

1                   A bill to be entitled  
2           An act relating to land use and development  
3           regulations; amending s. 70.51, F.S.; revising the  
4           requirements of a governmental entity after the  
5           receipt of a special magistrate's recommendation;  
6           deleting a requirement that a governmental entity  
7           issue a written decision within a specified timeframe;  
8           revising the effect of a special magistrate's  
9           recommendation; revising local governmental entity  
10          notification requirements; amending s. 163.3164, F.S.;  
11          revising definitions; amending s. 163.3177, F.S.;  
12          revising the types of data that comprehensive plans  
13          and plan amendments must be based on; requiring a  
14          local government to submit an affidavit for specified  
15          purposes; revising means by which an application of a  
16          methodology used in data collection or whether a  
17          particular methodology is professionally accepted may  
18          be evaluated; requiring that the Office of Economic  
19          and Demographic Research be the sole publisher of  
20          specified estimates and projections; revising the  
21          elements that must be included in a comprehensive  
22          plan; revising the planning periods that must be  
23          included in a comprehensive plan; amending s.  
24          163.3191, F.S.; revising the frequency at which a  
25          local government must evaluate its comprehensive plan

26 | for specified purposes; requiring, rather than  
 27 | authorizing, a local government to comprehensively  
 28 | evaluate and update its comprehensive plans to reflect  
 29 | changes in local conditions; prohibiting a local  
 30 | government from publicly initiating or adopting plan  
 31 | amendments to its comprehensive plan when it fails to  
 32 | meet certain requirements; requiring the state land  
 33 | planning agency to provide certain information when a  
 34 | local government fails to update its comprehensive  
 35 | plan; amending s. 163.3202, F.S.; revising content  
 36 | requirements for local land development regulations;  
 37 | revising exceptions to applicability of land  
 38 | development regulations relating to single-family or  
 39 | two-family dwelling building design elements; deleting  
 40 | a definition; amending s. 163.3246, F.S.; revising  
 41 | terminology; amending s. 336.022, F.S.; requiring the  
 42 | Auditor General to audit a county transportation trust  
 43 | fund under certain conditions; amending ss. 189.08 and  
 44 | 479.01, F.S.; conforming cross-references; providing  
 45 | retroactive applicability; providing an effective  
 46 | date.

47 |

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

49 |

50 | Section 1. Subsections (23) through (30) of section 70.51,

51 Florida Statutes, are renumbered as subsection (22) through  
52 (29), respectively, and subsections (21) and (22) and present  
53 subsections (25), (26), and (27) are amended, to read:

54 70.51 Land use and environmental dispute resolution.—

55 (21) Within 45 days after receipt of the special  
56 magistrate's recommendation, the governmental entity responsible  
57 for the development order or enforcement action and other  
58 governmental entities participating in the proceeding must  
59 consult among themselves and each governmental entity must:

60 ~~(a)~~ accept the recommendation of the special magistrate as  
61 submitted and proceed to implement it by development agreement,  
62 when appropriate, or by other method, in the ordinary course and  
63 consistent with the rules and procedures of that governmental  
64 entity. However, ~~the decision of the governmental entity to~~  
65 ~~accept~~ the recommendation of the special magistrate with respect  
66 to granting a rezoning, modification, variance, or special  
67 exception to the application of statutes, rules, regulations, or  
68 ordinances as they would otherwise apply to the subject property  
69 does not require an owner to duplicate previous processes in  
70 which the owner has participated in order to effectuate the  
71 granting of the rezoning, modification, variance, or special  
72 exception. Any recommendation of the special magistrate with  
73 respect to granting a rezoning of property is not considered  
74 contract zoning.

