rural areas; maintenance of the
7017 viability of the state's agricultural economy; and protection of
7018 private property rights in rural areas of the state. Rural land
7019 stewardship areas may be multicounty in order to encourage
7020 coordinated regional stewardship planning.

7021 (4) A local government or one or more property owners may
7022 request assistance and participation in the development of a
7023 plan for the rural land stewardship area from the state land
7024 planning agency, the Department of Agriculture and Consumer
7025 Services, the Fish and Wildlife Conservation Commission, the
7026 Department of Environmental Protection, the appropriate water

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7027 management district, the Department of Transportation, the
7028 regional planning council, private land owners, and
7029 stakeholders.

7030 (5) A rural land stewardship area shall be not less than
7031 10,000 acres, shall be located outside of municipalities and
7032 established urban service areas, and shall be designated by plan
7033 amendment by each local government with jurisdiction over the
7034 rural land stewardship area. The plan amendment or amendments
7035 designating a rural land stewardship area are subject to review
7036 pursuant to s. 163.3184 and shall provide for the following:

7037 (a) Criteria for the designation of receiving areas which
7038 shall, at a minimum, provide for the following: adequacy of
7039 suitable land to accommodate development so as to avoid conflict
7040 with significant environmentally sensitive areas, resources, and
7041 habitats; compatibility between and transition from higher
7042 density uses to lower intensity rural uses; and the
7043 establishment of receiving area service boundaries that provide
7044 for a transition from receiving areas and other land uses within
7045 the rural land stewardship area through limitations on the
7046 extension of services.

7047 (b) Innovative planning and development strategies to be
7048 applied within rural land stewardship areas pursuant to this
7049 section.

7050 (c) A process for the implementation of innovative
7051 planning and development strategies within the rural land
7052 stewardship area, including those described in this subsection,
7053 which provide for a functional mix of land uses through the

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7054 adoption by the local government of zoning and land development
7055 regulations applicable to the rural land stewardship area.

7056 (d) A mix of densities and intensities that would not be
7057 characterized as urban sprawl through the use of innovative
7058 strategies and creative land use techniques.

7059 (6) A receiving area may be designated only pursuant to
7060 procedures established in the local government's land
7061 development regulations. If receiving area designation requires
7062 the approval of the county board of county commissioners, such
7063 approval shall be by resolution with a simple majority vote.
7064 Before the commencement of development within a stewardship
7065 receiving area, a listed species survey must be performed for
7066 the area proposed for development. If listed species occur on
7067 the receiving area development site, the applicant must
7068 coordinate with each appropriate local, state, or federal agency
7069 to determine if adequate provisions have been made to protect
7070 those species in accordance with applicable regulations. In
7071 determining the adequacy of provisions for the protection of
7072 listed species and their habitats, the rural land stewardship
7073 area shall be considered as a whole, and the potential impacts
7074 and protective measures taken within areas to be developed as
7075 receiving areas shall be considered in conjunction with and
7076 compensated by lands set aside and protective measures taken
7077 within the designated sending areas.

7078 (7) Upon the adoption of a plan amendment creating a rural
7079 land stewardship area, the local government shall, by ordinance,
7080 establish a rural land stewardship overlay zoning district,
7081 which shall provide the methodology for the creation,

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7082 conveyance, and use of transferable rural land use credits,
7083 hereinafter referred to as stewardship credits, the assignment
7084 and application of which does not constitute a right to develop
7085 land or increase the density of land, except as provided by this
7086 section. The total amount of stewardship credits within the
7087 rural land stewardship area must enable the realization of the
7088 long-term vision and goals for the rural land stewardship area,
7089 which may take into consideration the anticipated effect of the
7090 proposed receiving areas. The estimated amount of receiving area
7091 shall be projected based on available data, and the development
7092 potential represented by the stewardship credits created within
7093 the rural land stewardship area must correlate to that amount.

7094 (8) Stewardship credits are subject to the following
7095 limitations:

7096 (a) Stewardship credits may exist only within a rural land
7097 stewardship area.

7098 (b) Stewardship credits may be created only from lands
7099 designated as stewardship sending areas and may be used only on
7100 lands designated as stewardship receiving areas and then solely
7101 for the purpose of implementing innovative planning and
7102 development strategies and creative land use planning techniques
7103 adopted by the local government pursuant to this section.

7104 (c) Stewardship credits assigned to a parcel of land
7105 within a rural land stewardship area shall cease to exist if the
7106 parcel of land is removed from the rural land stewardship area
7107 by plan amendment.

7108 (d) Neither the creation of the rural land stewardship
7109 area by plan amendment nor the adoption of the rural land

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7110 stewardship zoning overlay district by the local government may
7111 displace the underlying permitted uses or the density or
7112 intensity of land uses assigned to a parcel of land within the
7113 rural land stewardship area that existed before adoption of the
7114 plan amendment or zoning overlay district; however, once
7115 stewardship credits have been transferred from a designated
7116 sending area for use within a designated receiving area, the
7117 underlying density assigned to the designated sending area
7118 ceases to exist.

7119 (e) The underlying permitted uses, density, or intensity
7120 on each parcel of land located within a rural land stewardship
7121 area may not be increased or decreased by the local government,
7122 except as a result of the conveyance or stewardship credits, as
7123 long as the parcel remains within the rural land stewardship
7124 area.

7125 (f) Stewardship credits shall cease to exist on a parcel
7126 of land where the underlying density assigned to the parcel of
7127 land is used.

7128 (g) An increase in the density or intensity of use on a
7129 parcel of land located within a designated receiving area may
7130 occur only through the assignment or use of stewardship credits
7131 and do not require a plan amendment. A change in the type of
7132 agricultural use on property within a rural land stewardship
7133 area is not considered a change in use or intensity of use and
7134 does not require any transfer of stewardship credits.

7135 (h) A change in the density or intensity of land use on
7136 parcels located within receiving areas shall be specified in a
7137 development order that reflects the total number of stewardship

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7138 credits assigned to the parcel of land and the infrastructure
7139 and support services necessary to provide for a functional mix
7140 of land uses corresponding to the plan of development.

7141 (i) Land within a rural land stewardship area may be
7142 removed from the rural land stewardship area through a plan
7143 amendment.

7144 (j) Stewardship credits may be assigned at different
7145 ratios of credits per acre according to the natural resource or
7146 other beneficial use characteristics of the land and according
7147 to the land use remaining after the transfer of credits, with
7148 the highest number of credits per acre assigned to the most
7149 environmentally valuable land or, in locations where the
7150 retention of open space and agricultural land is a priority, to
7151 such lands.

7152 (k) Stewardship credits may be transferred from a sending
7153 area only after a stewardship easement is placed on the sending
7154 area land with assigned stewardship credits. A stewardship
7155 easement is a covenant or restrictive easement running with the
7156 land which specifies the allowable uses and development
7157 restrictions for the portion of a sending area from which
7158 stewardship credits have been transferred. The stewardship
7159 easement must be jointly held by the county and the Department
7160 of Environmental Protection, the Department of Agriculture and
7161 Consumer Services, a water management district, or a recognized
7162 statewide land trust.

7163 (9) Owners of land within rural land stewardship sending
7164 areas should be provided other incentives, in addition to the
7165 use or conveyance of stewardship credits, to enter into rural

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7166 land stewardship agreements, pursuant to existing law and rules
7167 adopted thereto, with state agencies, water management
7168 districts, the Fish and Wildlife Conservation Commission, and
7169 local governments to achieve mutually agreed upon objectives.
7170 Such incentives may include, but are not limited to, the
7171 following:

7172 (a) Opportunity to accumulate transferable wetland and
7173 species habitat mitigation credits for use or sale.

7174 (b) Extended permit agreements.

7175 (c) Opportunities for recreational leases and ecotourism.

7176 (d) Compensation for the achievement of specified land
7177 management activities of public benefit, including, but not
7178 limited to, facility siting and corridors, recreational leases,
7179 water conservation and storage, water reuse, wastewater
7180 recycling, water supply and water resource development, nutrient
7181 reduction, environmental restoration and mitigation, public
7182 recreation, listed species protection and recovery, and wildlife
7183 corridor management and enhancement.

7184 (e) Option agreements for sale to public entities or
7185 private land conservation entities, in either fee or easement,
7186 upon achievement of specified conservation objectives.

7187 (10) This section constitutes an overlay of land use
7188 options that provide economic and regulatory incentives for
7189 landowners outside of established and planned urban service
7190 areas to conserve and manage vast areas of land for the benefit
7191 of the state's citizens and natural environment while
7192 maintaining and enhancing the asset value of their landholdings.

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7193 It is the intent of the Legislature that this section be
7194 implemented pursuant to law and rulemaking is not authorized.

7195 (11) It is the intent of the Legislature that the rural
7196 land stewardship area located in Collier County, which was
7197 established pursuant to the requirements of a final order by the
7198 Governor and Cabinet, duly adopted as a growth management plan
7199 amendment by Collier County, and found in compliance with this
7200 chapter, be recognized as a statutory rural land stewardship
7201 area and be afforded the incentives in this section.

7202 Section 33. Paragraph (a) of subsection (2) of section
7203 163.360, Florida Statutes, is amended to read:

7204 163.360 Community redevelopment plans.—

7205 (2) The community redevelopment plan shall:

7206 (a) Conform to the comprehensive plan for the county or
7207 municipality as prepared by the local planning agency under the
7208 ~~Community Local Government Comprehensive Planning and Land~~
7209 ~~Development Regulation Act.~~

7210 Section 34. Paragraph (a) of subsection (3) and subsection
7211 (8) of section 163.516, Florida Statutes, are amended to read:

7212 163.516 Safe neighborhood improvement plans.—

7213 (3) The safe neighborhood improvement plan shall:

7214 (a) Be consistent with the adopted comprehensive plan for
7215 the county or municipality pursuant to the ~~Community Local~~
7216 ~~Government Comprehensive Planning and Land Development~~
7217 ~~Regulation Act.~~ No district plan shall be implemented unless the
7218 local governing body has determined said plan is consistent.

7219 (8) Pursuant to ~~s. ss. 163.3184, 163.3187, and 163.3189,~~
7220 the governing body of a municipality or county shall hold two
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7221 public hearings to consider the board-adopted safe neighborhood
7222 improvement plan as an amendment or modification to the
7223 municipality's or county's adopted local comprehensive plan.

7224 Section 35. Paragraph (f) of subsection (6), subsection
7225 (9), and paragraph (c) of subsection (11) of section 171.203,
7226 Florida Statutes, are amended to read:

7227 171.203 Interlocal service boundary agreement.—The
7228 governing body of a county and one or more municipalities or
7229 independent special districts within the county may enter into
7230 an interlocal service boundary agreement under this part. The
7231 governing bodies of a county, a municipality, or an independent
7232 special district may develop a process for reaching an
7233 interlocal service boundary agreement which provides for public
7234 participation in a manner that meets or exceeds the requirements
7235 of subsection (13), or the governing bodies may use the process
7236 established in this section.

7237 (6) An interlocal service boundary agreement may address
7238 any issue concerning service delivery, fiscal responsibilities,
7239 or boundary adjustment. The agreement may include, but need not
7240 be limited to, provisions that:

7241 (f) Establish a process for land use decisions consistent
7242 with part II of chapter 163, including those made jointly by the
7243 governing bodies of the county and the municipality, or allow a
7244 municipality to adopt land use changes consistent with part II
7245 of chapter 163 for areas that are scheduled to be annexed within
7246 the term of the interlocal agreement; however, the county
7247 comprehensive plan and land development regulations shall
7248 control until the municipality annexes the property and amends

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7249 its comprehensive plan accordingly. ~~Comprehensive plan~~
7250 ~~amendments to incorporate the process established by this~~
7251 ~~paragraph are exempt from the twice-per-year limitation under s.~~
7252 ~~163.3187.~~

7253 (9) Each local government that is a party to the
7254 interlocal service boundary agreement shall amend the
7255 intergovernmental coordination element of its comprehensive
7256 plan, as described in s. 163.3177(6)(h)1., no later than 6
7257 months following entry of the interlocal service boundary
7258 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~
7259 ~~required by this subsection are exempt from the twice-per-year~~
7260 ~~limitation under s. 163.3187.~~

7261 (11)

7262 ~~(c) Any amendment required by paragraph (a) is exempt from~~
7263 ~~the twice-per-year limitation under s. 163.3187.~~

7264 Section 36. Section 186.513, Florida Statutes, is amended
7265 to read:

7266 186.513 Reports.—Each regional planning council shall
7267 prepare and furnish an annual report on its activities to the
7268 state land planning agency as defined in s. 163.3164(20) and the
7269 local general-purpose governments within its boundaries and,
7270 upon payment as may be established by the council, to any
7271 interested person. The regional planning councils shall make a
7272 joint report and recommendations to appropriate legislative
7273 committees.

7274 Section 37. Section 186.515, Florida Statutes, is amended
7275 to read:

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7276 186.515 Creation of regional planning councils under
7277 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
7278 186.515 is intended to repeal or limit the provisions of chapter
7279 163; however, the local general-purpose governments serving as
7280 voting members of the governing body of a regional planning
7281 council created pursuant to ss. 186.501-186.507, 186.513, and
7282 186.515 are not authorized to create a regional planning council
7283 pursuant to chapter 163 unless an agency, other than a regional
7284 planning council created pursuant to ss. 186.501-186.507,
7285 186.513, and 186.515, is designated to exercise the powers and
7286 duties in any one or more of ss. 163.3164(19) and 380.031(15);
7287 in which case, such a regional planning council is also without
7288 authority to exercise the powers and duties in s. 163.3164(19)
7289 or s. 380.031(15).

7290 Section 38. Subsection (1) of section 189.415, Florida
7291 Statutes, is amended to read:

7292 189.415 Special district public facilities report.—

7293 (1) It is declared to be the policy of this state to
7294 foster coordination between special districts and local general-
7295 purpose governments as those local general-purpose governments
7296 develop comprehensive plans under the Community Local Government
7297 ~~Comprehensive Planning and Land Development Regulation Act~~,
7298 pursuant to part II of chapter 163.

7299 Section 39. Subsection (3) of section 190.004, Florida
7300 Statutes, is amended to read:

7301 190.004 Preemption; sole authority.—

7302 (3) The establishment of an independent community
7303 development district as provided in this act is not a

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7304 development order within the meaning of chapter 380. All
7305 governmental planning, environmental, and land development laws,
7306 regulations, and ordinances apply to all development of the land
7307 within a community development district. Community development
7308 districts do not have the power of a local government to adopt a
7309 comprehensive plan, building code, or land development code, as
7310 those terms are defined in the Community Local Government
7311 ~~Comprehensive Planning and Land Development Regulation~~ Act. A
7312 district shall take no action which is inconsistent with
7313 applicable comprehensive plans, ordinances, or regulations of
7314 the applicable local general-purpose government.

7315 Section 40. Paragraph (a) of subsection (1) of section
7316 190.005, Florida Statutes, is amended to read:

7317 190.005 Establishment of district.—

7318 (1) The exclusive and uniform method for the establishment
7319 of a community development district with a size of 1,000 acres
7320 or more shall be pursuant to a rule, adopted under chapter 120
7321 by the Florida Land and Water Adjudicatory Commission, granting
7322 a petition for the establishment of a community development
7323 district.

7324 (a) A petition for the establishment of a community
7325 development district shall be filed by the petitioner with the
7326 Florida Land and Water Adjudicatory Commission. The petition
7327 shall contain:

7328 1. A metes and bounds description of the external
7329 boundaries of the district. Any real property within the
7330 external boundaries of the district which is to be excluded from
7331 the district shall be specifically described, and the last known
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7332 address of all owners of such real property shall be listed. The
7333 petition shall also address the impact of the proposed district
7334 on any real property within the external boundaries of the
7335 district which is to be excluded from the district.

7336 2. The written consent to the establishment of the
7337 district by all landowners whose real property is to be included
7338 in the district or documentation demonstrating that the
7339 petitioner has control by deed, trust agreement, contract, or
7340 option of 100 percent of the real property to be included in the
7341 district, and when real property to be included in the district
7342 is owned by a governmental entity and subject to a ground lease
7343 as described in s. 190.003(14), the written consent by such
7344 governmental entity.

7345 3. A designation of five persons to be the initial members
7346 of the board of supervisors, who shall serve in that office
7347 until replaced by elected members as provided in s. 190.006.

7348 4. The proposed name of the district.

7349 5. A map of the proposed district showing current major
7350 trunk water mains and sewer interceptors and outfalls if in
7351 existence.

