

1 A bill to be entitled  
2 An act relating to land use and development  
3 regulations; amending s. 70.51, F.S.; providing the  
4 types of relief that may be included in a negotiated  
5 settlement; requiring a special magistrate to consider  
6 the public interest served by comprehensive plan  
7 provisions that are inconsistent with proposed relief;  
8 revising the requirements of a governmental entity  
9 after the receipt of a special magistrate's  
10 recommendation; revising the effect of a special  
11 magistrate's recommendation; providing procedures for  
12 deeming relief granted by a special magistrate's  
13 recommendation or a negotiated settlement consistent  
14 with comprehensive plan; amending s. 163.3177, F.S.;  
15 revising the types of data that comprehensive plans  
16 and plan amendments must be based on; revising means  
17 by which an application of a methodology used in data  
18 collection or whether a particular methodology is  
19 professionally accepted may be evaluated; revising the  
20 elements that must be included in a comprehensive  
21 plan; revising the planning periods that must be  
22 included in a comprehensive plan; amending s.  
23 163.31801, F.S.; providing that certain holders of  
24 transportation or road impact fee credits are entitled  
25 to the full benefit of the density or intensity

26 prepaid by the credit balance; amending s. 163.3191,  
27 F.S.; revising the frequency at which a local  
28 government must evaluate its comprehensive plan for  
29 specified purposes; requiring, rather than  
30 authorizing, a local government to comprehensively  
31 evaluate and update its comprehensive plans to reflect  
32 changes in local conditions; requiring a local  
33 government to submit an affidavit for specified  
34 purposes; prohibiting a local government from publicly  
35 initiating or adopting plan amendments to its  
36 comprehensive plan when it fails to meet certain  
37 requirements; requiring the state land planning agency  
38 to provide certain information when a local government  
39 fails to update its comprehensive plan; providing  
40 procedures if an update is found to not be in  
41 compliance or if the update is challenged by a third  
42 party; amending s. 163.3202, F.S.; revising content  
43 requirements for local land development regulations;  
44 revising exceptions to applicability of land  
45 development regulations relating to single-family or  
46 two-family dwelling building design elements; deleting  
47 a definition; creating s. 163.32021, F.S.; providing  
48 an affordable housing approval process; providing for  
49 the expansion of an existing development of housing  
50 that contains affordable dwelling units if certain

51 requirements are met; providing for the issuance of a  
52 development order approving an application for such  
53 expansion; requiring such order to be issued in  
54 accordance with chapter 120; prohibiting such order  
55 from requiring further action by the governing body of  
56 a local government if certain requirements are met;  
57 prohibiting the issuance of an order approving a  
58 proposed development in certain instances; providing  
59 that an order issued is deemed in compliance with the  
60 local government's comprehensive plan; prohibiting  
61 local governments from imposing certain restrictions  
62 upon the issuance of a development order; requiring  
63 developments approved under the process to comply with  
64 certain laws and regulations; providing construction;  
65 amending s. 163.3208, F.S.; revising the definition of  
66 the term "distribution electric substation"; revising  
67 the substation approval process to include  
68 applications for changes to existing electric  
69 substations; amending s. 189.031, F.S.; precluding an  
70 independent special district from complying with the  
71 terms of certain development agreements under certain  
72 circumstances; providing applicability; providing for  
73 future legislative review and repeal of specified  
74 provisions; amending ss. 189.08 and 479.01, F.S.;  
75 conforming cross-references; providing effective

76 |           dates.

77 |

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

79 |

80 |           Section 1. Paragraph (h) of subsection (18) of section  
 81 | 70.51, Florida Statutes, is redesignated as paragraph (i),  
 82 | paragraph (a) of subsection (17), paragraph (a) of subsection  
 83 | (21), and subsection (25) are amended, and a new paragraph (h)  
 84 | is added to subsection (18) of that section, to read:

85 |           70.51 Land use and environmental dispute resolution.—

86 |           (17) In all respects, the hearing must be informal and  
 87 | open to the public and does not require the use of an attorney.  
 88 | The hearing must operate at the direction and under the  
 89 | supervision of the special magistrate. The object of the hearing  
 90 | is to focus attention on the impact of the governmental action  
 91 | giving rise to the request for relief and to explore  
 92 | alternatives to the development order or enforcement action and  
 93 | other regulatory efforts by the governmental entities in order  
 94 | to recommend relief, when appropriate, to the owner.

95 |           (a) The first responsibility of the special magistrate is  
 96 | to facilitate a resolution of the conflict between the owner and  
 97 | governmental entities to the end that some modification of the  
 98 | owner's proposed use of the property or adjustment in the  
 99 | development order or enforcement action or regulatory efforts by  
 100 | one or more of the governmental parties may be reached.

101 Accordingly, the special magistrate shall act as a facilitator  
 102 or mediator between the parties in an effort to effect a  
 103 mutually acceptable solution. The parties shall be represented  
 104 at the mediation by persons with authority to bind their  
 105 respective parties to a solution, or by persons with authority  
 106 to recommend a solution directly to the persons with authority  
 107 to bind their respective parties to a solution. A negotiated  
 108 settlement may include, but is not limited to, one or more of  
 109 the following types of relief or other extraordinary relief  
 110 deemed appropriate by the parties:

111 1. An adjustment of land development or permit standards  
 112 or other provisions controlling the development or use of land  
 113 for the property subject to the dispute or other property owned  
 114 or controlled by the parties to the settlement.

115 2. Increases or modifications in the density, intensity,  
 116 or use of areas of development.

117 3. The transfer of development rights.

118 4. Land swaps or exchanges.

119 5. Mitigation relief, including payments in lieu of onsite  
 120 mitigation.