75 ~~(b) Modify the recommendation as submitted by the special~~

76 ~~magistrate and proceed to implement it by development agreement,~~  
 77 ~~when appropriate, or by other method, in the ordinary course and~~  
 78 ~~consistent with the rules and procedures of that governmental~~  
 79 ~~entity; or~~

80 ~~(c) Reject the recommendation as submitted by the special~~  
 81 ~~magistrate. Failure to act within 45 days is a rejection unless~~  
 82 ~~the period is extended by agreement of the owner and issuer of~~  
 83 ~~the development order or enforcement action.~~

84 ~~(22) If a governmental entity accepts the special~~  
 85 ~~magistrate's recommendation or modifies it and the owner rejects~~  
 86 ~~the acceptance or modification, or if a governmental entity~~  
 87 ~~rejects the special magistrate's recommendation, the~~  
 88 ~~governmental entity must issue a written decision within 30 days~~  
 89 ~~that describes as specifically as possible the use or uses~~  
 90 ~~available to the subject real property.~~

91 ~~(24) (25) Regardless of the action the governmental entity~~  
 92 ~~takes on~~ The special magistrate's recommendation, ~~a~~  
 93 ~~recommendation~~ that the development order or enforcement action,  
 94 or the development order or enforcement action in combination  
 95 with other governmental regulatory actions, is unreasonable or  
 96 unfairly burdens use of the owner's real property may serve as  
 97 an indication of sufficient hardship to support a rezoning,  
 98 modification, variance ~~variances~~, or special exception  
 99 ~~exceptions~~ to the application of statutes, rules, regulations,  
 100 or ordinances to the subject property.

101        ~~(25)(26)~~ A special magistrate's recommendation under this  
 102 section constitutes data in support of, and a support document  
 103 for, a comprehensive plan or comprehensive plan amendment, ~~but~~  
 104 ~~is not, in and of itself, dispositive of a determination of~~  
 105 ~~compliance with chapter 163.~~

106        ~~(26)(27)~~ The special magistrate shall send a copy of the  
 107 recommendation in each case to the Department of Legal Affairs.  
 108 Each governmental entity, within 15 days after its action on the  
 109 special magistrate's recommendation, shall notify the Department  
 110 of Legal Affairs in writing that it has complied with ~~as to what~~  
 111 ~~action the governmental entity took on~~ the special magistrate's  
 112 recommendation.

113        Section 2. Paragraph (e) of subsection (4) and subsections  
 114 (12), (22), (51), and (52) of section 163.3164, Florida  
 115 Statutes, are amended to read:

116        163.3164 Community Planning Act; definitions.—As used in  
 117 this act:

118        (4) "Agricultural enclave" means an unincorporated,  
 119 undeveloped parcel that:

120        (e) Does not exceed 1,280 acres; however, if the property  
 121 is surrounded by existing or authorized residential development  
 122 that will result in a density at buildout of at least 1,000  
 123 residential units ~~residents~~ per square mile, then the area shall  
 124 be determined to be urban and the parcel may not exceed 4,480  
 125 acres.

126 (12) "Density" means an objective measurement of the  
 127 number of ~~people or~~ residential units allowed per unit of land,  
 128 such as dwelling unit residents ~~or employees~~ per acre.

129 (22) "Intensity" means an objective measurement of the  
 130 extent to which land may be developed or used expressed in  
 131 square feet per unit of land, such as a maximum floor ratio per  
 132 acre, ~~including the consumption or use of the space above, on,~~  
 133 ~~or below ground; the measurement of the use of or demand on~~  
 134 ~~natural resources; and the measurement of the use of or demand~~  
 135 ~~on facilities and services.~~

136 (51) "Urban service area" means any census tract  
 137 containing 50,000 or more people and areas ~~identified in the~~  
 138 ~~comprehensive plan~~ where public facilities and services,  
 139 including, but not limited to, central water and sewer capacity  
 140 and roads, are already in place or may be expanded through  
 141 investment by the ~~are identified in the capital improvements~~  
 142 ~~element. The term includes any areas identified in the~~  
 143 ~~comprehensive plan as urban service areas, regardless of local~~  
 144 ~~government~~ or by the private sector ~~limitation.~~

145 (52) "Urban sprawl" means an unplanned a development  
 146 pattern that requires ~~characterized by low density, automobile-~~  
 147 ~~dependent development with either a single use or multiple uses~~  
 148 ~~that are not functionally related, requiring the extension of~~  
 149 ~~public facilities~~ by a local government ~~and services in an~~  
 150 ~~inefficient manner, and failing to provide a clear separation~~

151 ~~between urban and rural uses.~~

152 Section 3. Paragraph (f) of subsection (1), subsection  
153 (2), paragraph (a) of subsection (5), and paragraph (a) of  
154 subsection (6) of section 163.3177, Florida Statutes, is amended  
155 to read:

