

By the Committee on Community Affairs; and Senator Ingoglia

578-03557-23

20231604c1

1 A bill to be entitled
2 An act relating to land use and development
3 regulations; amending s. 163.3177, F.S.; revising the
4 planning periods that must be included in a
5 comprehensive plan; amending s. 163.3191, F.S.;
6 requiring local governments to determine if plan
7 amendments are necessary to reflect a certain minimum
8 planning period; specifying requirements for a certain
9 notification; requiring, rather than encouraging, a
10 local government to comprehensively evaluate and
11 update its comprehensive plan to reflect changes in
12 local conditions; requiring updates to certain
13 elements of the comprehensive plan to be processed in
14 the same plan amendment cycle; prohibiting a local
15 government from initiating or adopting any publicly
16 initiated plan amendments to its comprehensive plan
17 under certain circumstances; providing applicability;
18 prohibiting a certain denial of plan amendments from
19 being based on the failure of a local government to
20 update its comprehensive plan; requiring the state
21 land planning agency to provide population projections
22 if a local government fails to update its
23 comprehensive plan; requiring the local government to
24 update its comprehensive plan within a specified
25 timeframe after receiving the population projections
26 and transmit the update within a specified timeframe;
27 requiring the state land planning agency to establish
28 a certain timeline if such update is not in
29 compliance; authorizing the local government to seek

578-03557-23

20231604c1

30 approval from the state land planning agency to
31 process publicly initiated plan amendments under
32 certain circumstances; authorizing the local
33 government to provide certain alternative population
34 projections under certain circumstances; amending s.
35 163.3202, F.S.; revising exceptions to applicability
36 of land development regulations relating to single-
37 family or two-family dwelling building design
38 elements; deleting the definition of the terms
39 "planned unit development" or "master planned
40 community"; amending s. 189.08, F.S.; conforming a
41 cross-reference; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Paragraph (a) of subsection (5) of section
46 163.3177, Florida Statutes, is amended to read:

47 163.3177 Required and optional elements of comprehensive
48 plan; studies and surveys.—

49 (5) (a) Each local government comprehensive plan must
50 include at least two planning periods, one covering at least the
51 first 10-year ~~5-year~~ period occurring after the plan's adoption
52 and one covering at least a 20-year ~~10-year~~ period. Additional
53 planning periods for specific components, elements, land use
54 amendments, or projects shall be permissible and accepted as
55 part of the planning process.

56 Section 2. Section 163.3191, Florida Statutes, is amended
57 to read:

58 163.3191 Evaluation and appraisal of comprehensive plan.—

578-03557-23

20231604c1

59 (1) At least once every 7 years, each local government
60 shall evaluate its comprehensive plan to determine if plan
61 amendments are necessary to reflect a minimum planning period of
62 at least 10 years as provided in s. 163.3177(5) or to reflect
63 changes in state requirements in this part since the last update
64 of the comprehensive plan, and notify the state land planning
65 agency as to its determination. The notification must include a
66 separate affidavit, signed by the chair of the governing body of
67 the county or the mayor of the municipality, attesting that all
68 elements of its comprehensive plan comply with this subsection.
69 The affidavit must also include a certification that the adopted
70 comprehensive plan contains the minimum planning period of 10
71 years, as provided in 163.3177(5), and must cite the source and
72 date of the population projections used in establishing the 10-
73 year planning period.

74 (2) If the local government determines amendments to its
75 comprehensive plan are necessary to reflect changes in state
76 requirements, the local government shall prepare and transmit
77 within 1 year such plan amendment or amendments for review
78 pursuant to s. 163.3184.

79 (3) Local governments shall ~~are encouraged to~~
80 comprehensively evaluate and, as necessary, update comprehensive
81 plans to reflect changes in local conditions. Plan amendments
82 transmitted pursuant to this section must ~~shall~~ be reviewed
83 pursuant to s. 163.3184(4). Updates to the required elements and
84 optional elements of the comprehensive plan must be processed in
85 the same plan amendment cycle.

86 (4) If a local government fails to submit the ~~its~~ letter
87 and affidavit prescribed by subsection (1) or transmit the

578-03557-23

20231604c1

88 update to its plan pursuant to subsection (3) within 1 year
89 after the date the letter was transmitted to the state land
90 planning agency ~~(2)~~, it may not initiate or adopt any publicly
91 initiated plan amendments to amend its comprehensive plan until
92 such time as it complies with this section, unless otherwise
93 required by general law. This prohibition on plan amendments
94 does not apply to privately initiated plan amendments. The
95 failure of the local government to timely update its plan may
96 not be the basis for the denial of privately initiated
97 comprehensive plan amendments.