7352 6. Based upon available data, the proposed timetable for
7353 construction of the district services and the estimated cost of
7354 constructing the proposed services. These estimates shall be
7355 submitted in good faith but are ~~shall~~ not ~~be~~ binding and may be
7356 subject to change.

7357 7. A designation of the future general distribution,
7358 location, and extent of public and private uses of land proposed
7359 for the area within the district by the future land use plan

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7360 element of the effective local government comprehensive plan of
7361 which all mandatory elements have been adopted by the applicable
7362 general-purpose local government in compliance with the
7363 Community Local Government Comprehensive Planning and Land
7364 Development Regulation Act.

7365 8. A statement of estimated regulatory costs in accordance
7366 with the requirements of s. 120.541.

7367 Section 41. Paragraph (i) of subsection (6) of section
7368 193.501, Florida Statutes, is amended to read:

7369 193.501 Assessment of lands subject to a conservation
7370 easement, environmentally endangered lands, or lands used for
7371 outdoor recreational or park purposes when land development
7372 rights have been conveyed or conservation restrictions have been
7373 covenanted.—

7374 (6) The following terms whenever used as referred to in
7375 this section have the following meanings unless a different
7376 meaning is clearly indicated by the context:

7377 (i) "Qualified as environmentally endangered" means land
7378 that has unique ecological characteristics, rare or limited
7379 combinations of geological formations, or features of a rare or
7380 limited nature constituting habitat suitable for fish, plants,
7381 or wildlife, and which, if subject to a development moratorium
7382 or one or more conservation easements or development
7383 restrictions appropriate to retaining such land or water areas
7384 predominantly in their natural state, would be consistent with
7385 the conservation, recreation and open space, and, if applicable,
7386 coastal protection elements of the comprehensive plan adopted by
7387 formal action of the local governing body pursuant to s.

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7388 163.3161, the Community Local Government Comprehensive Planning
7389 ~~and Land Development Regulation Act~~; or surface waters and
7390 wetlands, as determined by the methodology ratified in s.
7391 373.4211.

7392 Section 42. Subsection (15) of section 287.042, Florida
7393 Statutes, is amended to read:

7394 287.042 Powers, duties, and functions.—The department
7395 shall have the following powers, duties, and functions:

7396 (15) To enter into joint agreements with governmental
7397 agencies, as defined in s. 163.3164(10), for the purpose of
7398 pooling funds for the purchase of commodities or information
7399 technology that can be used by multiple agencies.

7400 (a) Each agency that has been appropriated or has existing
7401 funds for such purchase, shall, upon contract award by the
7402 department, transfer their portion of the funds into the
7403 department's Operating Trust Fund for payment by the department.
7404 The funds shall be transferred by the Executive Office of the
7405 Governor pursuant to the agency budget amendment request
7406 provisions in chapter 216.

7407 (b) Agencies that sign the joint agreements are
7408 financially obligated for their portion of the agreed-upon
7409 funds. If an agency becomes more than 90 days delinquent in
7410 paying the funds, the department shall certify to the Chief
7411 Financial Officer the amount due, and the Chief Financial
7412 Officer shall transfer the amount due to the Operating Trust
7413 Fund of the department from any of the agency's available funds.
7414 The Chief Financial Officer shall report these transfers and the

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7415 reasons for the transfers to the Executive Office of the
7416 Governor and the legislative appropriations committees.

7417 Section 43. Subsection (4) of section 288.063, Florida
7418 Statutes, is amended to read:

7419 288.063 Contracts for transportation projects.—

7420 (4) The Office of Tourism, Trade, and Economic Development
7421 may adopt criteria by which transportation projects are to be
7422 reviewed and certified in accordance with s. 288.061. In
7423 approving transportation projects for funding, the Office of
7424 Tourism, Trade, and Economic Development shall consider factors
7425 including, but not limited to, the cost per job created or
7426 retained considering the amount of transportation funds
7427 requested; the average hourly rate of wages for jobs created;
7428 the reliance on the program as an inducement for the project's
7429 location decision; the amount of capital investment to be made
7430 by the business; the demonstrated local commitment; the location
7431 of the project in an enterprise zone designated pursuant to s.
7432 290.0055; the location of the project in a spaceport territory
7433 as defined in s. 331.304; the unemployment rate of the
7434 surrounding area; and the poverty rate of the community; ~~and the~~
7435 ~~adoption of an economic element as part of its local~~
7436 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
7437 Office of Tourism, Trade, and Economic Development may contact
7438 any agency it deems appropriate for additional input regarding
7439 the approval of projects.

7440 Section 44. Paragraph (a) of subsection (2), subsection
7441 (10), and paragraph (d) of subsection (12) of section 288.975,
7442 Florida Statutes, are amended to read:

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7443 288.975 Military base reuse plans.—

7444 (2) As used in this section, the term:

7445 (a) "Affected local government" means a local government
7446 adjoining the host local government and any other unit of local
7447 government that is not a host local government but that is
7448 identified in a proposed military base reuse plan as providing,
7449 operating, or maintaining one or more public facilities as
7450 defined in s. 163.3164~~(24)~~ on lands within or serving a military
7451 base designated for closure by the Federal Government.

7452 (10) Within 60 days after receipt of a proposed military
7453 base reuse plan, these entities shall review and provide
7454 comments to the host local government. The commencement of this
7455 review period shall be advertised in newspapers of general
7456 circulation within the host local government and any affected
7457 local government to allow for public comment. No later than 180
7458 days after receipt and consideration of all comments, and the
7459 holding of at least two public hearings, the host local
7460 government shall adopt the military base reuse plan. The host
7461 local government shall comply with the notice requirements set
7462 forth in s. 163.3184~~(11)~~(15) to ensure full public participation
7463 in this planning process.

7464 (12) Following receipt of a petition, the petitioning
7465 party or parties and the host local government shall seek
7466 resolution of the issues in dispute. The issues in dispute shall
7467 be resolved as follows:

7468 (d) Within 45 days after receiving the report from the
7469 state land planning agency, the Administration Commission shall
7470 take action to resolve the issues in dispute. In deciding upon a
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7471 proper resolution, the Administration Commission shall consider
7472 the nature of the issues in dispute, any requests for a formal
7473 administrative hearing pursuant to chapter 120, the compliance
7474 of the parties with this section, the extent of the conflict
7475 between the parties, the comparative hardships and the public
7476 interest involved. If the Administration Commission incorporates
7477 in its final order a term or condition that requires any local
7478 government to amend its local government comprehensive plan, the
7479 local government shall amend its plan within 60 days after the
7480 issuance of the order. ~~Such amendment or amendments shall be~~
7481 ~~exempt from the limitation of the frequency of plan amendments~~
7482 ~~contained in s. 163.3187(1), and~~ A public hearing on such
7483 amendment or amendments pursuant to s. 163.3184(11)(15)(b)1. is
7484 ~~shall not be~~ required. The final order of the Administration
7485 Commission is subject to appeal pursuant to s. 120.68. If the
7486 order of the Administration Commission is appealed, the time for
7487 the local government to amend its plan shall be tolled during
7488 the pendency of any local, state, or federal administrative or
7489 judicial proceeding relating to the military base reuse plan.

7490 Section 45. Subsection (4) of section 290.0475, Florida
7491 Statutes, is amended to read:

7492 290.0475 Rejection of grant applications; penalties for
7493 failure to meet application conditions.—Applications received
7494 for funding under all program categories shall be rejected
7495 without scoring only in the event that any of the following
7496 circumstances arise:

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7497 (4) The application is not consistent with the local
7498 government's comprehensive plan adopted pursuant to s.
7499 163.3184(7).

7500 Section 46. Paragraph (c) of subsection (3) of section
7501 311.07, Florida Statutes, is amended to read:

7502 311.07 Florida seaport transportation and economic
7503 development funding.—

7504 (3)

7505 (c) To be eligible for consideration by the council
7506 pursuant to this section, a project must be consistent with the
7507 port comprehensive master plan which is incorporated as part of
7508 the approved local government comprehensive plan as required by
7509 s. 163.3178(2)(k) or other provisions of the Community Local
7510 ~~Government Comprehensive Planning and Land Development~~
7511 ~~Regulation~~ Act, part II of chapter 163.

7512 Section 47. Subsection (1) of section 331.319, Florida
7513 Statutes, is amended to read:

7514 331.319 Comprehensive planning; building and safety
7515 codes.—The board of directors may:

7516 (1) Adopt, and from time to time review, amend,
7517 supplement, or repeal, a comprehensive general plan for the
7518 physical development of the area within the spaceport territory
7519 in accordance with the objectives and purposes of this act and
7520 consistent with the comprehensive plans of the applicable county
7521 or counties and municipality or municipalities adopted pursuant
7522 to the Community Local Government Comprehensive Planning and
7523 ~~Land Development Regulation~~ Act, part II of chapter 163.

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7524 Section 48. Paragraph (e) of subsection (5) of section
7525 339.155, Florida Statutes, is amended to read:

7526 339.155 Transportation planning.—

7527 (5) ADDITIONAL TRANSPORTATION PLANS.—

7528 (e) The regional transportation plan developed pursuant to
7529 this section must, at a minimum, identify regionally significant
7530 transportation facilities located within a regional
7531 transportation area and contain a prioritized list of regionally
7532 significant projects. ~~The level of service standards for~~
7533 ~~facilities to be funded under this subsection shall be adopted~~
7534 ~~by the appropriate local government in accordance with s.~~
7535 ~~163.3180(10).~~ The projects shall be adopted into the capital
7536 improvements schedule of the local government comprehensive plan
7537 pursuant to s. 163.3177(3).

7538 Section 49. Paragraph (a) of subsection (4) of section
7539 339.2819, Florida Statutes, is amended to read:

7540 339.2819 Transportation Regional Incentive Program.—

7541 (4) (a) Projects to be funded with Transportation Regional
7542 Incentive Program funds shall, at a minimum:

7543 1. Support those transportation facilities that serve
7544 national, statewide, or regional functions and function as an
7545 integrated regional transportation system.

7546 2. Be identified in the capital improvements element of a
7547 comprehensive plan that has been determined to be in compliance
7548 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
7549 ~~a long-term concurrency management system adopted by a local~~
7550 ~~government in accordance with s. 163.3180(9).~~ Further, the

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7551 project shall be in compliance with local government
7552 comprehensive plan policies relative to corridor management.

7553 3. Be consistent with the Strategic Intermodal System Plan
7554 developed under s. 339.64.

7555 4. Have a commitment for local, regional, or private
7556 financial matching funds as a percentage of the overall project
7557 cost.

7558 Section 50. Subsection (5) of section 369.303, Florida
7559 Statutes, is amended to read:

7560 369.303 Definitions.—As used in this part:

7561 (5) "Land development regulation" means a regulation
7562 covered by the definition in s. 163.3164(23) and any of the
7563 types of regulations described in s. 163.3202.

7564 Section 51. Subsections (5) and (7) of section 369.321,
7565 Florida Statutes, are amended to read:

7566 369.321 Comprehensive plan amendments.—Except as otherwise
7567 expressly provided, by January 1, 2006, each local government
7568 within the Wekiva Study Area shall amend its local government
7569 comprehensive plan to include the following:

7570 (5) Comprehensive plans and comprehensive plan amendments
7571 adopted by the local governments to implement this section shall
7572 be reviewed by the Department of Community Affairs pursuant to
7573 s. 163.3184, ~~and shall be exempt from the provisions of s.~~
7574 ~~163.3187(1).~~

7575 (7) During the period prior to the adoption of the
7576 comprehensive plan amendments required by this act, any local
7577 comprehensive plan amendment adopted by a city or county that
7578 applies to land located within the Wekiva Study Area shall
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7579 protect surface and groundwater resources and be reviewed by the
7580 Department of Community Affairs, ~~pursuant to chapter 163 and~~
7581 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
7582 data, including the information presented to the Wekiva River
7583 Basin Coordinating Committee.

7584 Section 52. Subsection (1) of section 378.021, Florida
7585 Statutes, is amended to read:

7586 378.021 Master reclamation plan.—

7587 (1) The Department of Environmental Protection shall amend
7588 the master reclamation plan that provides guidelines for the
7589 reclamation of lands mined or disturbed by the severance of
7590 phosphate rock prior to July 1, 1975, which lands are not
7591 subject to mandatory reclamation under part II of chapter 211.
7592 In amending the master reclamation plan, the Department of
7593 Environmental Protection shall continue to conduct an onsite
7594 evaluation of all lands mined or disturbed by the severance of
7595 phosphate rock prior to July 1, 1975, which lands are not
7596 subject to mandatory reclamation under part II of chapter 211.
7597 The master reclamation plan when amended by the Department of
7598 Environmental Protection shall be consistent with local
7599 government plans prepared pursuant to the Community Local
7600 ~~Government Comprehensive Planning and Land Development~~
7601 ~~Regulation Act.~~

7602 Section 53. Subsection (10) of section 380.031, Florida
7603 Statutes, is amended to read:

7604 380.031 Definitions.—As used in this chapter:

7605 (10) "Local comprehensive plan" means any or all local
7606 comprehensive plans or elements or portions thereof prepared,
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7607 adopted, or amended pursuant to the Community Local Government
7608 ~~Comprehensive Planning and Land Development Regulation Act~~, as
7609 amended.

7610 Section 54. Paragraph (d) of subsection (2), paragraph (b)
7611 of subsection (6), paragraph (g) of subsection (15), paragraphs
7612 (b), (c), (e), and (f) of subsection (19), subsection (24),
7613 paragraph (e) of subsection (28), and paragraphs (a), (d), and
7614 (e) of subsection (29) of section 380.06, Florida Statutes, are
7615 amended to read:

7616 (2) STATEWIDE GUIDELINES AND STANDARDS.—

7617 (d) The guidelines and standards shall be applied as
7618 follows:

7619 1. Fixed thresholds.—

7620 a. A development that is below 100 percent of all
7621 numerical thresholds in the guidelines and standards shall not
7622 be required to undergo development-of-regional-impact review.

7623 b. A development that is at or above 120 percent of any
7624 numerical threshold shall be required to undergo development-of-
7625 regional-impact review.

7626 c. Projects certified under s. 403.973 which create at
7627 least 100 jobs and meet the criteria of the Office of Tourism,
7628 Trade, and Economic Development as to their impact on an area's
7629 economy, employment, and prevailing wage and skill levels that
7630 are at or below 100 percent of the numerical thresholds for
7631 industrial plants, industrial parks, distribution, warehousing
7632 or wholesaling facilities, office development or multiuse
7633 projects other than residential, as described in s.

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7634 380.0651(3) (c), ~~(d)~~, and (f) ~~(h)~~, are not required to undergo
7635 development-of-regional-impact review.

7636 2. Rebuttable presumption.—It shall be presumed that a
7637 development that is at 100 percent or between 100 and 120
7638 percent of a numerical threshold shall be required to undergo
7639 development-of-regional-impact review.

7640 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
7641 PLAN AMENDMENTS.—

7642 (b) Any local government comprehensive plan amendments
7643 related to a proposed development of regional impact, including
7644 any changes proposed under subsection (19), may be initiated by
7645 a local planning agency or the developer and must be considered
7646 by the local governing body at the same time as the application
7647 for development approval using the procedures provided for local
7648 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable
7649 local ordinances, without regard to ~~statutory or local ordinance~~
7650 limits on the frequency of consideration of amendments to the
7651 local comprehensive plan. ~~Nothing in~~ This paragraph does not
7652 ~~shall be deemed to~~ require favorable consideration of a plan
7653 amendment solely because it is related to a development of
7654 regional impact. The procedure for processing such comprehensive
7655 plan amendments is as follows:

7656 1. If a developer seeks a comprehensive plan amendment
7657 related to a development of regional impact, the developer must
7658 so notify in writing the regional planning agency, the
7659 applicable local government, and the state land planning agency
7660 no later than the date of preapplication conference or the
7661 submission of the proposed change under subsection (19).

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7662 2. When filing the application for development approval or
7663 the proposed change, the developer must include a written
7664 request for comprehensive plan amendments that would be
7665 necessitated by the development-of-regional-impact approvals
7666 sought. That request must include data and analysis upon which
7667 the applicable local government can determine whether to
7668 transmit the comprehensive plan amendment pursuant to s.
7669 163.3184.

7670 3. The local government must advertise a public hearing on
7671 the transmittal within 30 days after filing the application for
7672 development approval or the proposed change and must make a
7673 determination on the transmittal within 60 days after the
7674 initial filing unless that time is extended by the developer.