156 163.3177 Required and optional elements of comprehensive  
157 plan; studies and surveys.—

158 (1) The comprehensive plan shall provide the principles,  
159 guidelines, standards, and strategies for the orderly and  
160 balanced future economic, social, physical, environmental, and  
161 fiscal development of the area that reflects community  
162 commitments to implement the plan and its elements. These  
163 principles and strategies shall guide future decisions in a  
164 consistent manner and shall contain programs and activities to  
165 ensure comprehensive plans are implemented. The sections of the  
166 comprehensive plan containing the principles and strategies,  
167 generally provided as goals, objectives, and policies, shall  
168 describe how the local government's programs, activities, and  
169 land development regulations will be initiated, modified, or  
170 continued to implement the comprehensive plan in a consistent  
171 manner. It is not the intent of this part to require the  
172 inclusion of implementing regulations in the comprehensive plan  
173 but rather to require identification of those programs,  
174 activities, and land development regulations that will be part  
175 of the strategy for implementing the comprehensive plan and the

176 principles that describe how the programs, activities, and land  
177 development regulations will be carried out. The plan shall  
178 establish meaningful and predictable standards for the use and  
179 development of land and provide meaningful guidelines for the  
180 content of more detailed land development and use regulations.

181 (f) All required ~~mandatory~~ and optional elements of the  
182 comprehensive plan and plan amendments shall be based upon  
183 relevant and appropriate data and an analysis by the local  
184 government that may include, but not be limited to, surveys,  
185 studies, ~~community goals and vision~~, and other data available at  
186 the time of adoption of the comprehensive plan or plan  
187 amendment. To be based on data means to react to it in an  
188 appropriate way and to the extent necessary indicated by the  
189 data available on that particular subject at the time of  
190 adoption of the plan or plan amendment at issue. A local  
191 government must submit, with its annual financial report  
192 required under s. 218.32 or its financial audit report required  
193 under s. 218.39, a separate affidavit, signed by the executive  
194 officer, attesting that all elements of the comprehensive plan  
195 and plan amendments comply with this paragraph.

196 1. Surveys, studies, and data utilized in the preparation  
197 of the comprehensive plan may not be deemed a part of the  
198 comprehensive plan unless adopted as a part of it. Copies of  
199 such studies, surveys, data, and supporting documents for  
200 proposed plans and plan amendments shall be made available for



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

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

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

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

231 (2) Coordination of the required and optional ~~several~~  
232 elements of the local comprehensive plan shall be a major  
233 objective of the planning process. The required and optional  
234 ~~several~~ elements of the comprehensive plan shall be consistent  
235 and must not conflict. If there is an inconsistency or conflict,  
236 the required element shall control. Where data is relevant to  
237 required and optional ~~several~~ elements, consistent data shall be  
238 used, including population estimates and projections ~~unless~~  
239 ~~alternative data can be justified for a plan amendment through~~  
240 ~~new supporting data and analysis.~~ Each map depicting future  
241 conditions must reflect the principles, guidelines, and  
242 standards within all elements, and each such map must be  
243 contained within the comprehensive plan.

244 (5) (a) Each local government comprehensive plan must  
245 include at least two planning periods, one covering at least the  
246 first 10-year ~~5-year~~ period occurring after the plan's adoption  
247 and one covering at least a 20-year ~~10-year~~ period. Additional  
248 planning periods for specific components, elements, land use  
249 amendments, or projects shall be permissible and accepted as  
250 part of the planning process.

251 (6) In addition to the requirements of subsections (1) -  
 252 (5), the comprehensive plan shall include the following  
 253 elements:

254 (a) A future land use plan element designating proposed  
 255 future general distribution, location, and extent of the uses of  
 256 land for residential uses, commercial uses, industry,  
 257 agriculture, recreation, conservation, education, public  
 258 facilities, and other categories of the public and private uses  
 259 of land. The approximate acreage and the general range of  
 260 density or intensity of use shall be provided for the gross land  
 261 area included in each existing land use category. The element  
 262 shall establish the long-term end toward which land use programs  
 263 and activities are ultimately directed.