98 (5) If it is determined that a local government has failed
99 to update its comprehensive plan pursuant to this section, the
100 state land planning agency must provide the required population
101 projections that must be used by the local government to update
102 the comprehensive plan. The local government shall initiate an
103 update to its comprehensive plan within 3 months following the
104 receipt of the population projections and must transmit the
105 update within 12 months. If the state land planning agency finds
106 the update is not in compliance, it must establish the timeline
107 to address the deficiencies, not to exceed an additional 12-
108 month period. If the update is challenged by a third party, the
109 local government may seek approval from the state land planning
110 agency to process publicly initiated plan amendments that are
111 necessary to accommodate population growth during the pendency
112 of the litigation. During the update process, the local
113 government may provide alternative population projections based
114 on professionally accepted methodologies, but only if those
115 population projections exceed the population projections
116 provided by the state land planning agency and only if the

578-03557-23

20231604c1

117 update is completed within the timeframe set forth in this
118 subsection.

119 (6) The state land planning agency may not adopt rules to
120 implement this section, other than procedural rules or a
121 schedule indicating when local governments must comply with the
122 requirements of this section.

123 Section 3. Paragraphs (a) and (b) of subsection (5) of
124 section 163.3202, Florida Statutes, are amended to read:

125 163.3202 Land development regulations.—

126 (5) (a) Land development regulations relating to building
127 design elements may not be applied to a single-family or two-
128 family dwelling unless:

129 1. The dwelling is listed in the National Register of
130 Historic Places, as defined in s. 267.021(5); is located in a
131 National Register Historic District; or is designated as a
132 historic property or located in a historic district, under the
133 terms of a local preservation ordinance;

134 2. The regulations are adopted in order to implement the
135 National Flood Insurance Program;

136 3. The regulations are adopted pursuant to and in
137 compliance with chapter 553;

138 4. The dwelling is located in a community redevelopment
139 area, as defined in s. 163.340(10);

140 5. The regulations are required to ensure protection of
141 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
142 161.0531, s. 161.085, s. 161.163, or chapter 373;

143 ~~6. The dwelling is located in a planned unit development or~~
144 ~~master planned community created pursuant to a local ordinance,~~
145 ~~resolution, or other final action approved by the local~~

578-03557-23

20231604c1

146 ~~governing body,~~ or

147 ~~7.~~ The dwelling is located within the jurisdiction of a
148 local government that has a design review board or an
149 architectural review board created before January 1, 2020.

150 (b) For purposes of this subsection, the term~~+~~

151 ~~1.~~ "building design elements" means the external building
152 color; the type or style of exterior cladding material; the
153 style or material of roof structures or porches; the exterior
154 nonstructural architectural ornamentation; the location or
155 architectural styling of windows or doors; the location or
156 orientation of the garage; the number and type of rooms; and the
157 interior layout of rooms. The term does not include the height,
158 bulk, orientation, or location of a dwelling on a zoning lot; or
159 the use of buffering or screening to minimize potential adverse
160 physical or visual impacts or to protect the privacy of
161 neighbors.

162 ~~2. "Planned unit development" or "master planned community"~~
163 ~~means an area of land that is planned and developed as a single~~
164 ~~entity or in approved stages with uses and structures~~
165 ~~substantially related to the character of the entire~~
166 ~~development, or a self-contained development in which the~~
167 ~~subdivision and zoning controls are applied to the project as a~~
168 ~~whole rather than to individual lots.~~

169 Section 4. Paragraph (a) of subsection (2) of section
170 189.08, Florida Statutes, is amended to read:

171 189.08 Special district public facilities report.—

172 (2) Each independent special district shall submit to each
173 local general-purpose government in which it is located a public
174 facilities report and an annual notice of any changes. The

578-03557-23

20231604c1

175 public facilities report shall specify the following
176 information:

177 (a) A description of existing public facilities owned or
178 operated by the special district, and each public facility that
179 is operated by another entity, except a local general-purpose
180 government, through a lease or other agreement with the special
181 district. This description shall include the current capacity of
182 the facility, the current demands placed upon it, and its
183 location. This information shall be required in the initial
184 report and updated every 7 years at least 12 months before the
185 submission date of the evaluation and appraisal notification
186 letter of the appropriate local government required by s.
187 163.3191. The department shall post a schedule on its website,
188 based on the evaluation and appraisal notification schedule
189 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a
190 special district to determine when its public facilities report
191 and updates to that report are due to the local general-purpose
192 governments in which the special district is located.

193 Section 5. This act shall take effect July 1, 2023.