7675 4. If the local government approves the transmittal,
7676 procedures set forth in s. 163.3184 (4) (b) - (d) (3) - (6) must be
7677 followed.

7678 5. Notwithstanding subsection (11) or subsection (19), the
7679 local government may not hold a public hearing on the
7680 application for development approval or the proposed change or
7681 on the comprehensive plan amendments sooner than 30 days from
7682 receipt of the response from the state land planning agency
7683 pursuant to s. 163.3184 (4) (d) (6). ~~The 60-day time period for~~
7684 ~~local governments to adopt, adopt with changes, or not adopt~~
7685 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~
7686 ~~concurrent plan amendments provided for in this subsection.~~

7687 6. The local government must hear both the application for
7688 development approval or the proposed change and the
7689 comprehensive plan amendments at the same hearing. However, the
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7690 local government must take action separately on the application
7691 for development approval or the proposed change and on the
7692 comprehensive plan amendments.

7693 7. Thereafter, the appeal process for the local government
7694 development order must follow the provisions of s. 380.07, and
7695 the compliance process for the comprehensive plan amendments
7696 must follow the provisions of s. 163.3184.

7697 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

7698 (g) A local government shall not issue permits for
7699 development subsequent to the buildout date contained in the
7700 development order unless:

7701 1. The proposed development has been evaluated
7702 cumulatively with existing development under the substantial
7703 deviation provisions of subsection (19) subsequent to the
7704 termination or expiration date;

7705 2. The proposed development is consistent with an
7706 abandonment of development order that has been issued in
7707 accordance with the provisions of subsection (26);

7708 3. The development of regional impact is essentially built
7709 out, in that all the mitigation requirements in the development
7710 order have been satisfied, all developers are in compliance with
7711 all applicable terms and conditions of the development order
7712 except the buildout date, and the amount of proposed development
7713 that remains to be built is less than 40 ~~20~~ percent of any
7714 applicable development-of-regional-impact threshold; or

7715 4. The project has been determined to be an essentially
7716 built-out development of regional impact through an agreement
7717 executed by the developer, the state land planning agency, and
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7718 the local government, in accordance with s. 380.032, which will
7719 establish the terms and conditions under which the development
7720 may be continued. If the project is determined to be essentially
7721 built out, development may proceed pursuant to the s. 380.032
7722 agreement after the termination or expiration date contained in
7723 the development order without further development-of-regional-
7724 impact review subject to the local government comprehensive plan
7725 and land development regulations or subject to a modified
7726 development-of-regional-impact analysis. As used in this
7727 paragraph, an "essentially built-out" development of regional
7728 impact means:

7729 a. The developers are in compliance with all applicable
7730 terms and conditions of the development order except the
7731 buildout date; and

7732 b.(I) The amount of development that remains to be built
7733 is less than the substantial deviation threshold specified in
7734 paragraph (19)(b) for each individual land use category, or, for
7735 a multiuse development, the sum total of all unbuilt land uses
7736 as a percentage of the applicable substantial deviation
7737 threshold is equal to or less than 100 percent; or

7738 (II) The state land planning agency and the local
7739 government have agreed in writing that the amount of development
7740 to be built does not create the likelihood of any additional
7741 regional impact not previously reviewed.

7742
7743 The single-family residential portions of a development may be
7744 considered "essentially built out" if all of the workforce
7745 housing obligations and all of the infrastructure and horizontal
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7746 development have been completed, at least 50 percent of the
7747 dwelling units have been completed, and more than 80 percent of
7748 the lots have been conveyed to third-party individual lot owners
7749 or to individual builders who own no more than 40 lots at the
7750 time of the determination. The mobile home park portions of a
7751 development may be considered "essentially built out" if all the
7752 infrastructure and horizontal development has been completed,
7753 and at least 50 percent of the lots are leased to individual
7754 mobile home owners.

7755 (19) SUBSTANTIAL DEVIATIONS.—

7756 (b) Any proposed change to a previously approved
7757 development of regional impact or development order condition
7758 which, either individually or cumulatively with other changes,
7759 exceeds any of the following criteria shall constitute a
7760 substantial deviation and shall cause the development to be
7761 subject to further development-of-regional-impact review without
7762 the necessity for a finding of same by the local government:

7763 1. An increase in the number of parking spaces at an
7764 attraction or recreational facility by 15 ~~10~~ percent or 500 ~~330~~
7765 spaces, whichever is greater, or an increase in the number of
7766 spectators that may be accommodated at such a facility by 15 ~~10~~
7767 percent or 1,500 ~~1,100~~ spectators, whichever is greater.

7768 2. A new runway, a new terminal facility, a 25-percent
7769 lengthening of an existing runway, or a 25-percent increase in
7770 the number of gates of an existing terminal, but only if the
7771 increase adds at least three additional gates.

7772 ~~3. An increase in industrial development area by 10~~
7773 ~~percent or 35 acres, whichever is greater.~~

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7774 ~~4. An increase in the average annual acreage mined by 10~~
7775 ~~percent or 11 acres, whichever is greater, or an increase in the~~
7776 ~~average daily water consumption by a mining operation by 10~~
7777 ~~percent or 330,000 gallons, whichever is greater. A net increase~~
7778 ~~in the size of the mine by 10 percent or 825 acres, whichever is~~
7779 ~~less. For purposes of calculating any net increases in size,~~
7780 ~~only additions and deletions of lands that have not been mined~~
7781 ~~shall be considered. An increase in the size of a heavy mineral~~
7782 ~~mine as defined in s. 378.403(7) will only constitute a~~
7783 ~~substantial deviation if the average annual acreage mined is~~
7784 ~~more than 550 acres and consumes more than 3.3 million gallons~~
7785 ~~of water per day.~~

7786 3.5. An increase in land area for office development by 15
7787 ~~10~~ percent or an increase of gross floor area of office
7788 development by 15 ~~10~~ percent or 100,000 ~~66,000~~ gross square
7789 feet, whichever is greater.

7790 4.6. An increase in the number of dwelling units by 10
7791 percent or 55 dwelling units, whichever is greater.

7792 5.7. An increase in the number of dwelling units by 50
7793 percent or 200 units, whichever is greater, provided that 15
7794 percent of the proposed additional dwelling units are dedicated
7795 to affordable workforce housing, subject to a recorded land use
7796 restriction that shall be for a period of not less than 20 years
7797 and that includes resale provisions to ensure long-term
7798 affordability for income-eligible homeowners and renters and
7799 provisions for the workforce housing to be commenced prior to
7800 the completion of 50 percent of the market rate dwelling. For
7801 purposes of this subparagraph, the term "affordable workforce
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7802 housing" means housing that is affordable to a person who earns
7803 less than 120 percent of the area median income, or less than
7804 140 percent of the area median income if located in a county in
7805 which the median purchase price for a single-family existing
7806 home exceeds the statewide median purchase price of a single-
7807 family existing home. For purposes of this subparagraph, the
7808 term "statewide median purchase price of a single-family
7809 existing home" means the statewide purchase price as determined
7810 in the Florida Sales Report, Single-Family Existing Homes,
7811 released each January by the Florida Association of Realtors and
7812 the University of Florida Real Estate Research Center.

7813 ~~6.8.~~ An increase in commercial development by 60,000
7814 ~~55,000~~ square feet of gross floor area or of parking spaces
7815 provided for customers for 425 ~~330~~ cars or a 10-percent increase
7816 ~~of either of these, whichever is greater.~~

7817 ~~9. An increase in hotel or motel rooms by 10 percent or 83~~
7818 ~~rooms, whichever is greater.~~

7819 ~~7.10.~~ An increase in a recreational vehicle park area by
7820 10 percent or 110 vehicle spaces, whichever is less.

7821 ~~8.11.~~ A decrease in the area set aside for open space of 5
7822 percent or 20 acres, whichever is less.

7823 ~~9.12.~~ A proposed increase to an approved multiuse
7824 development of regional impact where the sum of the increases of
7825 each land use as a percentage of the applicable substantial
7826 deviation criteria is equal to or exceeds 110 percent. The
7827 percentage of any decrease in the amount of open space shall be
7828 treated as an increase for purposes of determining when 110
7829 percent has been reached or exceeded.

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7830 ~~10.13.~~ A 15-percent increase in the number of external
7831 vehicle trips generated by the development above that which was
7832 projected during the original development-of-regional-impact
7833 review.

7834 ~~11.14.~~ Any change which would result in development of any
7835 area which was specifically set aside in the application for
7836 development approval or in the development order for
7837 preservation or special protection of endangered or threatened
7838 plants or animals designated as endangered, threatened, or
7839 species of special concern and their habitat, any species
7840 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
7841 archaeological and historical sites designated as significant by
7842 the Division of Historical Resources of the Department of State.
7843 The refinement of the boundaries and configuration of such areas
7844 shall be considered under sub-subparagraph (e)2.j.

7845
7846 The substantial deviation numerical standards in subparagraphs
7847 3., 6., and ~~5., 8., 9., and 12.~~, excluding residential uses, and
7848 in subparagraph 10. 13., are increased by 100 percent for a
7849 project certified under s. 403.973 which creates jobs and meets
7850 criteria established by the Office of Tourism, Trade, and
7851 Economic Development as to its impact on an area's economy,
7852 employment, and prevailing wage and skill levels. The
7853 substantial deviation numerical standards in subparagraphs 3.,
7854 4. 5., 6., 7., 8., 9., 12., and 10. 13. are increased by 50
7855 percent for a project located wholly within an urban infill and
7856 redevelopment area designated on the applicable adopted local

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7857 comprehensive plan future land use map and not located within
7858 the coastal high hazard area.

7859 (c) An extension of the date of buildout of a development,
7860 or any phase thereof, by more than 7 years is presumed to create
7861 a substantial deviation subject to further development-of-
7862 regional-impact review.

7863 1. An extension of the date of buildout, or any phase
7864 thereof, of more than 5 years but not more than 7 years is
7865 presumed not to create a substantial deviation. The extension of
7866 the date of buildout of an areawide development of regional
7867 impact by more than 5 years but less than 10 years is presumed
7868 not to create a substantial deviation. These presumptions may be
7869 rebutted by clear and convincing evidence at the public hearing
7870 held by the local government. An extension of 5 years or less is
7871 not a substantial deviation.

7872 2. In recognition of the 2011 real estate market
7873 conditions, at the option of the developer, all commencement,
7874 phase, buildout, and expiration dates for projects that are
7875 currently valid developments of regional impact are extended for
7876 4 years regardless of any previous extension. Associated
7877 mitigation requirements are extended for the same period unless,
7878 before December 1, 2011, a governmental entity notifies a
7879 developer that has commenced any construction within the phase
7880 for which the mitigation is required that the local government
7881 has entered into a contract for construction of a facility with
7882 funds to be provided from the development's mitigation funds for
7883 that phase as specified in the development order or written
7884 agreement with the developer. The 4-year extension is not a

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7885 substantial deviation, is not subject to further development-of-
7886 regional-impact review, and may not be considered when
7887 determining whether a subsequent extension is a substantial
7888 deviation under this subsection. The developer must notify the
7889 local government in writing by December 31, 2011, in order to
7890 receive the 4-year extension.

7891
7892 For the purpose of calculating when a buildout or phase date has
7893 been exceeded, the time shall be tolled during the pendency of
7894 administrative or judicial proceedings relating to development
7895 permits. Any extension of the buildout date of a project or a
7896 phase thereof shall automatically extend the commencement date
7897 of the project, the termination date of the development order,
7898 the expiration date of the development of regional impact, and
7899 the phases thereof if applicable by a like period of time. ~~In~~
7900 ~~recognition of the 2007 real estate market conditions, all~~
7901 ~~phase, buildout, and expiration dates for projects that are~~
7902 ~~developments of regional impact and under active construction on~~
7903 ~~July 1, 2007, are extended for 3 years regardless of any prior~~
7904 ~~extension. The 3-year extension is not a substantial deviation,~~
7905 ~~is not subject to further development-of-regional-impact review,~~
7906 ~~and may not be considered when determining whether a subsequent~~
7907 ~~extension is a substantial deviation under this subsection.~~

7908 (e)1. Except for a development order rendered pursuant to
7909 subsection (22) or subsection (25), a proposed change to a
7910 development order that individually or cumulatively with any
7911 previous change is less than any numerical criterion contained
7912 in subparagraphs (b) ~~1.-10.1.-13.~~ and does not exceed any other
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7913 criterion, or that involves an extension of the buildout date of
7914 a development, or any phase thereof, of less than 5 years is not
7915 subject to the public hearing requirements of subparagraph
7916 (f)3., and is not subject to a determination pursuant to
7917 subparagraph (f)5. Notice of the proposed change shall be made
7918 to the regional planning council and the state land planning
7919 agency. Such notice shall include a description of previous
7920 individual changes made to the development, including changes
7921 previously approved by the local government, and shall include
7922 appropriate amendments to the development order.

7923 2. The following changes, individually or cumulatively
7924 with any previous changes, are not substantial deviations:

7925 a. Changes in the name of the project, developer, owner,
7926 or monitoring official.

7927 b. Changes to a setback that do not affect noise buffers,
7928 environmental protection or mitigation areas, or archaeological
7929 or historical resources.

7930 c. Changes to minimum lot sizes.

7931 d. Changes in the configuration of internal roads that do
7932 not affect external access points.

7933 e. Changes to the building design or orientation that stay
7934 approximately within the approved area designated for such
7935 building and parking lot, and which do not affect historical
7936 buildings designated as significant by the Division of
7937 Historical Resources of the Department of State.

7938 f. Changes to increase the acreage in the development,
7939 provided that no development is proposed on the acreage to be
7940 added.

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7941 g. Changes to eliminate an approved land use, provided
7942 that there are no additional regional impacts.

7943 h. Changes required to conform to permits approved by any
7944 federal, state, or regional permitting agency, provided that
7945 these changes do not create additional regional impacts.

7946 i. Any renovation or redevelopment of development within a
7947 previously approved development of regional impact which does
7948 not change land use or increase density or intensity of use.

7949 j. Changes that modify boundaries and configuration of
7950 areas described in subparagraph (b)~~11.14.~~ due to science-based
7951 refinement of such areas by survey, by habitat evaluation, by
7952 other recognized assessment methodology, or by an environmental
7953 assessment. In order for changes to qualify under this sub-
7954 subparagraph, the survey, habitat evaluation, or assessment must
7955 occur prior to the time a conservation easement protecting such
7956 lands is recorded and must not result in any net decrease in the
7957 total acreage of the lands specifically set aside for permanent
7958 preservation in the final development order.

7959 k. Any other change which the state land planning agency,
7960 in consultation with the regional planning council, agrees in
7961 writing is similar in nature, impact, or character to the
7962 changes enumerated in sub-subparagraphs a.-j. and which does not
7963 create the likelihood of any additional regional impact.

7964
7965 This subsection does not require the filing of a notice of
7966 proposed change but shall require an application to the local
7967 government to amend the development order in accordance with the
7968 local government's procedures for amendment of a development

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7969 order. In accordance with the local government's procedures,
7970 including requirements for notice to the applicant and the
7971 public, the local government shall either deny the application
7972 for amendment or adopt an amendment to the development order
7973 which approves the application with or without conditions.
7974 Following adoption, the local government shall render to the
7975 state land planning agency the amendment to the development
7976 order. The state land planning agency may appeal, pursuant to s.
7977 380.07(3), the amendment to the development order if the
7978 amendment involves sub-subparagraph g., sub-subparagraph h.,
7979 sub-subparagraph j., or sub-subparagraph k., and it believes the
7980 change creates a reasonable likelihood of new or additional
7981 regional impacts.

7982 3. Except for the change authorized by sub-subparagraph
7983 2.f., any addition of land not previously reviewed or any change
7984 not specified in paragraph (b) or paragraph (c) shall be
7985 presumed to create a substantial deviation. This presumption may
7986 be rebutted by clear and convincing evidence.

7987 4. Any submittal of a proposed change to a previously
7988 approved development shall include a description of individual
7989 changes previously made to the development, including changes
7990 previously approved by the local government. The local
7991 government shall consider the previous and current proposed
7992 changes in deciding whether such changes cumulatively constitute
7993 a substantial deviation requiring further development-of-
7994 regional-impact review.

7995 5. The following changes to an approved development of
7996 regional impact shall be presumed to create a substantial
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7997 deviation. Such presumption may be rebutted by clear and
7998 convincing evidence.