264 1. Each future land use category must be defined in terms  
 265 of uses included, and must include standards to be followed in  
 266 the control and distribution of population densities and  
 267 building and structure intensities. The proposed distribution,  
 268 location, and extent of the various categories of land use shall  
 269 be shown on a land use map or map series which shall be  
 270 supplemented by goals, policies, and measurable objectives.

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

274 a. The amount of land required to accommodate anticipated  
 275 growth.

276           b. The projected permanent and seasonal population of the  
277 area.

278           c. The character of undeveloped land.

279           d. The availability of water supplies, public facilities,  
280 and services.

281           e. The need for redevelopment, including the renewal of  
282 blighted areas and the elimination of nonconforming uses which  
283 are inconsistent with the character of the community.

284           f. The compatibility of uses on lands adjacent to or  
285 closely proximate to military installations.

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

288           h. The discouragement of urban sprawl.

289           i. The need for job creation, capital investment, and  
290 economic development that will strengthen and diversify the  
291 community's economy.

292           j. The need to modify land uses and development patterns  
293 within antiquated subdivisions.

294           3. The future land use plan element shall include criteria  
295 to be used to:

296           a. Achieve the compatibility of lands adjacent or closely  
297 proximate to military installations, considering factors  
298 identified in s. 163.3175(5).

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

301 c. Encourage preservation of recreational and commercial  
302 working waterfronts for water-dependent uses in coastal  
303 communities.

304 d. Encourage the location of schools proximate to urban  
305 residential areas to the extent possible and encourage the  
306 location of schools in all areas if necessary to provide  
307 adequate school capacity to serve residential development.

308 e. Coordinate future land uses with the topography and  
309 soil conditions, and the availability of facilities and  
310 services.

311 f. Ensure the protection of natural and historic  
312 resources.

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

314 h. Provide guidelines for the implementation of mixed-use  
315 development including the types of uses allowed, the percentage  
316 distribution among the mix of uses, or other standards, and the  
317 density and intensity of each use.

318 4. The amount of land designated for future planned uses  
319 shall provide a balance of uses that foster vibrant, viable  
320 communities and economic development opportunities and address  
321 outdated development patterns, such as antiquated subdivisions.  
322 The amount of land designated for future land uses should allow  
323 the operation of real estate markets to provide adequate choices  
324 for permanent and seasonal residents and business and may not be  
325 limited solely by the projected population. The element shall

326 accommodate at least the minimum amount of land required to  
327 accommodate the medium projections as published by the Office of  
328 Economic and Demographic Research for at least a 10-year  
329 planning period unless otherwise limited under s. 380.05,  
330 including related rules of the Administration Commission.

331 5. The future land use plan of a county may designate  
332 areas for possible future municipal incorporation.

333 6. The land use maps or map series shall generally  
334 identify and depict historic district boundaries and shall  
335 designate historically significant properties meriting  
336 protection.

337 7. The future land use element must clearly identify the  
338 land use categories in which public schools are an allowable  
339 use. When delineating the land use categories in which public  
340 schools are an allowable use, a local government shall include  
341 in the categories sufficient land proximate to residential  
342 development to meet the projected needs for schools in  
343 coordination with public school boards and may establish  
344 differing criteria for schools of different type or size. Each  
345 local government shall include lands contiguous to existing  
346 school sites, to the maximum extent possible, within the land  
347 use categories in which public schools are an allowable use.

348 8. Future land use map amendments shall be based upon the  
349 following analyses:

350 a. An analysis of the availability of facilities and

351 services.

352 b. An analysis of the suitability of the plan amendment  
353 for its proposed use considering the character of the  
354 undeveloped land, soils, topography, natural resources, and  
355 historic resources on site.

356 c. An analysis of the minimum amount of land needed to  
357 achieve the goals and requirements of this section.

358 9. The future land use element ~~and any amendment to the~~  
359 ~~future land use element~~ shall discourage the proliferation of  
360 urban sprawl by planning for future development as provided in  
361 this section.