121 6. Location on the least sensitive portion of the  
 122 property.

123 7. Conditioning the amount of development or use  
 124 permitted.

125 8. A requirement that issues be addressed on a more

126 comprehensive basis than a single proposed use or development.

127 9. Issuance of the development order, a variance, a  
 128 special exception, or other extraordinary relief, including  
 129 withdrawal of the enforcement action.

130 10. Purchase of the real property, or an interest therein,  
 131 by an appropriate governmental entity or payment of  
 132 compensation.

133 (18) The circumstances to be examined in determining  
 134 whether the development order or enforcement action, or the  
 135 development order or enforcement action in conjunction with  
 136 regulatory efforts of other governmental parties, is  
 137 unreasonable or unfairly burdens use of the property may  
 138 include, but are not limited to:

139 (h) The public interest served by the local comprehensive  
 140 plan provisions that are inconsistent with the proposed relief  
 141 granted by the special magistrate's recommendation.

142 (21) Within 45 days after receipt of the special  
 143 magistrate's recommendation, the governmental entity responsible  
 144 for the development order or enforcement action and other  
 145 governmental entities participating in the proceeding must  
 146 consult among themselves and each governmental entity must:

147 (a) Accept the recommendation of the special magistrate as  
 148 submitted and proceed to implement it by development agreement,  
 149 when appropriate, or by other method, in the ordinary course and  
 150 consistent with the rules and procedures of that governmental

151 entity. However, the decision of the governmental entity to  
 152 accept the recommendation of the special magistrate with respect  
 153 to granting a rezoning, modification, variance, or special  
 154 exception to the application of statutes, rules, regulations,  
 155 comprehensive plans, or ordinances as they would otherwise apply  
 156 to the subject property does not require an owner to duplicate  
 157 previous processes in which the owner has participated in order  
 158 to effectuate the granting of the modification, variance, or  
 159 special exception. Any recommendation of the special magistrate  
 160 with respect to granting a rezoning of property is not  
 161 considered contract zoning;

162 (25) Regardless of the action the governmental entity  
 163 takes on the special magistrate's recommendation, a  
 164 recommendation that the development order or enforcement action,  
 165 or the development order or enforcement action in combination  
 166 with other governmental regulatory actions, is unreasonable or  
 167 unfairly burdens use of the owner's real property may serve as  
 168 an indication of sufficient hardship to support a rezoning,  
 169 modification, variance ~~variances~~, or special exception  
 170 ~~exceptions~~ to the application of statutes, rules, regulations,  
 171 or ordinances to the subject property. If the relief granted  
 172 within the special magistrate's recommendation or a negotiated  
 173 settlement entered into under this section has the effect of  
 174 contravening local comprehensive plans or is inconsistent with  
 175 the local government's adopted comprehensive plan, the

176 recommendation or approved negotiated settlement shall be deemed  
177 consistent with the comprehensive plan under s. 163.3194 if the  
178 special magistrate or the governing body of the local government  
179 finds that the settlement agreement and approved development  
180 protects the public interest served by the comprehensive plan  
181 provisions with which the development conflicts.

182 Section 2. Paragraph (f) of subsection (1), subsection  
183 (2), paragraph (a) of subsection (5), and paragraph (a) of  
184 subsection (6) of section 163.3177, Florida Statutes, are  
185 amended to read:

186 163.3177 Required and optional elements of comprehensive  
187 plan; studies and surveys.—

188 (1) The comprehensive plan shall provide the principles,  
189 guidelines, standards, and strategies for the orderly and  
190 balanced future economic, social, physical, environmental, and  
191 fiscal development of the area that reflects community  
192 commitments to implement the plan and its elements. These  
193 principles and strategies shall guide future decisions in a  
194 consistent manner and shall contain programs and activities to  
195 ensure comprehensive plans are implemented. The sections of the  
196 comprehensive plan containing the principles and strategies,  
197 generally provided as goals, objectives, and policies, shall  
198 describe how the local government's programs, activities, and  
199 land development regulations will be initiated, modified, or  
200 continued to implement the comprehensive plan in a consistent



201 manner. It is not the intent of this part to require the  
 202 inclusion of implementing regulations in the comprehensive plan  
 203 but rather to require identification of those programs,  
 204 activities, and land development regulations that will be part  
 205 of the strategy for implementing the comprehensive plan and the  
 206 principles that describe how the programs, activities, and land  
 207 development regulations will be carried out. The plan shall  
 208 establish meaningful and predictable standards for the use and  
 209 development of land and provide meaningful guidelines for the  
 210 content of more detailed land development and use regulations.

211 (f) All required ~~mandatory~~ and optional elements of the  
 212 comprehensive plan and plan amendments must ~~shall~~ be based upon  
 213 relevant ~~and appropriate~~ data and an analysis by the local  
 214 government that may include, but not be limited to, surveys,  
 215 studies, ~~community goals and vision~~, and other data available at  
 216 the time of adoption of the comprehensive plan or plan  
 217 amendment. To be based on data means to react to it ~~in an~~  
 218 ~~appropriate way and~~ to the extent necessary indicated by the  
 219 data available on that particular subject at the time of  
 220 adoption of the plan or plan amendment at issue.

221 1. Surveys, studies, and data utilized in the preparation  
 222 of the comprehensive plan may not be deemed a part of the  
 223 comprehensive plan unless adopted as a part of it. Copies of  
 224 such studies, surveys, data, and supporting documents for  
 225 proposed plans and plan amendments must ~~shall~~ be made available

226 for public inspection, and copies of such plans must ~~shall~~ be  
227 made available to the public upon payment of reasonable charges  
228 for reproduction. Support data or summaries shall be ~~are not~~  
229 subject to the compliance review process, ~~but~~ The comprehensive  
230 plan, the support data, and the summaries must be clearly based  
231 on current appropriate data and analysis, which is relevant to  
232 and correlates to the proposed amendment. Support data or  
233 summaries may be used to aid in the determination of compliance  
234 and consistency.

