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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 that updates to certain  
13          elements of the comprehensive plan be processed in the  
14          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 to transmit the update within a specified  
27          timeframe; requiring the state land planning agency to  
28          establish a certain timeline if such update is not in  
29          compliance; authorizing the local government to seek

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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; amending s. 189.031, F.S.; precluding an  
39 independent special district from complying with the  
40 terms of certain development agreements under certain  
41 circumstances; requiring a newly elected or appointed  
42 governing body to review, within a certain timeframe,  
43 certain agreements and vote on whether to seek  
44 readoption of such agreement; providing retroactive  
45 applicability; providing for future expiration;  
46 amending s. 189.08, F.S.; conforming a cross-  
47 reference; providing effective dates.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Paragraph (a) of subsection (5) of section  
52 163.3177, Florida Statutes, is amended to read:

53 163.3177 Required and optional elements of comprehensive  
54 plan; studies and surveys.—

55 (5) (a) Each local government comprehensive plan must  
56 include at least two planning periods, one covering at least the  
57 first 10-year ~~5-year~~ period occurring after the plan's adoption  
58 and one covering at least a 20-year ~~10-year~~ period. Additional

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59 planning periods for specific components, elements, land use  
60 amendments, or projects shall be permissible and accepted as  
61 part of the planning process.

62 Section 2. Section 163.3191, Florida Statutes, is amended  
63 to read:

64 163.3191 Evaluation and appraisal of comprehensive plan.—

65 (1) At least once every 7 years, each local government  
66 shall evaluate its comprehensive plan to determine if plan  
67 amendments are necessary to reflect a minimum planning period of  
68 at least 10 years as provided in s. 163.3177(5) or to reflect  
69 changes in state requirements in this part since the last update  
70 of the comprehensive plan, and notify the state land planning  
71 agency as to its determination. The notification must include a  
72 separate affidavit, signed by the chair of the governing body of  
73 the county or the mayor of the municipality, attesting that all  
74 elements of its comprehensive plan comply with this subsection.  
75 The affidavit must also include a certification that the adopted  
76 comprehensive plan contains the minimum planning period of 10  
77 years, as provided in s. 163.3177(5), and must cite the source  
78 and date of the population projections used in establishing the  
79 10-year planning period.

80 (2) If the local government determines amendments to its  
81 comprehensive plan are necessary to reflect changes in state  
82 requirements, the local government must ~~shall~~ prepare and  
83 transmit within 1 year such plan amendment or amendments for  
84 review pursuant to s. 163.3184.

85 (3) Local governments shall ~~are encouraged to~~  
86 comprehensively evaluate and, as necessary, update comprehensive  
87 plans to reflect changes in local conditions. Plan amendments

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88 transmitted pursuant to this section must ~~shall~~ be reviewed  
89 pursuant to s. 163.3184(4). Updates to the required elements and  
90 optional elements of the comprehensive plan must be processed in  
91 the same plan amendment cycle.

92 (4) If a local government fails to submit the ~~its~~ letter  
93 and affidavit prescribed by subsection (1) or to transmit the  
94 update to its plan pursuant to subsection (3) within 1 year  
95 after the date the letter was transmitted to the state land  
96 planning agency ~~(2)~~, it may not initiate or adopt any publicly  
97 initiated plan amendments to ~~amend~~ its comprehensive plan until  
98 such time as it complies with this section, unless otherwise  
99 required by general law. This prohibition on plan amendments  
100 does not apply to privately initiated plan amendments. The  
101 failure of the local government to timely update its plan may  
102 not be the basis for the denial of privately initiated  
103 comprehensive plan amendments.