7999 a. A change proposed for 15 percent or more of the acreage
8000 to a land use not previously approved in the development order.
8001 Changes of less than 15 percent shall be presumed not to create
8002 a substantial deviation.

8003 b. Notwithstanding any provision of paragraph (b) to the
8004 contrary, a proposed change consisting of simultaneous increases
8005 and decreases of at least two of the uses within an authorized
8006 multiuse development of regional impact which was originally
8007 approved with three or more uses specified in s. 380.0651(3)(c),
8008 (d), and (e), ~~and (f)~~ and residential use.

8009 6. If a local government agrees to a proposed change, a
8010 change in the transportation proportionate share calculation and
8011 mitigation plan in an adopted development order as a result of
8012 recalculation of the proportionate share contribution meeting
8013 the requirements of s. 163.3180(5)(h) in effect as of the date
8014 of such change shall be presumed not to create a substantial
8015 deviation. For purposes of this subsection, the proposed change
8016 in the proportionate share calculation or mitigation plan shall
8017 not be considered an additional regional transportation impact.

8018 (f)1. The state land planning agency shall establish by
8019 rule standard forms for submittal of proposed changes to a
8020 previously approved development of regional impact which may
8021 require further development-of-regional-impact review. At a
8022 minimum, the standard form shall require the developer to
8023 provide the precise language that the developer proposes to
8024 delete or add as an amendment to the development order.

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8025 2. The developer shall submit, simultaneously, to the
8026 local government, the regional planning agency, and the state
8027 land planning agency the request for approval of a proposed
8028 change.

8029 3. No sooner than 30 days but no later than 45 days after
8030 submittal by the developer to the local government, the state
8031 land planning agency, and the appropriate regional planning
8032 agency, the local government shall give 15 days' notice and
8033 schedule a public hearing to consider the change that the
8034 developer asserts does not create a substantial deviation. This
8035 public hearing shall be held within 60 days after submittal of
8036 the proposed changes, unless that time is extended by the
8037 developer.

8038 4. The appropriate regional planning agency or the state
8039 land planning agency shall review the proposed change and, no
8040 later than 45 days after submittal by the developer of the
8041 proposed change, unless that time is extended by the developer,
8042 and prior to the public hearing at which the proposed change is
8043 to be considered, shall advise the local government in writing
8044 whether it objects to the proposed change, shall specify the
8045 reasons for its objection, if any, and shall provide a copy to
8046 the developer.

8047 5. At the public hearing, the local government shall
8048 determine whether the proposed change requires further
8049 development-of-regional-impact review. The provisions of
8050 paragraphs (a) and (e), the thresholds set forth in paragraph
8051 (b), and the presumptions set forth in paragraphs (c) and (d)
8052 and subparagraph (e)3. shall be applicable in determining

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8053 whether further development-of-regional-impact review is
8054 required. The local government may also deny the proposed change
8055 based on matters relating to local issues, such as if the land
8056 on which the change is sought is plat restricted in a way that
8057 would be incompatible with the proposed change, and the local
8058 government does not wish to change the plat restriction as part
8059 of the proposed change.

8060 6. If the local government determines that the proposed
8061 change does not require further development-of-regional-impact
8062 review and is otherwise approved, or if the proposed change is
8063 not subject to a hearing and determination pursuant to
8064 subparagraphs 3. and 5. and is otherwise approved, the local
8065 government shall issue an amendment to the development order
8066 incorporating the approved change and conditions of approval
8067 relating to the change. The requirement that a change be
8068 otherwise approved shall not be construed to require additional
8069 local review or approval if the change is allowed by applicable
8070 local ordinances without further local review or approval. The
8071 decision of the local government to approve, with or without
8072 conditions, or to deny the proposed change that the developer
8073 asserts does not require further review shall be subject to the
8074 appeal provisions of s. 380.07. However, the state land planning
8075 agency may not appeal the local government decision if it did
8076 not comply with subparagraph 4. The state land planning agency
8077 may not appeal a change to a development order made pursuant to
8078 subparagraph (e)1. or subparagraph (e)2. for developments of
8079 regional impact approved after January 1, 1980, unless the
8080 change would result in a significant impact to a regionally

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8081 significant archaeological, historical, or natural resource not
8082 previously identified in the original development-of-regional-
8083 impact review.

8084 (24) STATUTORY EXEMPTIONS.—

8085 (a) Any proposed hospital is exempt from ~~the provisions of~~
8086 this section.

8087 (b) Any proposed electrical transmission line or
8088 electrical power plant is exempt from ~~the provisions of~~ this
8089 section.

8090 (c) Any proposed addition to an existing sports facility
8091 complex is exempt from ~~the provisions of~~ this section if the
8092 addition meets the following characteristics:

8093 1. It would not operate concurrently with the scheduled
8094 hours of operation of the existing facility.

8095 2. Its seating capacity would be no more than 75 percent
8096 of the capacity of the existing facility.

8097 3. The sports facility complex property is owned by a
8098 public body prior to July 1, 1983.

8099
8100 This exemption does not apply to any pari-mutuel facility.

8101 (d) Any proposed addition or cumulative additions
8102 subsequent to July 1, 1988, to an existing sports facility
8103 complex owned by a state university is exempt if the increased
8104 seating capacity of the complex is no more than 30 percent of
8105 the capacity of the existing facility.

8106 (e) Any addition of permanent seats or parking spaces for
8107 an existing sports facility located on property owned by a
8108 public body prior to July 1, 1973, is exempt from ~~the provisions~~

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8109 ~~of~~ this section if future additions do not expand existing
8110 permanent seating or parking capacity more than 15 percent
8111 annually in excess of the prior year's capacity.

8112 (f) Any increase in the seating capacity of an existing
8113 sports facility having a permanent seating capacity of at least
8114 50,000 spectators is exempt from ~~the provisions of~~ this section,
8115 provided that such an increase does not increase permanent
8116 seating capacity by more than 5 percent per year and not to
8117 exceed a total of 10 percent in any 5-year period, and provided
8118 that the sports facility notifies the appropriate local
8119 government within which the facility is located of the increase
8120 at least 6 months prior to the initial use of the increased
8121 seating, in order to permit the appropriate local government to
8122 develop a traffic management plan for the traffic generated by
8123 the increase. Any traffic management plan shall be consistent
8124 with the local comprehensive plan, the regional policy plan, and
8125 the state comprehensive plan.

8126 (g) Any expansion in the permanent seating capacity or
8127 additional improved parking facilities of an existing sports
8128 facility is exempt from ~~the provisions of~~ this section, if the
8129 following conditions exist:

8130 1.a. The sports facility had a permanent seating capacity
8131 on January 1, 1991, of at least 41,000 spectator seats;

8132 b. The sum of such expansions in permanent seating
8133 capacity does not exceed a total of 10 percent in any 5-year
8134 period and does not exceed a cumulative total of 20 percent for
8135 any such expansions; or

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8136 c. The increase in additional improved parking facilities
8137 is a one-time addition and does not exceed 3,500 parking spaces
8138 serving the sports facility; and

8139 2. The local government having jurisdiction of the sports
8140 facility includes in the development order or development permit
8141 approving such expansion under this paragraph a finding of fact
8142 that the proposed expansion is consistent with the
8143 transportation, water, sewer and stormwater drainage provisions
8144 of the approved local comprehensive plan and local land
8145 development regulations relating to those provisions.

8146
8147 Any owner or developer who intends to rely on this statutory
8148 exemption shall provide to the department a copy of the local
8149 government application for a development permit. Within 45 days
8150 of receipt of the application, the department shall render to
8151 the local government an advisory and nonbinding opinion, in
8152 writing, stating whether, in the department's opinion, the
8153 prescribed conditions exist for an exemption under this
8154 paragraph. The local government shall render the development
8155 order approving each such expansion to the department. The
8156 owner, developer, or department may appeal the local government
8157 development order pursuant to s. 380.07, within 45 days after
8158 the order is rendered. The scope of review shall be limited to
8159 the determination of whether the conditions prescribed in this
8160 paragraph exist. If any sports facility expansion undergoes
8161 development-of-regional-impact review, all previous expansions
8162 which were exempt under this paragraph shall be included in the
8163 development-of-regional-impact review.

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8164 (h) Expansion to port harbors, spoil disposal sites,
8165 navigation channels, turning basins, harbor berths, and other
8166 related inwater harbor facilities of ports listed in s.
8167 403.021(9)(b), port transportation facilities and projects
8168 listed in s. 311.07(3)(b), and intermodal transportation
8169 facilities identified pursuant to s. 311.09(3) are exempt from
8170 ~~the provisions of~~ this section when such expansions, projects,
8171 or facilities are consistent with comprehensive master plans
8172 that are in compliance with ~~the provisions of~~ s. 163.3178.

8173 (i) Any proposed facility for the storage of any petroleum
8174 product or any expansion of an existing facility is exempt from
8175 ~~the provisions of~~ this section.

8176 (j) Any renovation or redevelopment within the same land
8177 parcel which does not change land use or increase density or
8178 intensity of use.

8179 (k) Waterport and marina development, including dry
8180 storage facilities, are exempt from ~~the provisions of~~ this
8181 section.

8182 (l) Any proposed development within an urban service
8183 boundary established under s. 163.3177(14), which is not
8184 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
8185 ~~provisions of~~ this section if the local government having
8186 jurisdiction over the area where the development is proposed has
8187 adopted the urban service boundary, has entered into a binding
8188 agreement with jurisdictions that would be impacted and with the
8189 Department of Transportation regarding the mitigation of impacts
8190 on state and regional transportation facilities, ~~and has adopted~~
8191 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

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8192 (m) Any proposed development within a rural land
8193 stewardship area created under s. 163.3248 ~~163.3177(11)~~ (d) ~~is~~
8194 ~~exempt from the provisions of this section if the local~~
8195 ~~government that has adopted the rural land stewardship area has~~
8196 ~~entered into a binding agreement with jurisdictions that would~~
8197 ~~be impacted and the Department of Transportation regarding the~~
8198 ~~mitigation of impacts on state and regional transportation~~
8199 ~~facilities, and has adopted a proportionate share methodology~~
8200 ~~pursuant to s. 163.3180(16).~~

8201 (n) The establishment, relocation, or expansion of any
8202 military installation as defined in s. 163.3175, is exempt from
8203 this section.

8204 (o) Any self-storage warehousing that does not allow
8205 retail or other services is exempt from this section.

8206 (p) Any proposed nursing home or assisted living facility
8207 is exempt from this section.

8208 (q) Any development identified in an airport master plan
8209 and adopted into the comprehensive plan pursuant to s.
8210 163.3177(6) (k) is exempt from this section.

8211 (r) Any development identified in a campus master plan and
8212 adopted pursuant to s. 1013.30 is exempt from this section.

8213 (s) Any development in a detailed specific area plan which
8214 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
8215 ~~the comprehensive plan~~ is exempt from this section.

8216 (t) Any proposed solid mineral mine and any proposed
8217 addition to, expansion of, or change to an existing solid
8218 mineral mine is exempt from this section. A mine owner will
8219 enter into a binding agreement with the Department of

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8220 Transportation to mitigate impacts to strategic intermodal
8221 system facilities pursuant to the transportation thresholds in
8222 380.06(19) or rule 9J-2.045(6), Florida Administrative Code.
8223 Proposed changes to any previously approved solid mineral mine
8224 development-of-regional-impact development orders having vested
8225 rights is not subject to further review or approval as a
8226 development-of-regional-impact or notice-of-proposed-change
8227 review or approval pursuant to subsection (19), except for those
8228 applications pending as of July 1, 2011, which shall be governed
8229 by s. 380.115(2). Notwithstanding the foregoing, however,
8230 pursuant to s. 380.115(1), previously approved solid mineral
8231 mine development-of-regional-impact development orders shall
8232 continue to enjoy vested rights and continue to be effective
8233 unless rescinded by the developer. All local government
8234 regulations of proposed solid mineral mines shall be applicable
8235 to any new solid mineral mine or to any proposed addition to,
8236 expansion of, or change to an existing solid mineral mine.

8237 (u) Notwithstanding any provisions in an agreement with or
8238 among a local government, regional agency, or the state land
8239 planning agency or in a local government's comprehensive plan to
8240 the contrary, a project no longer subject to development-of-
8241 regional-impact review under revised thresholds is not required
8242 to undergo such review.

8243 (v) ~~(t)~~ Any development within a county with a research and
8244 education authority created by special act and that is also
8245 within a research and development park that is operated or
8246 managed by a research and development authority pursuant to part
8247 V of chapter 159 is exempt from this section.

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8248
8249 If a use is exempt from review as a development of regional
8250 impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a
8251 larger project that is subject to review as a development of
8252 regional impact, the impact of the exempt use must be included
8253 in the review of the larger project, unless such exempt use
8254 involves a development of regional impact that includes a
8255 landowner, tenant, or user that has entered into a funding
8256 agreement with the Office of Tourism, Trade, and Economic
8257 Development under the Innovation Incentive Program and the
8258 agreement contemplates a state award of at least \$50 million.

8259 (28) PARTIAL STATUTORY EXEMPTIONS.—

8260 (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to
8261 an authorized development of regional impact does ~~shall~~ not
8262 apply to those projects partially exempt from the development-
8263 of-regional-impact review process under paragraphs (a)-(d).

8264 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

8265 (a) The following are exempt from this section:

8266 1. Any proposed development in a municipality that has an
8267 average of at least 1,000 people per square mile of land area
8268 and a minimum total population of at least 5,000 ~~qualifies as a~~
8269 ~~dense urban land area as defined in s. 163.3164;~~

8270 2. Any proposed development within a county, including the
8271 municipalities located in the county, that has an average of at
8272 least 1,000 people per square mile of land area ~~qualifies as a~~
8273 ~~dense urban land area as defined in s. 163.3164~~ and that is
8274 located within an urban service area as defined in s. 163.3164
8275 which has been adopted into the comprehensive plan; ~~or~~

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8276 3. Any proposed development within a county, including the
8277 municipalities located therein, which has a population of at
8278 least 900,000, that has an average of at least 1,000 people per
8279 square mile of land area which qualifies as a dense urban land
8280 area under s. 163.3164, but which does not have an urban service
8281 area designated in the comprehensive plan; or

8282 4. Any proposed development within a county, including the
8283 municipalities located therein, which has a population of at
8284 least 1 million and is located within an urban service area as
8285 defined in s. 163.3164 which has been adopted into the
8286 comprehensive plan.

8287
8288 The Office of Economic and Demographic Research within the
8289 Legislature shall annually calculate the population and density
8290 criteria needed to determine which jurisdictions meet the
8291 density criteria in subparagraphs 1.-4. by using the most recent
8292 land area data from the decennial census conducted by the Bureau
8293 of the Census of the United States Department of Commerce and
8294 the latest available population estimates determined pursuant to
8295 s. 186.901. If any local government has had an annexation,
8296 contraction, or new incorporation, the Office of Economic and
8297 Demographic Research shall determine the population density
8298 using the new jurisdictional boundaries as recorded in
8299 accordance with s. 171.091. The Office of Economic and
8300 Demographic Research shall annually submit to the state land
8301 planning agency by July 1 a list of jurisdictions that meet the
8302 total population and density criteria. The state land planning
8303 agency shall publish the list of jurisdictions on its Internet

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8304 website within 7 days after the list is received. The
8305 designation of jurisdictions that meet the criteria of
8306 subparagraphs 1.-4. is effective upon publication on the state
8307 land planning agency's Internet website. If a municipality that
8308 has previously met the criteria no longer meets the criteria,
8309 the state land planning agency shall maintain the municipality
8310 on the list and indicate the year the jurisdiction last met the
8311 criteria. However, any proposed development of regional impact
8312 not within the established boundaries of a municipality at the
8313 time the municipality last met the criteria must meet the
8314 requirements of this section until such time as the municipality
8315 as a whole meets the criteria. Any county that meets the
8316 criteria shall remain on the list in accordance with the
8317 provisions of this paragraph. Any jurisdiction that was placed
8318 on the dense urban land area list before the effective date of
8319 this act shall remain on the list in accordance with the
8320 provisions of this paragraph.

8321 (d) A development that is located partially outside an
8322 area that is exempt from the development-of-regional-impact
8323 program must undergo development-of-regional-impact review
8324 pursuant to this section. However, if the total acreage that is
8325 included within the area exempt from development-of-regional-
8326 impact review exceeds 85 percent of the total acreage and square
8327 footage of the approved development of regional impact, the
8328 development-of-regional-impact development order may be
8329 rescinded in both local governments pursuant to s. 380.115(1),
8330 unless the portion of the development outside the exempt area

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8331 meets the threshold criteria of a development-of-regional-
8332 impact.

