



57 regional impact, school concurrency, service areas,
 58 financial feasibility, interlocal agreements, and
 59 multimodal transportation districts; revising duties of
 60 the Office of Program Policy Analysis and the state land
 61 planning agency; providing requirements for local plans;
 62 providing for the limiting the liability of local
 63 governments under certain conditions; amending s.
 64 163.3182, F.S.; revising definitions; revising provisions
 65 relating to transportation deficiency plans and projects;
 66 amending s. 163.3184, F.S.; providing a definition;
 67 providing requirements for comprehensive plans and plan
 68 amendments; providing a expedited state review process for
 69 adoption of comprehensive plan amendments; providing
 70 requirements for the adoption of comprehensive plan
 71 amendments; creating the state-coordinated review process;
 72 providing and revising provisions relating to the review
 73 process; revising requirements relating to local
 74 government transmittal of proposed plan or amendments;
 75 providing for comment by reviewing agencies; deleting
 76 provisions relating to regional, county, and municipal
 77 review; revising provisions relating to state land
 78 planning agency review; revising provisions relating to
 79 local government review of comments; deleting and revising
 80 provisions relating to notice of intent and processes for
 81 compliance and noncompliance; providing procedures for
 82 administrative challenges to plans and plan amendments;
 83 providing for compliance agreements; providing for
 84 mediation and expeditious resolution; revising powers and

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169 of general law; allowing specified amendments to be
 170 adopted upon approval by the local government; directing
 171 the Department of Transportation to report on the
 172 calculation of proportionate share; providing for
 173 severability; creating a 2-year permit extension;
 174 providing a directive of the Division of Statutory
 175 Revision; providing an effective date.
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177 Be It Enacted by the Legislature of the State of Florida:
 178

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

181 70.51 Land use and environmental dispute resolution.—

182 (26) A special magistrate's recommendation under this
 183 section constitutes data in support of, and a support document
 184 for, a comprehensive plan or comprehensive plan amendment, but
 185 is not, in and of itself, dispositive of a determination of
 186 compliance with chapter 163. ~~Any comprehensive plan amendment~~
 187 ~~necessary to carry out the approved recommendation of a special~~
 188 ~~magistrate under this section is exempt from the twice-a-year~~
 189 ~~limit on plan amendments and may be adopted by the local~~
 190 ~~government amendments in s. 163.3184(16)(d).-~~

191 Section 2. Paragraphs (h) through (l) of subsection (3) of
 192 section 163.06, Florida Statutes, are redesignated as paragraphs
 193 (g) through (k), respectively, and present paragraph (g) of that
 194 subsection is amended to read:

195 163.06 Miami River Commission.—



196 (3) The policy committee shall have the following powers
 197 and duties:

198 ~~(g) Coordinate a joint planning area agreement between the~~
 199 ~~Department of Community Affairs, the city, and the county under~~
 200 ~~the provisions of s. 163.3177(11) (a), (b), and (c).~~

201 Section 3. Subsection (4) of section 163.2517, Florida
 202 Statutes, is amended to read:

203 163.2517 Designation of urban infill and redevelopment
 204 area.—

205 (4) In order for a local government to designate an urban
 206 infill and redevelopment area, it must amend its comprehensive
 207 land use plan under s. 163.3187 to delineate the boundaries of
 208 the urban infill and redevelopment area within the future land
 209 use element of its comprehensive plan pursuant to its adopted
 210 urban infill and redevelopment plan. The state land planning
 211 agency shall review the boundary delineation of the urban infill
 212 and redevelopment area in the future land use element under s.
 213 163.3184. However, an urban infill and redevelopment plan
 214 adopted by a local government is not subject to review for
 215 compliance as defined by s. 163.3184(1) (b), and the local
 216 government is not required to adopt the plan as a comprehensive
 217 plan amendment. ~~An amendment to the local comprehensive plan to~~
 218 ~~designate an urban infill and redevelopment area is exempt from~~
 219 ~~the twice a year amendment limitation of s. 163.3187.~~

220 Section 4. Section 163.3161, Florida Statutes, is amended
 221 to read:

222 163.3161 Short title; intent and purpose.—



223 (1) This part shall be known and may be cited as the
 224 "~~Community Local Government Comprehensive Planning and Land~~
 225 ~~Development Regulation Act.~~"

226 (2) ~~In conformity with, and in furtherance of, the purpose~~
 227 ~~of the Florida Environmental Land and Water Management Act of~~
 228 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and
 229 strengthen the existing role, processes, and powers of local
 230 governments in the establishment and implementation of
 231 comprehensive planning programs to guide and manage control
 232 future development consistent with the proper role of local
 233 government.

234 (3) It is the intent of this act to focus the state role
 235 in managing growth under this act to protecting the functions of
 236 important state resources and facilities.