235 2. Data must be taken from professionally accepted  
236 sources. The application of a methodology utilized in data  
237 collection or whether a particular methodology is professionally  
238 accepted may be evaluated. ~~However, the evaluation may not~~  
239 ~~include whether one accepted methodology is better than another.~~  
240 ~~Original data collection by local governments is not required.~~  
241 ~~However, local governments may use original data so long as~~  
242 ~~methodologies are professionally accepted.~~

243 3. The comprehensive plan must ~~shall~~ be based upon  
244 permanent and seasonal population estimates and projections,  
245 which must ~~shall~~ either be ~~those~~ published by the Office of  
246 Economic and Demographic Research or generated by the local  
247 government based upon a professionally acceptable methodology,  
248 whichever is greater. The plan must be based on at least the  
249 minimum amount of land required to accommodate the medium  
250 projections as published by the Office of Economic and

251 Demographic Research for at least a 10-year planning period  
252 unless otherwise limited under s. 380.05, including related  
253 rules of the Administration Commission. Absent physical  
254 limitations on population growth, population projections for  
255 each municipality, and the unincorporated area within a county  
256 must, at a minimum, be reflective of each area's proportional  
257 share of the total county population and the total county  
258 population growth.

259 (2) Coordination of the required and optional ~~several~~  
260 elements of the local comprehensive plan must ~~shall~~ be a major  
261 objective of the planning process. The required and optional  
262 ~~several~~ elements of the comprehensive plan must ~~shall~~ be  
263 consistent. Optional elements of the comprehensive plan may not  
264 contain policies that restrict the density or intensity  
265 established in the future land use element. Where data is  
266 relevant to required and optional ~~several~~ elements, consistent  
267 data must ~~shall~~ be used, including population estimates and  
268 projections ~~unless alternative data can be justified for a plan~~  
269 ~~amendment through new supporting data and analysis.~~ Each map  
270 depicting future conditions must reflect the principles,  
271 guidelines, and standards within all elements, and each such map  
272 must be contained within the comprehensive plan.

273 (5) (a) Each local government comprehensive plan must  
274 include at least two planning periods, one covering at least the  
275 first 10-year ~~5-year~~ period occurring after the plan's adoption

276 and one covering at least a 20-year ~~10-year~~ period. Additional  
 277 planning periods for specific components, elements, land use  
 278 amendments, or projects shall be permissible and accepted as  
 279 part of the planning process.

280 (6) In addition to the requirements of subsections (1) -  
 281 (5), the comprehensive plan shall include the following  
 282 elements:

283 (a) A future land use plan element designating proposed  
 284 future general distribution, location, and extent of the uses of  
 285 land for residential uses, commercial uses, industry,  
 286 agriculture, recreation, conservation, education, public  
 287 facilities, and other categories of the public and private uses  
 288 of land. The approximate acreage and the general range of  
 289 density or intensity of use must ~~shall~~ be provided for the gross  
 290 land area included in each existing land use category. The  
 291 element must ~~shall~~ establish the long-term end toward which land  
 292 use programs and activities are ultimately directed.

293 1. Each future land use category must be defined in terms  
 294 of uses included, and must include standards to be followed in  
 295 the control and distribution of population densities and  
 296 building and structure intensities. The proposed distribution,  
 297 location, and extent of the various categories of land use must  
 298 ~~shall~~ be shown on a land use map or map series which is ~~shall be~~  
 299 supplemented by goals, policies, and measurable objectives.

300 2. The future land use plan and plan amendments must ~~shall~~

301 be based upon surveys, studies, and data regarding the area, as  
 302 applicable, including:

303 a. The amount of land required to accommodate anticipated  
 304 growth, including the amount of land necessary to accommodate  
 305 single-family, two-family, and fee simple townhome development.

306 b. The projected permanent and seasonal population of the  
 307 area.

308 c. The character of undeveloped land.

309 d. The availability of water supplies, public facilities,  
 310 and services.

311 e. The amount of land located outside the urban service  
 312 area, excluding lands designated for conservation, preservation,  
 313 or other public use.

314 ~~f.e.~~ The need for redevelopment, including the renewal of  
 315 blighted areas and the elimination of nonconforming uses which  
 316 are inconsistent with the character of the community.

317 ~~g.f.~~ The compatibility of uses on lands adjacent to or  
 318 closely proximate to military installations.

319 ~~h.g.~~ The compatibility of uses on lands adjacent to an  
 320 airport as defined in s. 330.35 and consistent with s. 333.02.

321 ~~i.h.~~ The discouragement of urban sprawl.

322 ~~j.i.~~ The need for job creation, capital investment, and  
 323 economic development that will strengthen and diversify the  
 324 community's economy.

325 ~~k.j.~~ The need to modify land uses and development patterns

326 within antiquated subdivisions.

327 3. The future land use plan element must ~~shall~~ include  
328 criteria to be used to:

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

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

334 c. Encourage preservation of recreational and commercial  
335 working waterfronts for water-dependent uses in coastal  
336 communities.

337 d. Encourage the location of schools proximate to urban  
338 service residential areas to the extent possible and encourage  
339 the location of schools in all areas if necessary to provide  
340 adequate school capacity to serve residential development.

341 e. Coordinate future land uses with the topography and  
342 soil conditions, and the availability of facilities and  
343 services.