8333 (e) In an area that is exempt under paragraphs (a)-(c),
8334 any previously approved development-of-regional-impact
8335 development orders shall continue to be effective, but the
8336 developer has the option to be governed by s. 380.115(1). A
8337 pending application for development approval shall be governed
8338 by s. 380.115(2). ~~A development that has a pending application~~
8339 ~~for a comprehensive plan amendment and that elects not to~~
8340 ~~continue development-of-regional-impact review is exempt from~~
8341 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~
8342 ~~for the year following the effective date of the exemption.~~

8343 Section 55. Subsection (3) and paragraph (a) of subsection
8344 (4) of section 380.0651, Florida Statutes, are amended to read:
8345 380.0651 Statewide guidelines and standards.—

8346 (3) The following statewide guidelines and standards shall
8347 be applied in the manner described in s. 380.06(2) to determine
8348 whether the following developments shall be required to undergo
8349 development-of-regional-impact review:

8350 (a) *Airports.*—

8351 1. Any of the following airport construction projects
8352 shall be a development of regional impact:

8353 a. A new commercial service or general aviation airport
8354 with paved runways.

8355 b. A new commercial service or general aviation paved
8356 runway.

8357 c. A new passenger terminal facility.

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8358 2. Lengthening of an existing runway by 25 percent or an
8359 increase in the number of gates by 25 percent or three gates,
8360 whichever is greater, on a commercial service airport or a
8361 general aviation airport with regularly scheduled flights is a
8362 development of regional impact. However, expansion of existing
8363 terminal facilities at a nonhub or small hub commercial service
8364 airport shall not be a development of regional impact.

8365 3. Any airport development project which is proposed for
8366 safety, repair, or maintenance reasons alone and would not have
8367 the potential to increase or change existing types of aircraft
8368 activity is not a development of regional impact.

8369 Notwithstanding subparagraphs 1. and 2., renovation,
8370 modernization, or replacement of airport airside or terminal
8371 facilities that may include increases in square footage of such
8372 facilities but does not increase the number of gates or change
8373 the existing types of aircraft activity is not a development of
8374 regional impact.

8375 (b) *Attractions and recreation facilities.*—Any sports,
8376 entertainment, amusement, or recreation facility, including, but
8377 not limited to, a sports arena, stadium, racetrack, tourist
8378 attraction, amusement park, or pari-mutuel facility, the
8379 construction or expansion of which:

8380 1. For single performance facilities:

8381 a. Provides parking spaces for more than 2,500 cars; or

8382 b. Provides more than 10,000 permanent seats for
8383 spectators.

8384 2. For serial performance facilities:

8385 a. Provides parking spaces for more than 1,000 cars; or

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8386 b. Provides more than 4,000 permanent seats for
8387 spectators.

8388
8389 For purposes of this subsection, "serial performance facilities"
8390 means those using their parking areas or permanent seating more
8391 than one time per day on a regular or continuous basis.

8392 ~~3. For multiscreen movie theaters of at least 8 screens
8393 and 2,500 seats:~~

8394 ~~a. Provides parking spaces for more than 1,500 cars; or~~

8395 ~~b. Provides more than 6,000 permanent seats for
8396 spectators.~~

8397 ~~(c) Industrial plants, industrial parks, and distribution,
8398 warehousing or wholesaling facilities. Any proposed industrial,
8399 manufacturing, or processing plant, or distribution,
8400 warehousing, or wholesaling facility, excluding wholesaling
8401 developments which deal primarily with the general public
8402 onsite, under common ownership, or any proposed industrial,
8403 manufacturing, or processing activity or distribution,
8404 warehousing, or wholesaling activity, excluding wholesaling
8405 activities which deal primarily with the general public onsite,
8406 which:~~

8407 ~~1. Provides parking for more than 2,500 motor vehicles; or~~

8408 ~~2. Occupies a site greater than 320 acres.~~

8409 ~~(c)(d) Office development. Any proposed office building or
8410 park operated under common ownership, development plan, or
8411 management that:~~

8412 ~~1. Encompasses 300,000 or more square feet of gross floor
8413 area; or~~

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8414 2. Encompasses more than 600,000 square feet of gross
8415 floor area in a county with a population greater than 500,000
8416 and only in a geographic area specifically designated as highly
8417 suitable for increased threshold intensity in the approved local
8418 comprehensive plan.

8419 ~~(d)~~ ~~(e)~~ *Retail and service development.*—Any proposed
8420 retail, service, or wholesale business establishment or group of
8421 establishments which deals primarily with the general public
8422 onsite, operated under one common property ownership,
8423 development plan, or management that:

8424 1. Encompasses more than 400,000 square feet of gross
8425 area; or

8426 2. Provides parking spaces for more than 2,500 cars.

8427 ~~(f)~~ ~~Hotel or motel development.~~—

8428 ~~1. Any proposed hotel or motel development that is planned~~
8429 ~~to create or accommodate 350 or more units; or~~

8430 ~~2. Any proposed hotel or motel development that is planned~~
8431 ~~to create or accommodate 750 or more units, in a county with a~~
8432 ~~population greater than 500,000.~~

8433 ~~(e)~~ ~~(g)~~ *Recreational vehicle development.*—Any proposed
8434 recreational vehicle development planned to create or
8435 accommodate 500 or more spaces.

8436 ~~(f)~~ ~~(h)~~ *Multiuse development.*—Any proposed development with
8437 two or more land uses where the sum of the percentages of the
8438 appropriate thresholds identified in chapter 28-24, Florida
8439 Administrative Code, or this section for each land use in the
8440 development is equal to or greater than 145 percent. Any
8441 proposed development with three or more land uses, one of which
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8442 is residential and contains at least 100 dwelling units or 15
8443 percent of the applicable residential threshold, whichever is
8444 greater, where the sum of the percentages of the appropriate
8445 thresholds identified in chapter 28-24, Florida Administrative
8446 Code, or this section for each land use in the development is
8447 equal to or greater than 160 percent. This threshold is in
8448 addition to, and does not preclude, a development from being
8449 required to undergo development-of-regional-impact review under
8450 any other threshold.

8451 ~~(g)(i)~~ *Residential development.*—No rule may be adopted
8452 concerning residential developments which treats a residential
8453 development in one county as being located in a less populated
8454 adjacent county unless more than 25 percent of the development
8455 is located within 2 or less miles of the less populated adjacent
8456 county. The residential thresholds of adjacent counties with
8457 less population and a lower threshold shall not be controlling
8458 on any development wholly located within areas designated as
8459 rural areas of critical economic concern.

8460 ~~(h)(j)~~ *Workforce housing.*—The applicable guidelines for
8461 residential development and the residential component for
8462 multiuse development shall be increased by 50 percent where the
8463 developer demonstrates that at least 15 percent of the total
8464 residential dwelling units authorized within the development of
8465 regional impact will be dedicated to affordable workforce
8466 housing, subject to a recorded land use restriction that shall
8467 be for a period of not less than 20 years and that includes
8468 resale provisions to ensure long-term affordability for income-
8469 eligible homeowners and renters and provisions for the workforce
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8470 housing to be commenced prior to the completion of 50 percent of
8471 the market rate dwelling. For purposes of this paragraph, the
8472 term "affordable workforce housing" means housing that is
8473 affordable to a person who earns less than 120 percent of the
8474 area median income, or less than 140 percent of the area median
8475 income if located in a county in which the median purchase price
8476 for a single-family existing home exceeds the statewide median
8477 purchase price of a single-family existing home. For the
8478 purposes of this paragraph, the term "statewide median purchase
8479 price of a single-family existing home" means the statewide
8480 purchase price as determined in the Florida Sales Report,
8481 Single-Family Existing Homes, released each January by the
8482 Florida Association of Realtors and the University of Florida
8483 Real Estate Research Center.

8484 (i) ~~(k)~~ *Schools.*—

8485 1. The proposed construction of any public, private, or
8486 proprietary postsecondary educational campus which provides for
8487 a design population of more than 5,000 full-time equivalent
8488 students, or the proposed physical expansion of any public,
8489 private, or proprietary postsecondary educational campus having
8490 such a design population that would increase the population by
8491 at least 20 percent of the design population.

8492 2. As used in this paragraph, "full-time equivalent
8493 student" means enrollment for 15 or more quarter hours during a
8494 single academic semester. In career centers or other
8495 institutions which do not employ semester hours or quarter hours
8496 in accounting for student participation, enrollment for 18
8497 contact hours shall be considered equivalent to one quarter

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8498 hour, and enrollment for 27 contact hours shall be considered
8499 equivalent to one semester hour.

8500 3. This paragraph does not apply to institutions which are
8501 the subject of a campus master plan adopted by the university
8502 board of trustees pursuant to s. 1013.30.

8503 (4) Two or more developments, represented by their owners
8504 or developers to be separate developments, shall be aggregated
8505 and treated as a single development under this chapter when they
8506 are determined to be part of a unified plan of development and
8507 are physically proximate to one other.

8508 (a) The criteria of three ~~two~~ of the following
8509 subparagraphs must be met in order for the state land planning
8510 agency to determine that there is a unified plan of development:

8511 1.a. The same person has retained or shared control of the
8512 developments;

8513 b. The same person has ownership or a significant legal or
8514 equitable interest in the developments; or

8515 c. There is common management of the developments
8516 controlling the form of physical development or disposition of
8517 parcels of the development.

8518 2. There is a reasonable closeness in time between the
8519 completion of 80 percent or less of one development and the
8520 submission to a governmental agency of a master plan or series
8521 of plans or drawings for the other development which is
8522 indicative of a common development effort.

8523 3. A master plan or series of plans or drawings exists
8524 covering the developments sought to be aggregated which have
8525 been submitted to a local general-purpose government, water
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8526 management district, the Florida Department of Environmental
8527 Protection, or the Division of Florida Condominiums, Timeshares,
8528 and Mobile Homes for authorization to commence development. The
8529 existence or implementation of a utility's master utility plan
8530 required by the Public Service Commission or general-purpose
8531 local government or a master drainage plan shall not be the sole
8532 determinant of the existence of a master plan.

8533 ~~4. The voluntary sharing of infrastructure that is~~
8534 ~~indicative of a common development effort or is designated~~
8535 ~~specifically to accommodate the developments sought to be~~
8536 ~~aggregated, except that which was implemented because it was~~
8537 ~~required by a local general-purpose government; water management~~
8538 ~~district; the Department of Environmental Protection; the~~
8539 ~~Division of Florida Condominiums, Timeshares, and Mobile Homes;~~
8540 ~~or the Public Service Commission.~~

8541 ~~4.5.~~ There is a common advertising scheme or promotional
8542 plan in effect for the developments sought to be aggregated.

8543 Section 56. Subsection (17) of section 331.303, Florida
8544 Statutes, is amended to read:

8545 331.303 Definitions.—

8546 (17) "Spaceport launch facilities" means industrial
8547 facilities as described in s. 380.0651(3)(c), Florida Statutes
8548 2010, and include any launch pad, launch control center, and
8549 fixed launch-support equipment.

8550 Section 57. Subsection (1) of section 380.115, Florida
8551 Statutes, is amended to read:

8552 380.115 Vested rights and duties; effect of size
8553 reduction, changes in guidelines and standards.—

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8554 (1) A change in a development-of-regional-impact guideline
8555 and standard does not abridge or modify any vested or other
8556 right or any duty or obligation pursuant to any development
8557 order or agreement that is applicable to a development of
8558 regional impact. A development that has received a development-
8559 of-regional-impact development order pursuant to s. 380.06, but
8560 is no longer required to undergo development-of-regional-impact
8561 review by operation of a change in the guidelines and standards
8562 or has reduced its size below the thresholds in s. 380.0651, or
8563 a development that is exempt pursuant to s. 380.06(29) shall be
8564 governed by the following procedures:

8565 (a) The development shall continue to be governed by the
8566 development-of-regional-impact development order and may be
8567 completed in reliance upon and pursuant to the development order
8568 unless the developer or landowner has followed the procedures
8569 for rescission in paragraph (b). Any proposed changes to those
8570 developments which continue to be governed by a development
8571 order shall be approved pursuant to s. 380.06(19) as it existed
8572 prior to a change in the development-of-regional-impact
8573 guidelines and standards, except that all percentage criteria
8574 shall be doubled and all other criteria shall be increased by 10
8575 percent. The development-of-regional-impact development order
8576 may be enforced by the local government as provided by ss.
8577 380.06(17) and 380.11.

8578 (b) If requested by the developer or landowner, the
8579 development-of-regional-impact development order shall be
8580 rescinded by the local government having jurisdiction upon a
8581 showing that all required mitigation related to the amount of
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8582 development that existed on the date of rescission has been
8583 completed.

8584 Section 58. Paragraph (a) of subsection (8) of section
8585 380.061, Florida Statutes, is amended to read:

8586 380.061 The Florida Quality Developments program.—

8587 (8) (a) Any local government comprehensive plan amendments
8588 related to a Florida Quality Development may be initiated by a
8589 local planning agency and considered by the local governing body
8590 at the same time as the application for development approval,
8591 ~~using the procedures provided for local plan amendment in s.~~
8592 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
8593 ~~regard to statutory or local ordinance limits on the frequency~~
8594 ~~of consideration of amendments to the local comprehensive plan.~~

8595 Nothing in this subsection shall be construed to require
8596 favorable consideration of a Florida Quality Development solely
8597 because it is related to a development of regional impact.

8598 Section 59. Paragraph (a) of subsection (2) and subsection
8599 (10) of section 380.065, Florida Statutes, are amended to read:

8600 380.065 Certification of local government review of
8601 development.—

8602 (2) When a petition is filed, the state land planning
8603 agency shall have no more than 90 days to prepare and submit to
8604 the Administration Commission a report and recommendations on
8605 the proposed certification. In deciding whether to grant
8606 certification, the Administration Commission shall determine
8607 whether the following criteria are being met:

8608 (a) The petitioning local government has adopted and
8609 effectively implemented a local comprehensive plan and

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8610 development regulations which comply with ss. 163.3161-163.3215,
8611 the Community Local Government Comprehensive Planning and Land
8612 Development Regulation Act.

8613 ~~(10) The department shall submit an annual progress report~~
8614 ~~to the President of the Senate and the Speaker of the House of~~
8615 ~~Representatives by March 1 on the certification of local~~
8616 ~~governments, stating which local governments have been~~
8617 ~~certified. For those local governments which have applied for~~
8618 ~~certification but for which certification has been denied, the~~
8619 ~~department shall specify the reasons certification was denied.~~

8620 Section 60. Section 380.0685, Florida Statutes, is amended
8621 to read:

8622 380.0685 State park in area of critical state concern in
8623 county which creates land authority; surcharge on admission and
8624 overnight occupancy.—The Department of Environmental Protection
8625 shall impose and collect a surcharge of 50 cents per person per
8626 day, or \$5 per annual family auto entrance permit, on admission
8627 to all state parks in areas of critical state concern located in
8628 a county which creates a land authority pursuant to s.
8629 380.0663(1), and a surcharge of \$2.50 per night per campsite,
8630 cabin, or other overnight recreational occupancy unit in state
8631 parks in areas of critical state concern located in a county
8632 which creates a land authority pursuant to s. 380.0663(1);
8633 however, no surcharge shall be imposed or collected under this
8634 section for overnight use by nonprofit groups of organized group
8635 camps, primitive camping areas, or other facilities intended
8636 primarily for organized group use. Such surcharges shall be
8637 imposed within 90 days after any county creating a land

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8638 authority notifies the Department of Environmental Protection
8639 that the land authority has been created. The proceeds from such
8640 surcharges, less a collection fee that shall be kept by the
8641 Department of Environmental Protection for the actual cost of
8642 collection, not to exceed 2 percent, shall be transmitted to the
8643 land authority of the county from which the revenue was
8644 generated. Such funds shall be used to purchase property in the
8645 area or areas of critical state concern in the county from which
8646 the revenue was generated. An amount not to exceed 10 percent
8647 may be used for administration and other costs incident to such
8648 purchases. However, the proceeds of the surcharges imposed and
8649 collected pursuant to this section in a state park or parks
8650 located wholly within a municipality, less the costs of
8651 collection as provided herein, shall be transmitted to that
8652 municipality for use by the municipality for land acquisition or
8653 for beach renourishment or restoration, including, but not
8654 limited to, costs associated with any design, permitting,
8655 monitoring, and mitigation of such work, as well as the work
8656 itself. However, these funds may not be included in any
8657 calculation used for providing state matching funds for local
8658 contributions for beach renourishment or restoration. The
8659 surcharges levied under this section shall remain imposed as
8660 long as the land authority is in existence.