362 ~~a. The primary indicators that a plan or plan amendment~~  
363 ~~does not discourage the proliferation of urban sprawl are listed~~  
364 ~~below. The evaluation of the presence of these indicators shall~~  
365 ~~consist of an analysis of the plan or plan amendment within the~~  
366 ~~context of features and characteristics unique to each locality~~  
367 ~~in order to determine whether the plan or plan amendment:~~

368 ~~(I) Promotes, allows, or designates for development~~  
369 ~~substantial areas of the jurisdiction to develop as low-~~  
370 ~~intensity, low-density, or single-use development or uses.~~

371 ~~(II) Promotes, allows, or designates significant amounts~~  
372 ~~of urban development to occur in rural areas at substantial~~  
373 ~~distances from existing urban areas while not using undeveloped~~  
374 ~~lands that are available and suitable for development.~~

375 ~~(III) Promotes, allows, or designates urban development in~~

376 ~~radial, strip, isolated, or ribbon patterns generally emanating~~  
377 ~~from existing urban developments.~~

378 ~~(IV) Fails to adequately protect and conserve natural~~  
379 ~~resources, such as wetlands, floodplains, native vegetation,~~  
380 ~~environmentally sensitive areas, natural groundwater aquifer~~  
381 ~~recharge areas, lakes, rivers, shorelines, beaches, bays,~~  
382 ~~estuarine systems, and other significant natural systems.~~

383 ~~(V) Fails to adequately protect adjacent agricultural~~  
384 ~~areas and activities, including silviculture, active~~  
385 ~~agricultural and silvicultural activities, passive agricultural~~  
386 ~~activities, and dormant, unique, and prime farmlands and soils.~~

387 ~~(VI) Fails to maximize use of existing public facilities~~  
388 ~~and services.~~

389 ~~(VII) Fails to maximize use of future public facilities~~  
390 ~~and services.~~

391 ~~(VIII) Allows for land use patterns or timing which~~  
392 ~~disproportionately increase the cost in time, money, and energy~~  
393 ~~of providing and maintaining facilities and services, including~~  
394 ~~roads, potable water, sanitary sewer, stormwater management, law~~  
395 ~~enforcement, education, health care, fire and emergency~~  
396 ~~response, and general government.~~

397 ~~(IX) Fails to provide a clear separation between rural and~~  
398 ~~urban uses.~~

399 ~~(X) Discourages or inhibits infill development or the~~  
400 ~~redevelopment of existing neighborhoods and communities.~~



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

402           ~~(XII) Results in poor accessibility among linked or~~  
 403 ~~related land uses.~~

404           ~~(XIII) Results in the loss of significant amounts of~~  
 405 ~~functional open space.~~

406           ~~b. The future land use element or plan amendment shall be~~  
 407 ~~determined to discourage the proliferation of urban sprawl if it~~  
 408 ~~incorporates a development pattern or urban form that achieves~~  
 409 ~~four or more of the following:~~

410           ~~(I) Directs or locates economic growth and associated land~~  
 411 ~~development to geographic areas of the community in a manner~~  
 412 ~~that does not have an adverse impact on and protects natural~~  
 413 ~~resources and ecosystems.~~

414           ~~(II) Promotes the efficient and cost-effective provision~~  
 415 ~~or extension of public infrastructure and services.~~

416           ~~(III) Promotes walkable and connected communities and~~  
 417 ~~provides for compact development and a mix of uses at densities~~  
 418 ~~and intensities that will support a range of housing choices and~~  
 419 ~~a multimodal transportation system, including pedestrian,~~  
 420 ~~bicycle, and transit, if available.~~

421           ~~(IV) Promotes conservation of water and energy.~~

422           ~~(V) Preserves agricultural areas and activities, including~~  
 423 ~~silviculture, and dormant, unique, and prime farmlands and~~  
 424 ~~soils.~~

425           ~~(VI) Preserves open space and natural lands and provides~~

426 | ~~for public open space and recreation needs.~~

427 |       ~~(VII) Creates a balance of land uses based upon demands of~~  
 428 | ~~the residential population for the nonresidential needs of an~~  
 429 | ~~area.~~

430 |       ~~(VIII) Provides uses, densities, and intensities of use~~  
 431 | ~~and urban form that would remediate an existing or planned~~  
 432 | ~~development pattern in the vicinity that constitutes sprawl or~~  
 433 | ~~if it provides for an innovative development pattern such as~~  
 434 | ~~transit-oriented developments or new towns as defined in s.~~  
 435 | ~~163.3164.~~

436 |       10. The future land use element shall include a future  
 437 | land use map or map series.