344 f. Ensure the protection of natural and historic  
345 resources.

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

347 h. Provide guidelines for the implementation of mixed-use  
348 development including the types of uses allowed, the percentage  
349 distribution among the mix of uses, or other standards, and the  
350 density and intensity of each use.

351           4. The amount of land designated for future planned uses  
352 must ~~shall~~ provide a balance of uses that foster vibrant, viable  
353 communities and economic development opportunities and address  
354 outdated development patterns, such as antiquated subdivisions.  
355 The amount of land designated for future land uses should allow  
356 the operation of real estate markets to provide adequate choices  
357 for permanent and seasonal residents and business and may not be  
358 limited solely by the projected population. The element must  
359 ~~shall~~ accommodate at least the minimum amount of land required  
360 to accommodate the medium projections as published by the Office  
361 of Economic and Demographic Research for at least a 10-year  
362 planning period unless otherwise limited under s. 380.05,  
363 including related rules of the Administration Commission.

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

366           6. The land use maps or map series must ~~shall~~ generally  
367 identify and depict historic district boundaries and must ~~shall~~  
368 designate historically significant properties meriting  
369 protection.

370           7. The future land use element must clearly identify the  
371 land use categories in which public schools are an allowable  
372 use. When delineating the land use categories in which public  
373 schools are an allowable use, a local government shall include  
374 in the categories sufficient land proximate to residential  
375 development to meet the projected needs for schools in

376 coordination with public school boards and may establish  
377 differing criteria for schools of different type or size. Each  
378 local government shall include lands contiguous to existing  
379 school sites, to the maximum extent possible, within the land  
380 use categories in which public schools are an allowable use.

381 8. Future land use map amendments must ~~shall~~ be based upon  
382 the following analyses:

383 a. An analysis of the availability of facilities and  
384 services.

385 b. An analysis of the suitability of the plan amendment  
386 for its proposed use considering the character of the  
387 undeveloped land, soils, topography, natural resources, and  
388 historic resources on site.

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

391 9. The future land use element must ~~and any amendment to~~  
392 ~~the future land use element shall~~ discourage the proliferation  
393 of urban sprawl by planning for future development as provided  
394 in this section.

395 a. The primary indicators that a plan or plan amendment  
396 does not discourage the proliferation of urban sprawl are listed  
397 below. The evaluation of the presence of these indicators shall  
398 consist of an analysis of the plan or plan amendment within the  
399 context of features and characteristics unique to each locality  
400 in order to determine whether the plan or plan amendment:



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

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

408 (III) Promotes, allows, or designates urban development in  
 409 radial, strip, isolated, or ribbon patterns generally emanating  
 410 from existing urban developments.

411 (IV) Fails to adequately protect and conserve natural  
 412 resources, such as wetlands, floodplains, native vegetation,  
 413 environmentally sensitive areas, natural groundwater aquifer  
 414 recharge areas, lakes, rivers, shorelines, beaches, bays,  
 415 estuarine systems, and other significant natural systems.

416 (V) Fails to adequately protect adjacent agricultural  
 417 areas and activities, including silviculture, active  
 418 agricultural and silvicultural activities, passive agricultural  
 419 activities, and dormant, unique, and prime farmlands and soils.

420 (VI) Fails to maximize use of existing public facilities  
 421 and services.

422 (VII) Fails to maximize use of future public facilities  
 423 and services.

424 (VIII) Allows for land use patterns or timing which  
 425 disproportionately increase the cost in time, money, and energy

426 | of providing and maintaining facilities and services, including  
 427 | roads, potable water, sanitary sewer, stormwater management, law  
 428 | enforcement, education, health care, fire and emergency  
 429 | response, and general government.

430 |        (IX) Fails to provide a clear separation between rural and  
 431 | urban uses.

432 |        (X) Discourages or inhibits infill development or the  
 433 | redevelopment of existing neighborhoods and communities.

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

435 |        (XII) Results in poor accessibility among linked or  
 436 | related land uses.

437 |        (XIII) Results in the loss of significant amounts of  
 438 | functional open space.

439 |        b. The future land use element or plan amendment shall be  
 440 | determined to discourage the proliferation of urban sprawl if it  
 441 | incorporates a development pattern or urban form that achieves  
 442 | four or more of the following:

443 |            (I) Directs or locates economic growth and associated land  
 444 | development to geographic areas of the community in a manner  
 445 | that does not have an adverse impact on and protects natural  
 446 | resources and ecosystems.

447 |            (II) Promotes the efficient and cost-effective provision  
 448 | or extension of public infrastructure and services.

449 |            (III) Promotes walkable and connected communities and  
 450 | provides for compact development and a mix of uses at densities

451 and intensities that will support a range of housing choices and  
 452 a multimodal transportation system, including pedestrian,  
 453 bicycle, and transit, if available.

454 (IV) Promotes conservation of water and energy.

455 (V) Preserves agricultural areas and activities, including  
 456 silviculture, and dormant, unique, and prime farmlands and  
 457 soils.

458 (VI) Preserves open space and natural lands and provides  
 459 for public open space and recreation needs.

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

463 (VIII) Provides uses, densities, and intensities of use  
 464 and urban form that would remediate an existing or planned  
 465 development pattern in the vicinity that constitutes sprawl or  
 466 if it provides for an innovative development pattern such as  
 467 transit-oriented developments or new towns as defined in s.  
 468 163.3164.

469 10. The future land use element must ~~shall~~ include a  
 470 future land use map or map series.

471 a. The proposed distribution, extent, and location of the  
 472 following uses must ~~shall~~ be shown on the future land use map or  
 473 map series:

474 (I) Residential.