8661 Section 61. Subsection (3) of section 380.115, Florida
8662 Statutes, is amended to read:

8663 380.115 Vested rights and duties; effect of size
8664 reduction, changes in guidelines and standards.-

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8665 (3) A landowner that has filed an application for a
8666 development-of-regional-impact review prior to the adoption of a
8667 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
8668 have the application reviewed pursuant to s. 380.06,
8669 comprehensive plan provisions in force prior to adoption of the
8670 sector plan, and any requested comprehensive plan amendments
8671 that accompany the application.

8672 Section 62. Subsection (1) of section 403.50665, Florida
8673 Statutes, is amended to read:

8674 403.50665 Land use consistency.—

8675 (1) The applicant shall include in the application a
8676 statement on the consistency of the site and any associated
8677 facilities that constitute a "development," as defined in s.
8678 380.04, with existing land use plans and zoning ordinances that
8679 were in effect on the date the application was filed and a full
8680 description of such consistency. This information shall include
8681 an identification of those associated facilities that the
8682 applicant believes are exempt from the requirements of land use
8683 plans and zoning ordinances under ~~the provisions of the~~
8684 Community Local Government Comprehensive Planning and Land
8685 ~~Development Regulation~~ Act provisions of chapter 163 and s.
8686 380.04(3).

8687 Section 63. Subsection (13) and paragraph (a) of
8688 subsection (14) of section 403.973, Florida Statutes, are
8689 amended to read:

8690 403.973 Expedited permitting; amendments to comprehensive
8691 plans.—

8692 (13) Notwithstanding any other provisions of law:

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8693 ~~(a) Local comprehensive plan amendments for projects~~
8694 ~~qualified under this section are exempt from the twice-a-year~~
8695 ~~limits provision in s. 163.3187; and~~

8696 ~~(b)~~ Projects qualified under this section are not subject
8697 to interstate highway level-of-service standards adopted by the
8698 Department of Transportation for concurrency purposes. The
8699 memorandum of agreement specified in subsection (5) must include
8700 a process by which the applicant will be assessed a fair share
8701 of the cost of mitigating the project's significant traffic
8702 impacts, as defined in chapter 380 and related rules. The
8703 agreement must also specify whether the significant traffic
8704 impacts on the interstate system will be mitigated through the
8705 implementation of a project or payment of funds to the
8706 Department of Transportation. Where funds are paid, the
8707 Department of Transportation must include in the 5-year work
8708 program transportation projects or project phases, in an amount
8709 equal to the funds received, to mitigate the traffic impacts
8710 associated with the proposed project.

8711 (14) (a) Challenges to state agency action in the expedited
8712 permitting process for projects processed under this section are
8713 subject to the summary hearing provisions of s. 120.574, except
8714 that the administrative law judge's decision, as provided in s.
8715 120.574(2) (f), shall be in the form of a recommended order and
8716 do ~~shall~~ not constitute the final action of the state agency. In
8717 those proceedings where the action of only one agency of the
8718 state other than the Department of Environmental Protection is
8719 challenged, the agency of the state shall issue the final order
8720 within 45 working days after receipt of the administrative law
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8721 judge's recommended order, and the recommended order shall
8722 inform the parties of their right to file exceptions or
8723 responses to the recommended order in accordance with the
8724 uniform rules of procedure pursuant to s. 120.54. In those
8725 proceedings where the actions of more than one agency of the
8726 state are challenged, the Governor shall issue the final order
8727 within 45 working days after receipt of the administrative law
8728 judge's recommended order, and the recommended order shall
8729 inform the parties of their right to file exceptions or
8730 responses to the recommended order in accordance with the
8731 uniform rules of procedure pursuant to s. 120.54. This paragraph
8732 does not apply to the issuance of department licenses required
8733 under any federally delegated or approved permit program. In
8734 such instances, the department shall enter the final order. The
8735 participating agencies of the state may opt at the preliminary
8736 hearing conference to allow the administrative law judge's
8737 decision to constitute the final agency action. ~~If a~~
8738 ~~participating local government agrees to participate in the~~
8739 ~~summary hearing provisions of s. 120.574 for purposes of review~~
8740 ~~of local government comprehensive plan amendments, s.~~
8741 ~~163.3184(9) and (10) apply.~~

8742 Section 64. Subsections (9) and (10) of section 420.5095,
8743 Florida Statutes, are amended to read:

8744 420.5095 Community Workforce Housing Innovation Pilot
8745 Program.—

8746 (9) Notwithstanding s. 163.3184(4)(b)-(d)~~(3)-(6)~~, any
8747 local government comprehensive plan amendment to implement a
8748 Community Workforce Housing Innovation Pilot Program project
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8749 found consistent with ~~the provisions of~~ this section shall be
8750 expedited as provided in this subsection. At least 30 days prior
8751 to adopting a plan amendment under this subsection, the local
8752 government shall notify the state land planning agency of its
8753 intent to adopt such an amendment, and the notice shall include
8754 its evaluation related to site suitability and availability of
8755 facilities and services. The public notice of the hearing
8756 required by s. 163.3184(11) ~~(15)~~ (b)2. shall include a statement
8757 that the local government intends to use the expedited adoption
8758 process authorized by this subsection. Such amendments shall
8759 require only a single public hearing before the governing board,
8760 which shall be an adoption hearing as described in s.
8761 163.3184(4) (e) ~~(7)~~. ~~The state land planning agency shall issue~~
8762 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~
8763 ~~after determining that the amendment package is complete. Any~~
8764 further proceedings shall be governed by s. ss. 163.3184(5) -
8765 (13) (9) - (16). ~~Amendments proposed under this section are not~~
8766 ~~subject to s. 163.3187(1), which limits the adoption of a~~
8767 ~~comprehensive plan amendment to no more than two times during~~
8768 ~~any calendar year.~~

8769 (10) The processing of approvals of development orders or
8770 development permits, as defined in s. 163.3164(7) ~~and (8)~~, for
8771 innovative community workforce housing projects shall be
8772 expedited.

8773 Section 65. Subsection (5) of section 420.615, Florida
8774 Statutes, is amended to read:

8775 420.615 Affordable housing land donation density bonus
8776 incentives.-

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8777 (5) The local government, as part of the approval process,
8778 shall adopt a comprehensive plan amendment, pursuant to part II
8779 of chapter 163, for the receiving land that incorporates the
8780 density bonus. Such amendment shall be adopted in the manner as
8781 required for small-scale amendments pursuant to s. 163.3187, is
8782 not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~,
8783 and ~~is exempt from the limitation on the frequency of plan~~
8784 ~~amendments as provided in s. 163.3187.~~

8785 Section 66. Subsection (16) of section 420.9071, Florida
8786 Statutes, is amended to read:

8787 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
8788 term:

8789 (16) "Local housing incentive strategies" means local
8790 regulatory reform or incentive programs to encourage or
8791 facilitate affordable housing production, which include at a
8792 minimum, assurance that permits as defined in s. 163.3164 ~~(7)~~ and
8793 ~~(8)~~ for affordable housing projects are expedited to a greater
8794 degree than other projects; an ongoing process for review of
8795 local policies, ordinances, regulations, and plan provisions
8796 that increase the cost of housing prior to their adoption; and a
8797 schedule for implementing the incentive strategies. Local
8798 housing incentive strategies may also include other regulatory
8799 reforms, such as those enumerated in s. 420.9076 or those
8800 recommended by the affordable housing advisory committee in its
8801 triennial evaluation of the implementation of affordable housing
8802 incentives, and adopted by the local governing body.

8803 Section 67. Paragraph (a) of subsection (4) of section
8804 420.9076, Florida Statutes, is amended to read:

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8805 420.9076 Adoption of affordable housing incentive
8806 strategies; committees.-

8807 (4) Triennially, the advisory committee shall review the
8808 established policies and procedures, ordinances, land
8809 development regulations, and adopted local government
8810 comprehensive plan of the appointing local government and shall
8811 recommend specific actions or initiatives to encourage or
8812 facilitate affordable housing while protecting the ability of
8813 the property to appreciate in value. The recommendations may
8814 include the modification or repeal of existing policies,
8815 procedures, ordinances, regulations, or plan provisions; the
8816 creation of exceptions applicable to affordable housing; or the
8817 adoption of new policies, procedures, regulations, ordinances,
8818 or plan provisions, including recommendations to amend the local
8819 government comprehensive plan and corresponding regulations,
8820 ordinances, and other policies. At a minimum, each advisory
8821 committee shall submit a report to the local governing body that
8822 includes recommendations on, and triennially thereafter
8823 evaluates the implementation of, affordable housing incentives
8824 in the following areas:

8825 (a) The processing of approvals of development orders or
8826 permits, as defined in s. 163.3164(7) and (8), for affordable
8827 housing projects is expedited to a greater degree than other
8828 projects.

8829
8830 The advisory committee recommendations may also include other
8831 affordable housing incentives identified by the advisory
8832 committee. Local governments that receive the minimum allocation
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8833 under the State Housing Initiatives Partnership Program shall
8834 perform the initial review but may elect to not perform the
8835 triennial review.

8836 Section 68. Subsection (1) of section 720.403, Florida
8837 Statutes, is amended to read:

8838 720.403 Preservation of residential communities; revival
8839 of declaration of covenants.—

8840 (1) Consistent with required and optional elements of
8841 local comprehensive plans and other applicable provisions of the
8842 Community Local Government Comprehensive Planning and Land
8843 ~~Development Regulation~~ Act, homeowners are encouraged to
8844 preserve existing residential communities, promote available and
8845 affordable housing, protect structural and aesthetic elements of
8846 their residential community, and, as applicable, maintain roads
8847 and streets, easements, water and sewer systems, utilities,
8848 drainage improvements, conservation and open areas, recreational
8849 amenities, and other infrastructure and common areas that serve
8850 and support the residential community by the revival of a
8851 previous declaration of covenants and other governing documents
8852 that may have ceased to govern some or all parcels in the
8853 community.

8854 Section 69. Subsection (6) of section 1013.30, Florida
8855 Statutes, is amended to read:

8856 1013.30 University campus master plans and campus
8857 development agreements.—

8858 (6) Before a campus master plan is adopted, a copy of the
8859 draft master plan must be sent for review or made available
8860 electronically to the host and any affected local governments,
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8861 the state land planning agency, the Department of Environmental
8862 Protection, the Department of Transportation, the Department of
8863 State, the Fish and Wildlife Conservation Commission, and the
8864 applicable water management district and regional planning
8865 council. At the request of a governmental entity, a hard copy of
8866 the draft master plan shall be submitted within 7 business days
8867 of an electronic copy being made available. These agencies must
8868 be given 90 days after receipt of the campus master plans in
8869 which to conduct their review and provide comments to the
8870 university board of trustees. The commencement of this review
8871 period must be advertised in newspapers of general circulation
8872 within the host local government and any affected local
8873 government to allow for public comment. Following receipt and
8874 consideration of all comments and the holding of an informal
8875 information session and at least two public hearings within the
8876 host jurisdiction, the university board of trustees shall adopt
8877 the campus master plan. It is the intent of the Legislature that
8878 the university board of trustees comply with the notice
8879 requirements set forth in s. 163.3184(11)~~(15)~~ to ensure full
8880 public participation in this planning process. The informal
8881 public information session must be held before the first public
8882 hearing. The first public hearing shall be held before the draft
8883 master plan is sent to the agencies specified in this
8884 subsection. The second public hearing shall be held in
8885 conjunction with the adoption of the draft master plan by the
8886 university board of trustees. Campus master plans developed
8887 under this section are not rules and are not subject to chapter
8888 120 except as otherwise provided in this section.

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8889 Section 70. Section 1013.33, Florida Statutes, is amended
8890 to read:

8891 1013.33 Coordination of planning with local governing
8892 bodies.—

8893 (1) It is the policy of this state to require the
8894 coordination of planning between boards and local governing
8895 bodies to ensure that plans for the construction and opening of
8896 public educational facilities are facilitated and coordinated in
8897 time and place with plans for residential development,
8898 concurrently with other necessary services. Such planning shall
8899 include the integration of the educational facilities plan and
8900 applicable policies and procedures of a board with the local
8901 comprehensive plan and land development regulations of local
8902 governments. The planning must include the consideration of
8903 allowing students to attend the school located nearest their
8904 homes when a new housing development is constructed near a
8905 county boundary and it is more feasible to transport the
8906 students a short distance to an existing facility in an adjacent
8907 county than to construct a new facility or transport students
8908 longer distances in their county of residence. The planning must
8909 also consider the effects of the location of public education
8910 facilities, including the feasibility of keeping central city
8911 facilities viable, in order to encourage central city
8912 redevelopment and the efficient use of infrastructure and to
8913 discourage uncontrolled urban sprawl. In addition, all parties
8914 to the planning process must consult with state and local road
8915 departments to assist in implementing the Safe Paths to Schools
8916 program administered by the Department of Transportation.

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8917 (2) (a) The school board, county, and nonexempt
8918 municipalities located within the geographic area of a school
8919 district shall enter into an interlocal agreement that jointly
8920 establishes the specific ways in which the plans and processes
8921 of the district school board and the local governments are to be
8922 coordinated. The interlocal agreements shall be submitted to the
8923 state land planning agency and the Office of Educational
8924 Facilities in accordance with a schedule published by the state
8925 land planning agency.

8926 (b) The schedule must establish staggered due dates for
8927 submission of interlocal agreements that are executed by both
8928 the local government and district school board, commencing on
8929 March 1, 2003, and concluding by December 1, 2004, and must set
8930 the same date for all governmental entities within a school
8931 district. However, if the county where the school district is
8932 located contains more than 20 municipalities, the state land
8933 planning agency may establish staggered due dates for the
8934 submission of interlocal agreements by these municipalities. The
8935 schedule must begin with those areas where both the number of
8936 districtwide capital-outlay full-time-equivalent students equals
8937 80 percent or more of the current year's school capacity and the
8938 projected 5-year student growth rate is 1,000 or greater, or
8939 where the projected 5-year student growth rate is 10 percent or
8940 greater.

8941 (c) If the student population has declined over the 5-year
8942 period preceding the due date for submittal of an interlocal
8943 agreement by the local government and the district school board,
8944 the local government and district school board may petition the
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8945 state land planning agency for a waiver of one or more of the
8946 requirements of subsection (3). The waiver must be granted if
8947 the procedures called for in subsection (3) are unnecessary
8948 because of the school district's declining school age
8949 population, considering the district's 5-year work program
8950 prepared pursuant to s. 1013.35. The state land planning agency
8951 may modify or revoke the waiver upon a finding that the
8952 conditions upon which the waiver was granted no longer exist.
8953 The district school board and local governments must submit an
8954 interlocal agreement within 1 year after notification by the
8955 state land planning agency that the conditions for a waiver no
8956 longer exist.

8957 (d) Interlocal agreements between local governments and
8958 district school boards adopted pursuant to s. 163.3177 before
8959 the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be
8960 updated and executed pursuant to the requirements of subsections
8961 (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal
8962 agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must
8963 be submitted to the state land planning agency within 30 days
8964 after execution by the parties for review consistent with
8965 subsections (3) and (4). Local governments and the district
8966 school board in each school district are encouraged to adopt a
8967 single interlocal agreement in which all join as parties. The
8968 state land planning agency shall assemble and make available
8969 model interlocal agreements meeting the requirements of
8970 subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments
8971 and, jointly with the Department of Education, the district
8972 school boards of the requirements of subsections (2)-(7) ~~(2)-~~
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8973 ~~(9)~~, the dates for compliance, and the sanctions for
8974 noncompliance. The state land planning agency shall be available
8975 to informally review proposed interlocal agreements. If the
8976 state land planning agency has not received a proposed
8977 interlocal agreement for informal review, the state land
8978 planning agency shall, at least 60 days before the deadline for
8979 submission of the executed agreement, renotify the local
8980 government and the district school board of the upcoming
8981 deadline and the potential for sanctions.

8982 (3) At a minimum, the interlocal agreement must address
8983 interlocal agreement requirements in s. 163.31777 and, if
8984 applicable, s. 163.3180(6)-(13)(g), ~~except for exempt local~~
8985 ~~governments as provided in s. 163.3177(12)~~, and must address the
8986 following issues:

8987 (a) A process by which each local government and the
8988 district school board agree and base their plans on consistent
8989 projections of the amount, type, and distribution of population
8990 growth and student enrollment. The geographic distribution of
8991 jurisdiction-wide growth forecasts is a major objective of the
8992 process.