438 |       a. The proposed distribution, extent, and location of the  
 439 | following uses shall be shown on the future land use map or map  
 440 | series:

- 441 |       (I) Residential.
- 442 |       (II) Commercial.
- 443 |       (III) Industrial.
- 444 |       (IV) Agricultural.
- 445 |       (V) Recreational.
- 446 |       (VI) Conservation.
- 447 |       (VII) Educational.
- 448 |       (VIII) Public.

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

451 (I) Historic district boundaries and designated  
 452 historically significant properties.

453 (II) Transportation concurrency management area boundaries  
 454 or transportation concurrency exception area boundaries.

455 (III) Multimodal transportation district boundaries.

456 (IV) Mixed-use categories.

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

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

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

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

463 (IV) Wetlands.

464 (V) Minerals and soils.

465 (VI) Coastal high hazard areas.

466 Section 4. Section 163.3191, Florida Statutes, is amended  
 467 to read:

468 163.3191 Evaluation and appraisal of comprehensive plan.—

469 (1) At least once every 7 years, each local government  
 470 must ~~shall~~ evaluate its comprehensive plan to determine if plan  
 471 amendments are necessary to reflect a minimum planning period of  
 472 at least 10 years as provided in s. 163.3177(5), or to reflect  
 473 changes in state requirements in this part since the last update  
 474 of the comprehensive plan, and notify the state land planning  
 475 agency as to its determination.

476 (2) If the local government determines amendments to its  
 477 comprehensive plan are necessary to reflect changes in state  
 478 requirements, the local government shall prepare and transmit  
 479 within 1 year such plan amendment or amendments for review  
 480 pursuant to s. 163.3184.

481 (3) Local governments must ~~are encouraged to~~  
 482 comprehensively evaluate and, as necessary, update comprehensive  
 483 plans to reflect changes in local conditions. Plan amendments  
 484 transmitted pursuant to this section shall be reviewed pursuant  
 485 to s. 163.3184(4).

486 (4) If a local government fails to submit the ~~its~~ letter  
 487 prescribed by subsection (1) or update its plan pursuant to  
 488 subsection (2) or pursuant to a letter previously submitted  
 489 indicating a plan amendment was required, the local government,  
 490 ~~it~~ may not initiate or adopt plan amendments to amend its  
 491 comprehensive plan until such time as it complies with this  
 492 section, unless otherwise required by general law. This  
 493 prohibition on plan amendments does not apply to privately  
 494 initiated plan amendments.

495 (5) If a local government fails to update its  
 496 comprehensive plan pursuant to this section, the state land  
 497 planning agency must provide the data and analysis required to  
 498 update the comprehensive plan. The local government shall update  
 499 its comprehensive plan within 3 months after receipt of the data  
 500 and analysis.

501        ~~(6)-(5)~~ The state land planning agency may not adopt rules  
 502 to implement this section, other than procedural rules or a  
 503 schedule indicating when local governments must comply with the  
 504 requirements of this section.

505        Section 5. Subsections (2) and (5) of section 163.3202,  
 506 Florida Statutes, are amended to read:

507        163.3202 Land development regulations.—

508        (2) Local land development regulations must ~~shall~~ contain  
 509 specific and detailed provisions necessary or desirable to  
 510 implement the adopted comprehensive plan and shall at a minimum:

511        (a) Regulate the subdivision of land.

512        (b) Regulate minimum lot sizes within conventional zoning  
 513 districts which are consistent with the maximum density  
 514 authorized in the comprehensive plan.

515        (c) Regulate infill development standards for single-  
 516 family and two-family dwelling units.

517        ~~(d)-(b)~~ Regulate the use of land and water for those land  
 518 use categories included in the land use element and ensure the  
 519 compatibility of adjacent uses and provide for open space.

520        ~~(e)-(e)~~ Provide for protection of potable water wellfields.

521        ~~(f)-(d)~~ Regulate areas subject to seasonal and periodic  
 522 flooding and provide for drainage and stormwater management.