475 (II) Commercial.

476 (III) Industrial.

477 (IV) Agricultural.

478 (V) Recreational.

479 (VI) Conservation.

480 (VII) Educational.

481 (VIII) Public.

482 b. The following areas must ~~shall~~ also be shown on the  
 483 future land use map or map series, if applicable:

484 (I) Historic district boundaries and designated  
 485 historically significant properties.

486 (II) Transportation concurrency management area boundaries  
 487 or transportation concurrency exception area boundaries.

488 (III) Multimodal transportation district boundaries.

489 (IV) Mixed-use categories.

490 c. The following natural resources or conditions must  
 491 ~~shall~~ be shown on the future land use map or map series, if  
 492 applicable:

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

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

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

497 (IV) Wetlands.

498 (V) Minerals and soils.

499 (VI) Coastal high hazard areas.

500 Section 3. Subsection (7) of section 163.31801, Florida

501 Statutes, is amended to read:

502 163.31801 Impact fees; short title; intent; minimum  
503 requirements; audits; challenges.—

504 (7) If an impact fee is increased, the holder of any  
505 impact fee credits, whether such credits are granted under s.  
506 163.3180, s. 380.06, or otherwise, which were in existence  
507 before the increase, is entitled to the full benefit of the  
508 intensity or density prepaid by the credit balance as of the  
509 date it was first established. If a local government adopts an  
510 alternative mobility funding system under s. 163.3180(5)(i), the  
511 holder of any transportation or road impact fee credits granted  
512 under s. 163.3180, s. 380.06, or otherwise, which were in  
513 existence before the adoption of the alternative mobility  
514 funding system, is entitled to the full benefit of the density  
515 or intensity prepaid by the credit balance as of the date the  
516 impact fee was first established.

517 Section 4. Section 163.3191, Florida Statutes, is amended  
518 to read:

519 163.3191 Evaluation and appraisal of comprehensive plan.—

520 (1) At least once every 7 years, each local government  
521 shall evaluate its comprehensive plan to determine if plan  
522 amendments are necessary to reflect a minimum planning period of  
523 at least 10 years as provided in s. 163.3177(5), or to reflect  
524 changes in state requirements in this part since the last update  
525 of the comprehensive plan, and notify the state land planning

526 agency as to its determination. The notification shall include a  
527 separate affidavit, signed by the chair of the governing body of  
528 the county and the mayor of the municipality, attesting that all  
529 elements of its comprehensive plan comply with this subsection.  
530 The affidavit must also include a certification that the adopted  
531 comprehensive plan contains the minimum planning period of 10  
532 years, as provided in s. 163.3177(5), and must cite the source  
533 and date of the population projections used in establishing the  
534 10-year planning period.

535 (2) If the local government determines amendments to its  
536 comprehensive plan are necessary to reflect changes in state  
537 requirements, the local government must ~~shall~~ prepare and  
538 transmit within 1 year such plan amendment or amendments for  
539 review pursuant to s. 163.3184.

540 (3) Local governments shall ~~are encouraged to~~  
541 comprehensively evaluate and, as necessary, update comprehensive  
542 plans to reflect changes in local conditions. Plan amendments  
543 transmitted pursuant to this section must ~~shall~~ be reviewed  
544 pursuant to s. 163.3184(4). Updates to the required and optional  
545 elements of the comprehensive plan must be processed in the same  
546 plan amendment cycle.

547 (4) If a local government fails to submit the ~~its~~ letter  
548 and affidavit prescribed by subsection (1) or transmit the  
549 update to its plan pursuant to subsection (3) within 1 year  
550 after the date the letter was transmitted to the state land

551 planning agency ~~(2)~~, it may not initiate or adopt any publicly  
552 initiated plan amendments to ~~amend~~ its comprehensive plan until  
553 such time as it complies with this section, unless otherwise  
554 required by general law. This prohibition on plan amendments  
555 does not apply to privately initiated plan amendments. The  
556 failure of the local government to timely update its plan may  
557 not be the basis for the denial of privately initiated  
558 comprehensive plan amendments.

559 (5) If it is determined that a local government has failed  
560 to update its comprehensive plan pursuant to this section, the  
561 state land planning agency must provide the required population  
562 projections that must be used by the local government to update  
563 the comprehensive plan. The local government shall initiate an  
564 update to its comprehensive plan within 3 months after the  
565 receipt of the population projections and must transmit the  
566 update within 12 months. If the state land planning agency does  
567 not find the update to be in compliance, the agency must  
568 establish the timeline to address such deficiencies, not to  
569 exceed an additional 12-month period. If the update is  
570 challenged by a third party, the local government may seek  
571 approval from the state land planning agency to process publicly  
572 initiated plan amendments that are necessary to accommodate  
573 population growth during the pendency of the litigation. During  
574 the update process, the local government may provide alternative  
575 population projections based on professionally accepted

576 methodologies, but only if those population projections exceed  
577 the population projections provided by the state land planning  
578 agency and only if the update is completed within the time  
579 period provided in this subsection.

580 ~~(6)-(5)~~ The state land planning agency may not adopt rules  
581 to implement this section, other than procedural rules or a  
582 schedule indicating when local governments must comply with the  
583 requirements of this section.

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

586 163.3202 Land development regulations.—

587 (2) Local land development regulations shall contain  
588 specific and detailed provisions necessary or desirable to  
589 implement the adopted comprehensive plan and shall at a minimum:

590 (a) Regulate the subdivision of land.