8993 (b) A process to coordinate and share information relating
8994 to existing and planned public school facilities, including
8995 school renovations and closures, and local government plans for
8996 development and redevelopment.

8997 (c) Participation by affected local governments with the
8998 district school board in the process of evaluating potential
8999 school closures, significant renovations to existing schools,
9000 and new school site selection before land acquisition. Local
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9001 governments shall advise the district school board as to the
9002 consistency of the proposed closure, renovation, or new site
9003 with the local comprehensive plan, including appropriate
9004 circumstances and criteria under which a district school board
9005 may request an amendment to the comprehensive plan for school
9006 siting.

9007 (d) A process for determining the need for and timing of
9008 onsite and offsite improvements to support new construction,
9009 proposed expansion, or redevelopment of existing schools. The
9010 process shall address identification of the party or parties
9011 responsible for the improvements.

9012 (e) A process for the school board to inform the local
9013 government regarding the effect of comprehensive plan amendments
9014 on school capacity. The capacity reporting must be consistent
9015 with laws and rules regarding measurement of school facility
9016 capacity and must also identify how the district school board
9017 will meet the public school demand based on the facilities work
9018 program adopted pursuant to s. 1013.35.

9019 (f) Participation of the local governments in the
9020 preparation of the annual update to the school board's 5-year
9021 district facilities work program and educational plant survey
9022 prepared pursuant to s. 1013.35.

9023 (g) A process for determining where and how joint use of
9024 either school board or local government facilities can be shared
9025 for mutual benefit and efficiency.

9026 (h) A procedure for the resolution of disputes between the
9027 district school board and local governments, which may include

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9028 the dispute resolution processes contained in chapters 164 and
9029 186.

9030 (i) An oversight process, including an opportunity for
9031 public participation, for the implementation of the interlocal
9032 agreement.

9033 (4) (a) The Office of Educational Facilities shall submit
9034 any comments or concerns regarding the executed interlocal
9035 agreement to the state land planning agency within 30 days after
9036 receipt of the executed interlocal agreement. The state land
9037 planning agency shall review the executed interlocal agreement
9038 to determine whether it is consistent with the requirements of
9039 subsection (3), the adopted local government comprehensive plan,
9040 and other requirements of law. Within 60 days after receipt of
9041 an executed interlocal agreement, the state land planning agency
9042 shall publish a notice of intent in the Florida Administrative
9043 Weekly and shall post a copy of the notice on the agency's
9044 Internet site. The notice of intent must state that the
9045 interlocal agreement is consistent or inconsistent with the
9046 requirements of subsection (3) and this subsection as
9047 appropriate.

9048 (b) The state land planning agency's notice is subject to
9049 challenge under chapter 120; however, an affected person, as
9050 defined in s. 163.3184(1) (a), has standing to initiate the
9051 administrative proceeding, and this proceeding is the sole means
9052 available to challenge the consistency of an interlocal
9053 agreement required by this section with the criteria contained
9054 in subsection (3) and this subsection. In order to have
9055 standing, each person must have submitted oral or written

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9056 comments, recommendations, or objections to the local government
9057 or the school board before the adoption of the interlocal
9058 agreement by the district school board and local government. The
9059 district school board and local governments are parties to any
9060 such proceeding. In this proceeding, when the state land
9061 planning agency finds the interlocal agreement to be consistent
9062 with the criteria in subsection (3) and this subsection, the
9063 interlocal agreement must be determined to be consistent with
9064 subsection (3) and this subsection if the local government's and
9065 school board's determination of consistency is fairly debatable.
9066 When the state land planning agency finds the interlocal
9067 agreement to be inconsistent with the requirements of subsection
9068 (3) and this subsection, the local government's and school
9069 board's determination of consistency shall be sustained unless
9070 it is shown by a preponderance of the evidence that the
9071 interlocal agreement is inconsistent.

9072 (c) If the state land planning agency enters a final order
9073 that finds that the interlocal agreement is inconsistent with
9074 the requirements of subsection (3) or this subsection, the state
9075 land planning agency shall forward it to the Administration
9076 Commission, which may impose sanctions against the local
9077 government pursuant to s. 163.3184(11) and may impose sanctions
9078 against the district school board by directing the Department of
9079 Education to withhold an equivalent amount of funds for school
9080 construction available pursuant to ss. 1013.65, 1013.68,
9081 1013.70, and 1013.72.

9082 (5) If an executed interlocal agreement is not timely
9083 submitted to the state land planning agency for review, the
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9084 state land planning agency shall, within 15 working days after
9085 the deadline for submittal, issue to the local government and
9086 the district school board a notice to show cause why sanctions
9087 should not be imposed for failure to submit an executed
9088 interlocal agreement by the deadline established by the agency.
9089 The agency shall forward the notice and the responses to the
9090 Administration Commission, which may enter a final order citing
9091 the failure to comply and imposing sanctions against the local
9092 government and district school board by directing the
9093 appropriate agencies to withhold at least 5 percent of state
9094 funds pursuant to s. 163.3184(11) and by directing the
9095 Department of Education to withhold from the district school
9096 board at least 5 percent of funds for school construction
9097 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
9098 1013.72.

9099 (6) Any local government transmitting a public school
9100 element to implement school concurrency pursuant to the
9101 requirements of s. 163.3180 before the effective date of this
9102 section is not required to amend the element or any interlocal
9103 agreement to conform with the provisions of subsections (2)-(6)
9104 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year
9105 after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and
9106 remains in effect.

9107 ~~(7) Except as provided in subsection (8), municipalities~~
9108 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
9109 ~~from the requirements of subsections (2), (3), and (4).~~

9110 ~~(8) At the time of the evaluation and appraisal report,~~
9111 ~~each exempt municipality shall assess the extent to which it~~
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9112 ~~continues to meet the criteria for exemption under s.~~
9113 ~~163.3177(12). If the municipality continues to meet these~~
9114 ~~criteria, the municipality shall continue to be exempt from the~~
9115 ~~interlocal agreement requirement. Each municipality exempt under~~
9116 ~~s. 163.3177(12) must comply with the provisions of subsections~~
9117 ~~(2)-(8) within 1 year after the district school board proposes,~~
9118 ~~in its 5-year district facilities work program, a new school~~
9119 ~~within the municipality's jurisdiction.~~

9120 (7)(9) A board and the local governing body must share and
9121 coordinate information related to existing and planned school
9122 facilities; proposals for development, redevelopment, or
9123 additional development; and infrastructure required to support
9124 the school facilities, concurrent with proposed development. A
9125 school board shall use information produced by the demographic,
9126 revenue, and education estimating conferences pursuant to s.
9127 216.136 when preparing the district educational facilities plan
9128 pursuant to s. 1013.35, as modified and agreed to by the local
9129 governments, when provided by interlocal agreement, and the
9130 Office of Educational Facilities, in consideration of local
9131 governments' population projections, to ensure that the district
9132 educational facilities plan not only reflects enrollment
9133 projections but also considers applicable municipal and county
9134 growth and development projections. The projections must be
9135 apportioned geographically with assistance from the local
9136 governments using local government trend data and the school
9137 district student enrollment data. A school board is precluded
9138 from siting a new school in a jurisdiction where the school
9139 board has failed to provide the annual educational facilities
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9140 plan for the prior year required pursuant to s. 1013.35 unless
9141 the failure is corrected.

9142 ~~(8)-(10)~~ The location of educational facilities shall be
9143 consistent with the comprehensive plan of the appropriate local
9144 governing body developed under part II of chapter 163 and
9145 consistent with the plan's implementing land development
9146 regulations.

9147 ~~(9)-(11)~~ To improve coordination relative to potential
9148 educational facility sites, a board shall provide written notice
9149 to the local government that has regulatory authority over the
9150 use of the land consistent with an interlocal agreement entered
9151 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior
9152 to acquiring or leasing property that may be used for a new
9153 public educational facility. The local government, upon receipt
9154 of this notice, shall notify the board within 45 days if the
9155 site proposed for acquisition or lease is consistent with the
9156 land use categories and policies of the local government's
9157 comprehensive plan. This preliminary notice does not constitute
9158 the local government's determination of consistency pursuant to
9159 subsection (10) ~~(12)~~.

9160 ~~(10)-(12)~~ As early in the design phase as feasible and
9161 consistent with an interlocal agreement entered pursuant to
9162 subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before
9163 commencing construction, the district school board shall in
9164 writing request a determination of consistency with the local
9165 government's comprehensive plan. The local governing body that
9166 regulates the use of land shall determine, in writing within 45
9167 days after receiving the necessary information and a school
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9168 board's request for a determination, whether a proposed
9169 educational facility is consistent with the local comprehensive
9170 plan and consistent with local land development regulations. If
9171 the determination is affirmative, school construction may
9172 commence and further local government approvals are not
9173 required, except as provided in this section. Failure of the
9174 local governing body to make a determination in writing within
9175 90 days after a district school board's request for a
9176 determination of consistency shall be considered an approval of
9177 the district school board's application. Campus master plans and
9178 development agreements must comply with the provisions of ss.
9179 1013.30 and 1013.63.

9180 ~~(11)-(13)~~ A local governing body may not deny the site
9181 applicant based on adequacy of the site plan as it relates
9182 solely to the needs of the school. If the site is consistent
9183 with the comprehensive plan's land use policies and categories
9184 in which public schools are identified as allowable uses, the
9185 local government may not deny the application but it may impose
9186 reasonable development standards and conditions in accordance
9187 with s. 1013.51(1) and consider the site plan and its adequacy
9188 as it relates to environmental concerns, health, safety and
9189 welfare, and effects on adjacent property. Standards and
9190 conditions may not be imposed which conflict with those
9191 established in this chapter or the Florida Building Code, unless
9192 mutually agreed and consistent with the interlocal agreement
9193 required by subsections (2)-(6) ~~(2)-(8)~~.

9194 ~~(12)-(14)~~ This section does not prohibit a local governing
9195 body and district school board from agreeing and establishing an
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9196 alternative process for reviewing a proposed educational
9197 facility and site plan, and offsite impacts, pursuant to an
9198 interlocal agreement adopted in accordance with subsections (2)-
9199 (6) ~~(2)-(8)~~.

9200 (13) ~~(15)~~ Existing schools shall be considered consistent
9201 with the applicable local government comprehensive plan adopted
9202 under part II of chapter 163. If a board submits an application
9203 to expand an existing school site, the local governing body may
9204 impose reasonable development standards and conditions on the
9205 expansion only, and in a manner consistent with s. 1013.51(1).
9206 Standards and conditions may not be imposed which conflict with
9207 those established in this chapter or the Florida Building Code,
9208 unless mutually agreed. Local government review or approval is
9209 not required for:

9210 (a) The placement of temporary or portable classroom
9211 facilities; or

9212 (b) Proposed renovation or construction on existing school
9213 sites, with the exception of construction that changes the
9214 primary use of a facility, includes stadiums, or results in a
9215 greater than 5 percent increase in student capacity, or as
9216 mutually agreed upon, pursuant to an interlocal agreement
9217 adopted in accordance with subsections (2)-(6) ~~(8)~~.

9218 Section 71. Paragraph (b) of subsection (2) of section
9219 1013.35, Florida Statutes, is amended to read:

9220 1013.35 School district educational facilities plan;
9221 definitions; preparation, adoption, and amendment; long-term
9222 work programs.-

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Amendment No.

9223 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
9224 FACILITIES PLAN.—

9225 (b) The plan must also include a financially feasible
9226 district facilities work program for a 5-year period. The work
9227 program must include:

9228 1. A schedule of major repair and renovation projects
9229 necessary to maintain the educational facilities and ancillary
9230 facilities of the district.

9231 2. A schedule of capital outlay projects necessary to
9232 ensure the availability of satisfactory student stations for the
9233 projected student enrollment in K-12 programs. This schedule
9234 shall consider:

9235 a. The locations, capacities, and planned utilization
9236 rates of current educational facilities of the district. The
9237 capacity of existing satisfactory facilities, as reported in the
9238 Florida Inventory of School Houses must be compared to the
9239 capital outlay full-time-equivalent student enrollment as
9240 determined by the department, including all enrollment used in
9241 the calculation of the distribution formula in s. 1013.64.

9242 b. The proposed locations of planned facilities, whether
9243 those locations are consistent with the comprehensive plans of
9244 all affected local governments, and recommendations for
9245 infrastructure and other improvements to land adjacent to
9246 existing facilities. The provisions of ss. 1013.33(10), (11),
9247 and (12), ~~(13)~~, ~~and (14)~~ and 1013.36 must be addressed for new
9248 facilities planned within the first 3 years of the work plan, as
9249 appropriate.

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9250 c. Plans for the use and location of relocatable
9251 facilities, leased facilities, and charter school facilities.

9252 d. Plans for multitrack scheduling, grade level
9253 organization, block scheduling, or other alternatives that
9254 reduce the need for additional permanent student stations.

9255 e. Information concerning average class size and
9256 utilization rate by grade level within the district which will
9257 result if the tentative district facilities work program is
9258 fully implemented.

9259 f. The number and percentage of district students planned
9260 to be educated in relocatable facilities during each year of the
9261 tentative district facilities work program. For determining
9262 future needs, student capacity may not be assigned to any
9263 relocatable classroom that is scheduled for elimination or
9264 replacement with a permanent educational facility in the current
9265 year of the adopted district educational facilities plan and in
9266 the district facilities work program adopted under this section.
9267 Those relocatable classrooms clearly identified and scheduled
9268 for replacement in a school-board-adopted, financially feasible,
9269 5-year district facilities work program shall be counted at zero
9270 capacity at the time the work program is adopted and approved by
9271 the school board. However, if the district facilities work
9272 program is changed and the relocatable classrooms are not
9273 replaced as scheduled in the work program, the classrooms must
9274 be reentered into the system and be counted at actual capacity.
9275 Relocatable classrooms may not be perpetually added to the work
9276 program or continually extended for purposes of circumventing
9277 this section. All relocatable classrooms not identified and

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9278 scheduled for replacement, including those owned, lease-
9279 purchased, or leased by the school district, must be counted at
9280 actual student capacity. The district educational facilities
9281 plan must identify the number of relocatable student stations
9282 scheduled for replacement during the 5-year survey period and
9283 the total dollar amount needed for that replacement.

9284 g. Plans for the closure of any school, including plans
9285 for disposition of the facility or usage of facility space, and
9286 anticipated revenues.

9287 h. Projects for which capital outlay and debt service
9288 funds accruing under s. 9(d), Art. XII of the State Constitution
9289 are to be used shall be identified separately in priority order
9290 on a project priority list within the district facilities work
9291 program.

9292 3. The projected cost for each project identified in the
9293 district facilities work program. For proposed projects for new
9294 student stations, a schedule shall be prepared comparing the
9295 planned cost and square footage for each new student station, by
9296 elementary, middle, and high school levels, to the low, average,
9297 and high cost of facilities constructed throughout the state
9298 during the most recent fiscal year for which data is available
9299 from the Department of Education.

9300 4. A schedule of estimated capital outlay revenues from
9301 each currently approved source which is estimated to be
9302 available for expenditure on the projects included in the
9303 district facilities work program.

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Amendment No.

9304 5. A schedule indicating which projects included in the
9305 district facilities work program will be funded from current
9306 revenues projected in subparagraph 4.

9307 6. A schedule of options for the generation of additional
9308 revenues by the district for expenditure on projects identified
9309 in the district facilities work program which are not funded
9310 under subparagraph 5. Additional anticipated revenues may
9311 include effort index grants, SIT Program awards, and Classrooms
9312 First funds.

9313 Section 72. Rules 9J-5 and 9J-11.023, Florida
9314 Administrative Code, are repealed, and the Department of State
9315 is directed to remove those rules from the Florida
9316 Administrative Code.

9317 Section 73. (1) Any permit or any other authorization
9318 that was extended under section 14 of chapter 2009-96, Laws of
9319 Florida, as reauthorized by section 47 of chapter 2010-147, Laws
9320 of Florida, is extended and renewed for an additional period of
9321 2 years after its previously scheduled expiration date. This
9322 extension is in addition to the 2-year permit extension provided
9323 under section 14 of chapter 2009-96, Laws of Florida, as
9324 reauthorized by section 47 of chapter 2010-147, Laws of Florida.
9325 This section does not prohibit conversion from the construction
9326 phase to the operation phase upon completion of construction.
9327 Permits that were extended by a total of 4 years pursuant to
9328 section 14 of chapter 2009-96, Laws of Florida, as reauthorized
9329 by section 47 of chapter 2010-147, Laws of Florida, and by
9330 section 46 of chapter 2010-147, Laws of Florida, cannot be
9331 further extended under this provision.