104 (5) If it is determined that a local government has failed  
105 to update its comprehensive plan pursuant to this section, the  
106 state land planning agency must provide the required population  
107 projections that must be used by the local government to update  
108 the comprehensive plan. The local government shall initiate an  
109 update to its comprehensive plan within 3 months following the  
110 receipt of the population projections and must transmit the  
111 update within 12 months. If the state land planning agency finds  
112 the update is not in compliance, it must establish the timeline  
113 to address the deficiencies, not to exceed an additional 12-  
114 month period. If the update is challenged by a third party, the  
115 local government may seek approval from the state land planning  
116 agency to process publicly initiated plan amendments that are

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117 necessary to accommodate population growth during the pendency  
118 of the litigation. During the update process, the local  
119 government may provide alternative population projections based  
120 on professionally accepted methodologies, but only if those  
121 population projections exceed the population projections  
122 provided by the state land planning agency and only if the  
123 update is completed within the timeframe set forth in this  
124 subsection.

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

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

131 163.3202 Land development regulations.—

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

135 1. The dwelling is listed in the National Register of  
136 Historic Places, as defined in s. 267.021(5); is located in a  
137 National Register Historic District; or is designated as a  
138 historic property or located in a historic district, under the  
139 terms of a local preservation ordinance;

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

142 3. The regulations are adopted pursuant to and in  
143 compliance with chapter 553;

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

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146 5. The regulations are required to ensure protection of  
147 coastal wildlife in compliance with s. 161.052, s. 161.053, s.  
148 161.0531, s. 161.085, s. 161.163, or chapter 373;

149 6. The dwelling is located in a planned unit development or  
150 master planned community created pursuant to a local ordinance,  
151 resolution, or other final action approved by the local  
152 governing body before July 1, 2023; or

153 7. The dwelling is located within the jurisdiction of a  
154 local government that has a design review board or an  
155 architectural review board created before January 1, 2020.

156 (b) For purposes of this subsection, the term:

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

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

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175 Section 4. Effective upon becoming a law, subsection (7) is  
176 added to section 189.031, Florida Statutes, to read:

177 189.031 Legislative intent for the creation of independent  
178 special districts; special act prohibitions; model elements and  
179 other requirements; local general-purpose government/Governor  
180 and Cabinet creation authorizations.—

181 (7) REVIEW OF DEVELOPMENT AGREEMENTS.—An independent  
182 special district is precluded from complying with the terms of  
183 any development agreement, or any other agreement for which the  
184 development agreement serves in whole or part as consideration,  
185 which is executed within 3 months preceding the effective date  
186 of a law modifying the manner of selecting members of the  
187 governing body of the independent special district from election  
188 to appointment or from appointment to election. The newly  
189 elected or appointed governing body of the independent special  
190 district shall review within 4 months of taking office any  
191 development agreement or any other agreement for which the  
192 development agreement serves in whole or part as consideration  
193 and shall, after such review, vote on whether to seek readoption  
194 of such agreement. This subsection shall apply to any  
195 development agreement that is in effect on, or is executed  
196 after, the effective date of this section. This subsection  
197 expires July 1, 2028, unless reviewed and saved from repeal  
198 through reenactment by the Legislature.

199 Section 5. Paragraph (a) of subsection (2) of section  
200 189.08, Florida Statutes, is amended to read:

201 189.08 Special district public facilities report.—

202 (2) Each independent special district shall submit to each  
203 local general-purpose government in which it is located a public

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204 facilities report and an annual notice of any changes. The  
205 public facilities report shall specify the following  
206 information:

207 (a) A description of existing public facilities owned or  
208 operated by the special district, and each public facility that  
209 is operated by another entity, except a local general-purpose  
210 government, through a lease or other agreement with the special  
211 district. This description shall include the current capacity of  
212 the facility, the current demands placed upon it, and its  
213 location. This information shall be required in the initial  
214 report and updated every 7 years at least 12 months before the  
215 submission date of the evaluation and appraisal notification  
216 letter of the appropriate local government required by s.  
217 163.3191. The department shall post a schedule on its website,  
218 based on the evaluation and appraisal notification schedule  
219 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a  
220 special district to determine when its public facilities report  
221 and updates to that report are due to the local general-purpose  
222 governments in which the special district is located.

223 Section 6. Except as otherwise expressly provided in this  
224 act and except for this section, which shall take effect upon  
225 becoming a law, this act shall take effect July 1, 2023.