591 (b) Establish minimum lot sizes within single-family, two-  
592 family, and fee simple, single-family townhouse zoning districts  
593 to accommodate the maximum density authorized in the  
594 comprehensive plan, net of the land area required to be set  
595 aside for subdivision roads, sidewalks, stormwater ponds, open  
596 space, landscape buffers, and any other mandatory land  
597 development regulations that require land to be set aside that  
598 could otherwise be used for the development of single-family  
599 homes, two-family homes, and fee simple, single-family  
600 townhouses.



601        (c) Establish infill development standards for single-  
 602 family homes, two-family homes, and fee simple townhouse  
 603 dwelling units to allow for the administrative approval of  
 604 development of infill single-family homes, two-family homes, and  
 605 fee simple, single-family townhouses.

606        (d)~~(b)~~ Regulate the use of land and water for those land  
 607 use categories included in the land use element and ensure the  
 608 compatibility of adjacent uses and provide for open space.

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

610        (f)~~(d)~~ Regulate areas subject to seasonal and periodic  
 611 flooding and provide for drainage and stormwater management.

612        (g)~~(e)~~ Ensure the protection of environmentally sensitive  
 613 lands designated in the comprehensive plan.

614        (h)~~(f)~~ Regulate signage.

615        (i)~~(g)~~ Provide that public facilities and services meet or  
 616 exceed the standards established in the capital improvements  
 617 element required by s. 163.3177 and are available when needed  
 618 for the development, or that development orders and permits are  
 619 conditioned on the availability of these public facilities and  
 620 services necessary to serve the proposed development. A local  
 621 government may not issue a development order or permit that  
 622 results in a reduction in the level of services for the affected  
 623 public facilities below the level of services provided in the  
 624 local government's comprehensive plan.

625        (j)~~(h)~~ Ensure safe and convenient onsite traffic flow,

626 | considering needed vehicle parking.

627 |       (k)~~(i)~~ Maintain the existing density of residential  
 628 | properties or recreational vehicle parks if the properties are  
 629 | intended for residential use and are located in the  
 630 | unincorporated areas that have sufficient infrastructure, as  
 631 | determined by a local governing authority, and are not located  
 632 | within a coastal high-hazard area under s. 163.3178.

633 |       (1)~~(j)~~ Incorporate preexisting development orders  
 634 | identified pursuant to s. 163.3167(3).

635 |       (5)(a) Land development regulations relating to building  
 636 | design elements may not be applied to a single-family or two-  
 637 | family dwelling unless:

638 |           1. The dwelling is listed in the National Register of  
 639 | Historic Places, as defined in s. 267.021(5); is located in a  
 640 | National Register Historic District; or is designated as a  
 641 | historic property or located in a historic district, under the  
 642 | terms of a local preservation ordinance;

643 |           2. The regulations are adopted in order to implement the  
 644 | National Flood Insurance Program;

645 |           3. The regulations are adopted pursuant to and in  
 646 | compliance with chapter 553;

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

649 |           5. The regulations are required to ensure protection of  
 650 | coastal wildlife in compliance with s. 161.052, s. 161.053, s.

651 161.0531, s. 161.085, s. 161.163, or chapter 373; or

652 ~~6. The dwelling is located in a planned unit development~~  
653 ~~or master planned community created pursuant to a local~~  
654 ~~ordinance, resolution, or other final action approved by the~~  
655 ~~local governing body; or~~

656 6.7. The dwelling is located within the jurisdiction of a  
657 local government that has a design review board or architectural  
658 review board created before January 1, 2020.

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

660 ~~1.~~ "building design elements" means the external building  
661 color; the type or style of exterior cladding material; the  
662 style or material of roof structures or porches; the exterior  
663 nonstructural architectural ornamentation; the location or  
664 architectural styling of windows or doors; the location or  
665 orientation of the garage; the number and type of rooms; and the  
666 interior layout of rooms. The term does not include the height,  
667 bulk, orientation, or location of a dwelling on a zoning lot; or  
668 the use of buffering or screening to minimize potential adverse  
669 physical or visual impacts or to protect the privacy of  
670 neighbors.

671 ~~2.~~ "Planned unit development" or "master planned  
672 community" means an area of land that is planned and developed  
673 as a single entity or in approved stages with uses and  
674 structures substantially related to the character of the entire  
675 development, or a self-contained development in which the

676 ~~subdivision and zoning controls are applied to the project as a~~  
 677 ~~whole rather than to individual lots.~~

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

681 Section 6. Section 163.32021, Florida Statutes, is created  
 682 to read:

683 163.32021 Affordable housing approval process.-

684 (1) An applicant of a development order of an existing  
 685 development of housing that demonstrates at the time of  
 686 submission of his or her application that at least 25 percent of  
 687 the dwelling units are affordable, as defined in s. 420.0004,  
 688 may be granted approval to expand the development to adjacent  
 689 property in any future land use category if at least 25 percent  
 690 of the new dwelling units are affordable, as defined in s.  
 691 420.0004, at the time of the initial sale or lease.

692 (2)(a) A development order granting an application for a  
 693 proposed development under subsection (1) shall be issued in  
 694 accordance with the provisions of chapter 120 and applicable  
 695 rules and may not require further action by the governing body  
 696 of a local government if the new development is consistent with  
 697 the same land development standards, including, but not limited  
 698 to, lot size and setbacks, as the existing development. A  
 699 development order issued under this subsection shall be deemed  
 700 consistent with the local government's land development

701 regulations.

702 (b) Notwithstanding any other law, local ordinance, or  
703 regulation to the contrary, an application submitted under  
704 subsection (1) which requires a zoning or land use change or a  
705 comprehensive plan amendment may not be approved. A development  
706 order issued for a proposed development under this subsection  
707 shall be deemed in compliance, as defined in s. 163.3184(1),  
708 with the local government's comprehensive plan.