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9332 (2) The commencement and completion dates for any required
9333 mitigation associated with a phased construction project shall
9334 be extended such that mitigation takes place in the same
9335 timeframe relative to the phase as originally permitted.

9336 (3) The holder of a valid permit or other authorization
9337 that is eligible for the 2-year extension shall notify the
9338 authorizing agency in writing by December 31, 2011, identifying
9339 the specific authorization for which the holder intends to use
9340 the extension and the anticipated timeframe for acting on the
9341 authorization.

9342 (4) The extension provided for in subsection (1) does not
9343 apply to:

9344 (a) A permit or other authorization under any programmatic
9345 or regional general permit issued by the Army Corps of
9346 Engineers.

9347 (b) A permit or other authorization held by an owner or
9348 operator determined to be in significant noncompliance with the
9349 conditions of the permit or authorization as established through
9350 the issuance of a warning letter or notice of violation, the
9351 initiation of formal enforcement, or other equivalent action by
9352 the authorizing agency.

9353 (c) A permit or other authorization, if granted an
9354 extension, that would delay or prevent compliance with a court
9355 order.

9356 (5) Permits extended under this section shall continue to
9357 be governed by rules in effect at the time the permit was
9358 issued, except if it is demonstrated that the rules in effect at
9359 the time the permit was issued would create an immediate threat

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9360 to public safety or health. This subsection applies to any
9361 modification of the plans, terms, and conditions of the permit
9362 that lessens the environmental impact, except that any such
9363 modification may not extend the time limit beyond 2 additional
9364 years.

9365 (6) This section does not impair the authority of a county
9366 or municipality to require the owner of a property that has
9367 notified the county or municipality of the owner's intention to
9368 receive the extension of time granted pursuant to this section
9369 to maintain and secure the property in a safe and sanitary
9370 condition in compliance with applicable laws and ordinances.

9371 Section 74. (1) The state land planning agency, within 60
9372 days after the effective date of this act, shall review any
9373 administrative or judicial proceeding filed by the agency and
9374 pending on the effective date of this act to determine whether
9375 the issues raised by the state land planning agency are
9376 consistent with the revised provisions of part II of chapter
9377 163, Florida Statutes. For each proceeding, if the agency
9378 determines that issues have been raised that are not consistent
9379 with the revised provisions of part II of chapter 163, Florida
9380 Statutes, the agency shall dismiss the proceeding. If the state
9381 land planning agency determines that one or more issues have
9382 been raised that are consistent with the revised provisions of
9383 part II of chapter 163, Florida Statutes, the agency shall amend
9384 its petition within 30 days after the determination to plead
9385 with particularity as to the manner in which the plan or plan
9386 amendment fails to meet the revised provisions of part II of

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9387 chapter 163, Florida Statutes. If the agency fails to timely
9388 file such amended petition, the proceeding shall be dismissed.

9389 (2) In all proceedings that were initiated by the state
9390 land planning agency before the effective date of this act, and
9391 continue after that date, the local government's determination
9392 that the comprehensive plan or plan amendment is in compliance
9393 is presumed to be correct, and the local government's
9394 determination shall be sustained unless it is shown by a
9395 preponderance of the evidence that the comprehensive plan or
9396 plan amendment is not in compliance.

9397 Section 75. All local governments shall be governed by the
9398 revised provisions of s. 163.3191, Florida Statutes,
9399 notwithstanding a local government's previous failure to timely
9400 adopt its evaluation and appraisal report or evaluation and
9401 appraisal report-based amendments by the due dates previously
9402 established by the state land planning agency.

9403 Section 76. A comprehensive plan amendment adopted
9404 pursuant to s. 163.32465, Florida Statutes, subject to voter
9405 referendum by local charter, and found in compliance before the
9406 effective date of this act, may be readopted by ordinance, shall
9407 become effective upon approval by the local government, and is
9408 not subject to review or challenge pursuant to the provisions of
9409 s. 163.32465 or s. 163.3184, Florida Statutes.

9410 Section 77. The Department of Transportation shall develop
9411 and submit to the President of the Senate and the Speaker of the
9412 House of Representatives, no later than December 15, 2011, a
9413 report on recommended changes to or alternatives to the
9414 calculation of the proportionate share contribution in s.

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9415 163.3180(5)(h)3., Florida Statutes. The department's
9416 recommendations, if any, shall be designed to ensure development
9417 contributions to mitigate impacts on the transportation system
9418 are assessed in predictable, equitable and fair manner and shall
9419 be developed in consultation with developers and representatives
9420 of local governments.

9421 Section 78. If any provision of this act or its
9422 application to any person or circumstance is held invalid, the
9423 invalidity does not affect other provisions or applications of
9424 this act which can be given effect without the invalid provision
9425 or application, and to this end the provisions of this act are
9426 severable.

9427 Section 79. (1) Except as provided in subsection (4), and
9428 in recognition of 2011 real estate market conditions, any
9429 building permit, and any permit issued by the Department of
9430 Environmental Protection or by a water management district
9431 pursuant to part IV of chapter 373, Florida Statutes, which has
9432 an expiration date from January 1, 2012, through January 1,
9433 2014, is extended and renewed for a period of 2 years after its
9434 previously scheduled date of expiration. This extension includes
9435 any local government-issued development order or building permit
9436 including certificates of levels of service. This section does
9437 not prohibit conversion from the construction phase to the
9438 operation phase upon completion of construction. This extension
9439 is in addition to any existing permit extension. Extensions
9440 granted pursuant to this section; section 14 of chapter 2009-96,
9441 Laws of Florida, as reauthorized by section 47 of chapter 2010-
9442 147, Laws of Florida; section 46 of chapter 2010-147, Laws of
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9443 Florida; or section 74 of this act shall not exceed 4 years in
9444 total. Further, specific development order extensions granted
9445 pursuant to s. 380.06(19)(c)2., Florida Statutes, cannot be
9446 further extended by this section.

9447 (2) The commencement and completion dates for any required
9448 mitigation associated with a phased construction project are
9449 extended so that mitigation takes place in the same timeframe
9450 relative to the phase as originally permitted.

9451 (3) The holder of a valid permit or other authorization
9452 that is eligible for the 2-year extension must notify the
9453 authorizing agency in writing by December 31, 2011, identifying
9454 the specific authorization for which the holder intends to use
9455 the extension and the anticipated timeframe for acting on the
9456 authorization.

9457 (4) The extension provided for in subsection (1) does not
9458 apply to:

9459 (a) A permit or other authorization under any programmatic
9460 or regional general permit issued by the Army Corps of
9461 Engineers.

9462 (b) A permit or other authorization held by an owner or
9463 operator determined to be in significant noncompliance with the
9464 conditions of the permit or authorization as established through
9465 the issuance of a warning letter or notice of violation, the
9466 initiation of formal enforcement, or other equivalent action by
9467 the authorizing agency.

9468 (c) A permit or other authorization, if granted an
9469 extension that would delay or prevent compliance with a court
9470 order.

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9471 (5) Permits extended under this section shall continue to
9472 be governed by the rules in effect at the time the permit was
9473 issued, except if it is demonstrated that the rules in effect at
9474 the time the permit was issued would create an immediate threat
9475 to public safety or health. This provision applies to any
9476 modification of the plans, terms, and conditions of the permit
9477 which lessens the environmental impact, except that any such
9478 modification does not extend the time limit beyond 2 additional
9479 years.

9480 (6) This section does not impair the authority of a county
9481 or municipality to require the owner of a property that has
9482 notified the county or municipality of the owner's intent to
9483 receive the extension of time granted pursuant to this section
9484 to maintain and secure the property in a safe and sanitary
9485 condition in compliance with applicable laws and ordinances.

9486 Section 80. The Division of Statutory Revision is directed
9487 to replace the phrase "the effective date of this act" wherever
9488 it occurs in this act with the date this act becomes a law.

9489 Section 81. This act shall take effect upon becoming a
9490 law.

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9494

T I T L E A M E N D M E N T

9495

Remove the entire title and insert:

9496

A bill to be entitled

9497

An act relating to growth management; amending s. 163.3161,

9498

F.S.; redesignating the "Local Government Comprehensive Planning
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9499 and Land Development Regulation Act" as the "Community Planning
9500 Act"; revising and providing intent and purpose of act; amending
9501 s. 163.3164, F.S.; revising definitions; amending s. 163.3167,
9502 F.S.; revising scope of the act; revising and providing duties
9503 of local governments and municipalities relating to
9504 comprehensive plans; deleting retroactive effect; creating s.
9505 163.3168, F.S.; encouraging local governments to apply for
9506 certain innovative planning tools; authorizing the state land
9507 planning agency and other appropriate state and regional
9508 agencies to use direct and indirect technical assistance;
9509 amending s. 163.3171, F.S.; providing legislative intent;
9510 amending s. 163.3174, F.S.; deleting certain notice requirements
9511 relating to the establishment of local planning agencies by a
9512 governing body; amending s. 163.3175, F.S.; providing that
9513 certain comments, underlying studies, and reports provided by a
9514 military installation's commanding officer are not binding on
9515 local governments; providing additional factors for local
9516 government consideration in impacts to military installations;
9517 clarifying requirements for adopting criteria to address
9518 compatibility of lands relating to military installations;
9519 amending s. 163.3177, F.S.; revising and providing duties of
9520 local governments; revising and providing required and optional
9521 elements of comprehensive plans; revising requirements of
9522 schedules of capital improvements; revising and providing
9523 provisions relating to capital improvements elements; revising
9524 major objectives of, and procedures relating to, the local
9525 comprehensive planning process; revising and providing required
9526 and optional elements of future land use plans; providing
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Amendment No.

9527 required transportation elements; revising and providing
9528 required conservation elements; revising and providing required
9529 housing elements; revising and providing required coastal
9530 management elements; revising and providing required
9531 intergovernmental coordination elements; amending s. 163.31777,
9532 F.S.; revising requirements relating to public schools'
9533 interlocal agreements; deleting duties of the Office of
9534 Educational Facilities, the state land planning agency, and
9535 local governments relating to such agreements; deleting an
9536 exemption; amending s. 163.3178, F.S.; deleting a deadline for
9537 local governments to amend coastal management elements and
9538 future land use maps; amending s. 163.3180, F.S.; revising and
9539 providing provisions relating to concurrency; revising
9540 concurrency requirements; revising application and findings;
9541 revising local government requirements; revising and providing
9542 requirements relating to transportation concurrency,
9543 transportation concurrency exception areas, urban infill, urban
9544 redevelopment, urban service, downtown revitalization areas,
9545 transportation concurrency management areas, long-term
9546 transportation and school concurrency management systems,
9547 development of regional impact, school concurrency, service
9548 areas, financial feasibility, interlocal agreements, and
9549 multimodal transportation districts; revising duties of the
9550 Office of Program Policy Analysis and the state land planning
9551 agency; providing requirements for local plans; providing for
9552 the limiting the liability of local governments under certain
9553 conditions; amending s. 163.3182, F.S.; revising definitions;
9554 revising provisions relating to transportation deficiency plans
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Amendment No.

9555 and projects; amending s. 163.3184, F.S.; providing a
9556 definition; providing requirements for comprehensive plans and
9557 plan amendments; providing a expedited state review process for
9558 adoption of comprehensive plan amendments; providing
9559 requirements for the adoption of comprehensive plan amendments;
9560 creating the state-coordinated review process; providing and
9561 revising provisions relating to the review process; revising
9562 requirements relating to local government transmittal of
9563 proposed plan or amendments; providing for comment by reviewing
9564 agencies; deleting provisions relating to regional, county, and
9565 municipal review; revising provisions relating to state land
9566 planning agency review; revising provisions relating to local
9567 government review of comments; deleting and revising provisions
9568 relating to notice of intent and processes for compliance and
9569 noncompliance; providing procedures for administrative
9570 challenges to plans and plan amendments; providing for
9571 compliance agreements; providing for mediation and expeditious
9572 resolution; revising powers and duties of the administration
9573 commission; revising provisions relating to areas of critical
9574 state concern; providing for concurrent zoning; amending s.
9575 163.3187, F.S.; deleting provisions relating to the amendment of
9576 adopted comprehensive plan and providing the process for
9577 adoption of small-scale comprehensive plan amendments; repealing
9578 s. 163.3189, F.S., relating to process for amendment of adopted
9579 comprehensive plan; amending s. 163.3191, F.S., relating to the
9580 evaluation and appraisal of comprehensive plans; providing and
9581 revising local government requirements including notice,
9582 amendments, compliance, mediation, reports, and scoping
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Amendment No.

9583 meetings; amending s. 163.3229, F.S.; revising limitations on
9584 duration of development agreements; amending s. 163.3235, F.S.;
9585 revising requirements for periodic reviews of a development
9586 agreements; amending s. 163.3239, F.S.; revising recording
9587 requirements; amending s. 163.3243, F.S.; revising parties who
9588 may file an action for injunctive relief; amending s. 163.3245,
9589 F.S.; revising provisions relating to optional sector plans;
9590 authorizing the adoption of sector plans under certain
9591 circumstances; amending s. 163.3246, F.S.; revising provisions
9592 relating to the local government comprehensive planning
9593 certification program; conforming provisions to changes made by
9594 the act; deleting reporting requirements of the Office of
9595 Program Policy Analysis and Government Accountability; repealing
9596 s. 163.32465, F.S., relating to state review of local
9597 comprehensive plans in urban areas; amending s. 163.3247, F.S.;
9598 providing for future repeal and abolition of the Century
9599 Commission for a Sustainable Florida; creating s. 163.3248,
9600 F.S.; providing for the designation of rural land stewardship
9601 areas; providing purposes and requirements for the establishment
9602 of such areas; providing for the creation of rural land
9603 stewardship overlay zoning district and transferable rural land
9604 use credits; providing certain limitation relating to such
9605 credits; providing for incentives; providing eligibility for
9606 incentives; providing legislative intent; amending s. 380.06,
9607 F.S.; revising requirements relating to the issuance of permits
9608 for development by local governments; revising criteria for the
9609 determination of substantial deviation; providing for extension
9610 of certain expiration dates; revising exemptions governing
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9611 developments of regional impact; revising provisions to conform
9612 to changes made by this act; amending s. 380.0651, F.S.;
9613 revising provisions relating to statewide guidelines and
9614 standards for certain multiscreen movie theaters, industrial
9615 plants, industrial parks, distribution, warehousing and
9616 wholesaling facilities, and hotels and motels; revising criteria
9617 for the determination of when to treat two or more developments
9618 as a single development; amending s. 331.303, F.S.; conforming a
9619 cross-reference; amending s. 380.115, F.S.; subjecting certain
9620 developments required to undergo development-of-regional-impact
9621 review to certain procedures; amending s. 380.065, F.S.;
9622 deleting certain reporting requirements; conforming provisions
9623 to changes made by the act; amending s. 380.0685, F.S., relating
9624 to use of surcharges for beach renourishment and restoration;
9625 repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code,
9626 relating to minimum criteria for review of local government
9627 comprehensive plans and plan amendments, evaluation and
9628 appraisal reports, land development regulations, and
9629 determinations of compliance; amending ss. 70.51, 163.06,
9630 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229,
9631 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005,
9632 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319,
9633 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031,
9634 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095,
9635 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35,
9636 F.S.; revising provisions to conform to changes made by this
9637 act; extending permits and other authorizations extended under
9638 s. 14, ch. 2009-96, Laws of Florida; extending certain
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9639 | previously granted buildout dates; requiring a permit holder to
9640 | notify the authorizing agency of its intended use of the
9641 | extension; exempting certain permits from eligibility for an
9642 | extension; providing for applicability of rules governing
9643 | permits; declaring that certain provisions do not impair the
9644 | authority of counties and municipalities under certain
9645 | circumstances; requiring the state land planning agency to
9646 | review certain administrative and judicial proceedings;
9647 | providing procedures for such review; providing that all local
9648 | governments shall be governed by certain provisions of general
9649 | law; allowing specified amendments to be adopted upon approval
9650 | by the local government; directing the Department of
9651 | Transportation to report on the calculation of proportionate
9652 | share; providing for severability; creating a 2-year permit
9653 | extension; providing a directive of the Division of Statutory
9654 | Revision; providing an effective date.

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