523        ~~(g)-(e)~~ Ensure the protection of environmentally sensitive  
 524 lands designated in the comprehensive plan.

525        ~~(h)-(f)~~ Regulate signage.

526        (i)~~(g)~~ Provide that public facilities and services meet or  
 527 exceed the standards established in the capital improvements  
 528 element required by s. 163.3177 and are available when needed  
 529 for the development, or that development orders and permits are  
 530 conditioned on the availability of these public facilities and  
 531 services necessary to serve the proposed development. A local  
 532 government may not issue a development order or permit that  
 533 results in a reduction in the level of services for the affected  
 534 public facilities below the adopted level of services provided  
 535 in the local government's comprehensive plan. Level of services  
 536 used for planning purposes may not be a basis for the denial of  
 537 a development order or permit.

538        (j)~~(h)~~ Ensure safe and convenient onsite traffic flow,  
 539 considering needed vehicle parking.

540        (k)~~(i)~~ Maintain the existing density of residential  
 541 properties or recreational vehicle parks if the properties are  
 542 intended for residential use and are located in the  
 543 unincorporated areas that have sufficient infrastructure, as  
 544 determined by a local governing authority, and are not located  
 545 within a coastal high-hazard area under s. 163.3178.

546        (l)~~(j)~~ Incorporate preexisting development orders  
 547 identified pursuant to s. 163.3167(3).

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

551 1. The dwelling is listed in the National Register of  
 552 Historic Places, as defined in s. 267.021(5); is located in a  
 553 National Register Historic District; or is designated as a  
 554 historic property or located in a historic district, under the  
 555 terms of a local preservation ordinance;

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

558 3. The regulations are adopted pursuant to and in  
 559 compliance with chapter 553;

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

562 5. The regulations are required to ensure protection of  
 563 coastal wildlife in compliance with s. 161.052, s. 161.053, s.  
 564 161.0531, s. 161.085, s. 161.163, or chapter 373; or

565 ~~6. The dwelling is located in a planned unit development~~  
 566 ~~or master planned community created pursuant to a local~~  
 567 ~~ordinance, resolution, or other final action approved by the~~  
 568 ~~local governing body; or~~

569 6.7. The dwelling is located within the jurisdiction of a  
 570 local government that has a design review board or architectural  
 571 review board created before January 1, 2020.

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

573 ~~1.~~ "building design elements" means the external building  
 574 color; the type or style of exterior cladding material; the  
 575 style or material of roof structures or porches; the exterior

576 nonstructural architectural ornamentation; the location or  
577 architectural styling of windows or doors; the location or  
578 orientation of the garage; the number and type of rooms; and the  
579 interior layout of rooms. The term does not include the height,  
580 bulk, orientation, or location of a dwelling on a zoning lot; or  
581 the use of buffering or screening to minimize potential adverse  
582 physical or visual impacts or to protect the privacy of  
583 neighbors.

584 ~~2. "Planned unit development" or "master planned~~  
585 ~~community" means an area of land that is planned and developed~~  
586 ~~as a single entity or in approved stages with uses and~~  
587 ~~structures substantially related to the character of the entire~~  
588 ~~development, or a self-contained development in which the~~  
589 ~~subdivision and zoning controls are applied to the project as a~~  
590 ~~whole rather than to individual lots.~~

591 (c) This subsection does not affect the validity or  
592 enforceability of private covenants or other contractual  
593 agreements relating to building design elements.

594 Section 6. Paragraph (g) of subsection (5) of section  
595 163.3246, Florida Statutes, is amended to read:

596 163.3246 Local government comprehensive planning  
597 certification program.—

598 (5) If the local government meets the eligibility criteria  
599 of subsection (2), the state land planning agency shall certify  
600 all or part of a local government by written agreement, which



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601 shall be considered final agency action subject to challenge  
602 under s. 120.569. The agreement must include the following  
603 components:

604 (g) Criteria to evaluate the effectiveness of the  
605 certification process in achieving the community-development  
606 goals for the certification area including:

607 1. Measuring the compactness of growth, expressed as the  
608 ratio between population growth and land consumed;

609 2. Increasing residential density and intensity  
610 ~~intensities~~ of use;

611 3. Measuring and reducing vehicle miles traveled and  
612 increasing the interconnectedness of the street system,  
613 pedestrian access, and mass transit;