709 (3) Upon the issuance of a development order approving a  
710 proposed development, the local government may not restrict:

711 (a) The density of the new development below the density  
712 of the existing development.

713 (b) The height of the new development below the highest  
714 currently allowed height in the existing development.

715 (4) Except as otherwise provided in this section, a  
716 development approved under this section must comply with all  
717 applicable state and local laws and regulations.

718 (5) The provisions of this section are self-executing and  
719 do not require the governing body of a local government to adopt  
720 an ordinance or a regulation before using the approval process  
721 in this section.

722 Section 7. Section 163.3208, Florida Statutes, is amended  
723 to read:

724 163.3208 Substation approval process.—

725 (1) It is the intent of the Legislature to maintain,

726 encourage, and ensure adequate and reliable electric  
727 infrastructure in the state. It is essential that electric  
728 infrastructure be constructed and maintained in various  
729 locations in order to ensure the efficient and reliable delivery  
730 of electric service. Electric infrastructure should be  
731 constructed, to the maximum extent practicable, to achieve  
732 compatibility with adjacent and surrounding land uses, and the  
733 criteria included in this section are intended to balance the  
734 need for electricity with land use compatibility.

735 (2) The term "~~distribution~~ electric substation" means an  
736 electric substation, including accessory administration or  
737 maintenance buildings and related accessory uses and structures,  
738 which takes electricity from the transmission grid and converts  
739 it to another voltage or a lower voltage so it can be  
740 distributed to customers ~~in the local area on the local~~  
741 ~~distribution grid~~ through one or more ~~distribution~~ lines ~~less~~  
742 ~~than 69 kilovolts in size.~~

743 (3) Electric substations are a critical component of  
744 electric transmission and distribution. Except for substations  
745 in s. 163.3205(2)(c), local governments may adopt and enforce  
746 reasonable land development regulations for new and existing  
747 ~~distribution~~ electric substations, addressing only setback,  
748 landscaping, buffering, screening, lighting, and other aesthetic  
749 compatibility-based standards. Vegetated buffers or screening  
750 beneath aerial access points to the substation equipment shall

751 not be required to have a mature height in excess of 14 feet.

752 (4) New and existing ~~distribution~~ electric substations  
753 shall be a permitted use in all land use categories in the  
754 applicable local government comprehensive plan and zoning  
755 districts within a utility's service territory except those  
756 designated as preservation, conservation, or historic  
757 preservation on the future land use map or duly adopted  
758 ordinance. If a local government has not adopted reasonable  
759 standards for substation siting in accordance with subsection  
760 (3), the following standards shall apply to new and existing  
761 ~~distribution~~ electric substations:

762 (a) In nonresidential areas, the substation must comply  
763 with the setback and landscaped buffer area criteria applicable  
764 to other similar uses in that district, if any.

765 (b) Unless the local government approves a lesser setback  
766 or landscape requirement, in residential areas, a setback of up  
767 to 100 feet between the substation property boundary and  
768 permanent equipment structures shall be maintained as follows:

769 1. For setbacks between 100 feet and 50 feet, an open  
770 green space shall be formed by installing native landscaping,  
771 including trees and shrub material, consistent with the relevant  
772 local government's land development regulations. Substation  
773 equipment shall be protected by a security fence consistent with  
774 the relevant local government's land development regulations.

775 2. For setbacks of less than 50 feet, a buffer wall 8 feet

776 high or a fence 8 feet high with native landscaping consistent  
777 with the relevant local government's regulations shall be  
778 installed around the substation.

779 (5) If the application for a proposed ~~distribution~~  
780 electric substation or for changes to an existing electric  
781 substation demonstrates that the substation design is consistent  
782 with the local government's applicable setback, landscaping,  
783 buffering, screening, and other aesthetic compatibility-based  
784 standards, the application for development approval for or  
785 changes to the substation shall be approved.

786 (6) (a) This paragraph applies ~~may apply~~ to the proposed  
787 placement or construction of a new ~~distribution~~ electric  
788 substation within a residential area. Before ~~Prior to~~ submitting  
789 an application for the location of a new ~~distribution~~ electric  
790 substation in residential areas, the utility shall consult with  
791 the local government regarding the selection of a site. The  
792 utility shall provide information regarding the utility's  
793 preferred site and as many as three alternative available sites,  
794 including sites within nonresidential areas, that are  
795 technically and electrically reasonable for the load to be  
796 served, if the local government deems that the siting of a new  
797 ~~distribution~~ electric substation warrants this additional review  
798 and consideration. The final determination on the site  
799 application as to the preferred and alternative sites shall be  
800 made solely by the local government within 90 days of



801 presentation of all the necessary and required information on  
802 the preferred site and on the alternative sites. In the event  
803 the utility and the local government are unable to reach  
804 agreement on an appropriate location, the substation site  
805 selection shall be submitted to mediation conducted pursuant to  
806 ss. 44.401-44.406, unless otherwise agreed to in writing by the  
807 parties, and the mediation shall be concluded within 30 days  
808 unless extended by written agreement of the parties. The 90-day  
809 time period for the local government to render a final decision  
810 on the site application is tolled from the date a notice of  
811 intent to mediate the site selection issue is served on the  
812 utility or local government, until the mediation is concluded,  
813 terminated, or an impasse is declared. The local government and  
814 utility may agree to waive or extend this 90-day time period.  
815 Upon rendition of a final decision of the local government, a  
816 person may pursue available legal remedies in accordance with  
817 law, and the matter shall be considered on an expedited basis.

818 (b) A local government's land development and construction  
819 regulations for new ~~distribution~~ electric substations or for  
820 changes to existing electric substations and the local  
821 government's review of an application for the placement or  
822 construction of a new ~~distribution~~ electric substation or for  
823 changes to an existing electric substation shall only address  
824 land development, zoning, or aesthetic compatibility-based  
825 issues. In such local government regulations or review, a local

826 government may not require information or evaluate a utility's  
827 business decisions about its service, customer demand for its  
828 service, or quality of its service to or from a particular area  
829 or site, unless the utility voluntarily offers this information  
830 to the local government.

831 (7) Substation siting standards adopted after the  
832 effective date of this act does ~~shall~~ not apply to applications  
833 for new ~~distribution~~ electric substations or for changes to  
834 existing electric substations which ~~substation applications that~~  
835 were submitted before ~~prior to~~ the notice of the local  
836 government's adoption hearing.

837 (8)(a) If a local government has adopted standards for the  
838 siting of new ~~distribution~~ electric substations or for changes  
839 to existing electric substations within any of the local  
840 government's land use categories or zoning districts, the local  
841 government shall grant or deny a properly completed application  
842 for a permit to locate a new electric substation or change an  
843 existing ~~distribution~~ electric substation within the land use  
844 category or zoning district within 90 days after the date the  
845 properly completed application is declared complete in  
846 accordance with the applicable local government application  
847 procedures. If the local government fails to approve or deny a  
848 properly completed application for a new ~~distribution~~ electric  
849 substation or for changes to an existing electric substation  
850 within the timeframes set forth, the application is ~~shall be~~

851 ~~deemed~~ automatically approved, and the applicant may proceed  
852 with construction consistent with its application without  
853 interference or penalty. Issuance of such local permit does not  
854 relieve the applicant from complying with applicable federal or  
855 state laws or regulations and other applicable local land  
856 development or building regulations, if any.

857 (b) The local government shall notify the permit applicant  
858 within 30 days after the date the application is submitted as to  
859 whether the application is, for administrative purposes only,  
860 properly completed and has been properly submitted. Further  
861 completeness determinations shall be provided within 15 days  
862 after the receipt of additional information. However, such  
863 determination is not ~~shall not be not deemed an~~ approval of the  
864 application.

865 (c) To be effective, a waiver of the timeframes set forth  
866 in this subsection must be voluntarily agreed to by the utility  
867 applicant and the local government. A local government may  
868 request, but not require, a waiver of the timeframes by the  
869 applicant, except that, with respect to a specific application,  
870 a one-time waiver may be required in the case of a declared  
871 local, state, or federal emergency that directly affects the  
872 administration of all permitting activities of the local  
873 government.

874 (d) The local government may establish reasonable  
875 timeframes within which the required information to cure the

876 application deficiency is to be provided, or the application  
 877 will be considered withdrawn or closed.

878 Section 8. Effective upon becoming a law, subsection (7)  
 879 is added to section 189.031, Florida Statutes, to read:

880 189.031 Legislative intent for the creation of independent  
 881 special districts; special act prohibitions; model elements and  
 882 other requirements; local general-purpose government/Governor  
 883 and Cabinet creation authorizations.-

884 (7) REVIEW OF DEVELOPMENT AGREEMENTS.-An independent  
 885 special district is precluded from complying with the terms of  
 886 any development agreement, and any other agreement for which the  
 887 development agreement serves in whole or part as consideration,  
 888 executed within 3 months before the effective date of a law  
 889 modifying the manner of selecting members of the governing body  
 890 of the independent special district from election to appointment  
 891 or from appointment to election. The newly elected or appointed  
 892 governing body of the independent special district shall review  
 893 within 4 months after taking office any development agreement  
 894 and any other agreement for which the development agreement  
 895 serves in whole or part as consideration and, after such review,  
 896 shall vote on whether to seek readoption of such agreement. This  
 897 subsection shall apply to any development agreement that is in  
 898 effect on, or is executed after, the effective date of this  
 899 section. This subsection expires July 1, 2028, unless reviewed  
 900 and saved from repeal through reenactment by the Legislature.

901 Section 9. Paragraph (a) of subsection (2) of section  
 902 189.08, Florida Statutes, is amended to read:

903 189.08 Special district public facilities report.—

904 (2) Each independent special district shall submit to each  
 905 local general-purpose government in which it is located a public  
 906 facilities report and an annual notice of any changes. The  
 907 public facilities report shall specify the following  
 908 information:

909 (a) A description of existing public facilities owned or  
 910 operated by the special district, and each public facility that  
 911 is operated by another entity, except a local general-purpose  
 912 government, through a lease or other agreement with the special  
 913 district. This description shall include the current capacity of  
 914 the facility, the current demands placed upon it, and its  
 915 location. This information shall be required in the initial  
 916 report and updated every 7 years at least 12 months before the  
 917 submission date of the evaluation and appraisal notification  
 918 letter of the appropriate local government required by s.  
 919 163.3191. The department shall post a schedule on its website,  
 920 based on the evaluation and appraisal notification schedule  
 921 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a  
 922 special district to determine when its public facilities report  
 923 and updates to that report are due to the local general-purpose  
 924 governments in which the special district is located.

925 Section 10. Subsection (29) of section 479.01, Florida

926 Statutes, is amended to read:

927 479.01 Definitions.—As used in this chapter, the term:

928 (29) "Zoning category" means the designation under the  
 929 land development regulations or other similar ordinance enacted  
 930 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~  
 931 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,  
 932 restrictions, and limitations on use applicable to properties  
 933 within the category.

934 Section 11. Except as otherwise expressly provided in this  
 935 act, and except for this section which shall take effect upon  
 936 becoming a law, this act shall take effect July 1, 2023.