614 4. Measuring the balance between the location of jobs and  
615 housing;

616 5. Improving the housing mix within the certification  
617 area, including the provision of mixed-use neighborhoods,  
618 affordable housing, and the creation of an affordable housing  
619 program if such a program is not already in place;

620 6. Promoting mixed-use developments as an alternative to  
621 single-purpose centers;

622 7. Promoting clustered development having dedicated open  
623 space;

624 8. Linking commercial, educational, and recreational uses  
625 directly to residential growth;

- 626           9. Reducing per capita water and energy consumption;  
 627           10. Prioritizing environmental features to be protected  
 628 and adopting measures or programs to protect identified  
 629 features;  
 630           11. Reducing hurricane shelter deficits and evacuation  
 631 times and implementing the adopted mitigation strategies; and  
 632           12. Improving coordination between the local government  
 633 and school board.

634           Section 7. Subsection (2) of section 336.022, Florida  
 635 Statutes, is amended to read:

636           336.022 County transportation trust fund; controls and  
 637 administrative remedies.—

638           (2) (a) The Auditor General shall conduct an audit of each  
 639 such special trust fund at such intervals of time as practicable  
 640 and in accordance with s. 11.45, to:

641           1. Assure that the surplus of the constitutional gas tax  
 642 distributed to each county is being expended in accordance with  
 643 law and that the local government is in compliance with ss.  
 644 163.3177 and 163.3191.

645           2. Determine whether the municipality has submitted an  
 646 updated comprehensive plan.

647           (b) If, as a result of an audit, the Auditor General  
 648 determines that a county has violated the constitutional or  
 649 statutory requirements for expenditure of transportation funds  
 650 or is not in compliance with ss. 163.3177 and 163.3191, he or

651 she shall immediately notify the county. The county shall have  
 652 an opportunity to respond to the auditor's report within 30 days  
 653 after the date of written notification to the county. If the  
 654 Auditor General refuses to modify or repeal his or her findings,  
 655 the county may have such findings reviewed pursuant to the  
 656 provisions of the Administrative Procedure Act, chapter 120.

657 (c) If the findings of the Auditor General are upheld  
 658 after exhaustion of all administrative and legal remedies of the  
 659 county, no further surplus constitutional gas tax funds in  
 660 excess of funds for committed projects shall be distributed to  
 661 the violating county until the county corrects the matters cited  
 662 by the Auditor General and such corrections have been certified  
 663 by the Auditor General as having been completed.

664 Section 8. Paragraph (a) of subsection (2) of section  
 665 189.08, Florida Statutes, is amended to read:

666 189.08 Special district public facilities report.—

667 (2) Each independent special district shall submit to each  
 668 local general-purpose government in which it is located a public  
 669 facilities report and an annual notice of any changes. The  
 670 public facilities report shall specify the following  
 671 information:

672 (a) A description of existing public facilities owned or  
 673 operated by the special district, and each public facility that  
 674 is operated by another entity, except a local general-purpose  
 675 government, through a lease or other agreement with the special

676 district. This description shall include the current capacity of  
 677 the facility, the current demands placed upon it, and its  
 678 location. This information shall be required in the initial  
 679 report and updated every 7 years at least 12 months before the  
 680 submission date of the evaluation and appraisal notification  
 681 letter of the appropriate local government required by s.  
 682 163.3191. The department shall post a schedule on its website,  
 683 based on the evaluation and appraisal notification schedule  
 684 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a  
 685 special district to determine when its public facilities report  
 686 and updates to that report are due to the local general-purpose  
 687 governments in which the special district is located.

688 Section 9. Subsection (29) of section 479.01, Florida  
 689 Statutes, is amended to read:

690 479.01 Definitions.—As used in this chapter, the term:

691 (29) "Zoning category" means the designation under the  
 692 land development regulations or other similar ordinance enacted  
 693 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~  
 694 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,  
 695 restrictions, and limitations on use applicable to properties  
 696 within the category.

697 Section 10. The amendment made to s. 163.3191(4), Florida  
 698 Statutes, by this act applies retroactively to January 1, 2022.

699 Section 11. This act shall take effect July 1, 2023.