237 (4) It is the intent of this act that ~~its adoption is~~
 238 ~~necessary so that~~ local governments have the ability to can
 239 preserve and enhance present advantages; encourage the most
 240 appropriate use of land, water, and resources, consistent with
 241 the public interest; overcome present handicaps; and deal
 242 effectively with future problems that may result from the use
 243 and development of land within their jurisdictions. Through the
 244 process of comprehensive planning, it is intended that units of
 245 local government can preserve, promote, protect, and improve the
 246 public health, safety, comfort, good order, appearance,
 247 convenience, law enforcement and fire prevention, and general
 248 welfare; ~~prevent the overcrowding of land and avoid undue~~
 249 ~~concentration of population;~~ facilitate the adequate and
 250 efficient provision of transportation, water, sewerage, schools,



251 parks, recreational facilities, housing, and other requirements
 252 and services; and conserve, develop, utilize, and protect
 253 natural resources within their jurisdictions.

254 (5)~~(4)~~ It is the intent of this act to encourage and
 255 ensure ~~assure~~ cooperation between and among municipalities and
 256 counties and to encourage and ensure ~~assure~~ coordination of
 257 planning and development activities of units of local government
 258 with the planning activities of regional agencies and state
 259 government in accord with applicable provisions of law.

260 (6)~~(5)~~ It is the intent of this act that adopted
 261 comprehensive plans shall have the legal status set out in this
 262 act and that no public or private development shall be permitted
 263 except in conformity with comprehensive plans, or elements or
 264 portions thereof, prepared and adopted in conformity with this
 265 act.

266 (7)~~(6)~~ It is the intent of this act that the activities of
 267 units of local government in the preparation and adoption of
 268 comprehensive plans, or elements or portions therefor, shall be
 269 conducted in conformity with ~~the provisions of~~ this act.

270 (8)~~(7)~~ The provisions of this act in their interpretation
 271 and application are declared to be the minimum requirements
 272 necessary to accomplish the stated intent, purposes, and
 273 objectives of this act; to protect human, environmental, social,
 274 and economic resources; and to maintain, through orderly growth
 275 and development, the character and stability of present and
 276 future land use and development in this state.

277 (9)~~(8)~~ It is the intent of the Legislature that the repeal
 '8 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws



279 of Florida, and amendments to this part by this chapter law,
 280 ~~shall~~ not be interpreted to limit or restrict the powers of
 281 municipal or county officials, but ~~shall~~ be interpreted as a
 282 recognition of their broad statutory and constitutional powers
 283 to plan for and regulate the use of land. It is, further, the
 284 intent of the Legislature to reconfirm that ss. 163.3161-
 285 163.3248 ~~163.3161 through 163.3215~~ have provided and do provide
 286 the necessary statutory direction and basis for municipal and
 287 county officials to carry out their comprehensive planning and
 288 land development regulation powers, duties, and
 289 responsibilities.

290 (10)(9) It is the intent of the Legislature that all
 291 governmental entities in this state recognize and respect
 292 judicially acknowledged or constitutionally protected private
 293 property rights. It is the intent of the Legislature that all
 294 rules, ordinances, regulations, comprehensive plans and
 295 amendments thereto, and programs adopted under the authority of
 296 this act must be developed, promulgated, implemented, and
 297 applied with sensitivity for private property rights and not be
 298 unduly restrictive, and property owners must be free from
 299 actions by others which would harm their property or which would
 300 constitute an inordinate burden on property rights as those
 301 terms are defined in s. 70.001(3)(e) and (f). Full and just
 302 compensation or other appropriate relief must be provided to any
 303 property owner for a governmental action that is determined to
 304 be an invalid exercise of the police power which constitutes a
 305 taking, as provided by law. Any such relief must ultimately be
 306 determined in a judicial action.



307 (11) It is the intent of this part that the traditional
 308 economic base of this state, agriculture, tourism, and military
 309 presence, be recognized and protected. Further, it is the intent
 310 of this part to encourage economic diversification, workforce
 311 development, and community planning.

312 (12) It is the intent of this part that new statutory
 313 requirements created by the Legislature will not require a local
 314 government whose plan has been found to be in compliance with
 315 this part to adopt amendments implementing the new statutory
 316 requirements until the evaluation and appraisal period provided
 317 in s. 163.3191, unless otherwise specified in law. However, any
 318 new amendments must comply with the requirements of this part.

319 Section 5. Subsections (2) through (5) of section
 320 163.3162, Florida Statutes, are renumbered as subsections (1)
 321 through (4), respectively, and present subsections (1) and (5)
 322 of that section are amended to read:

323 163.3162 Agricultural Lands and Practices Act.—

324 ~~(1) SHORT TITLE. This section may be cited as the~~
 325 ~~"Agricultural Lands and Practices Act."~~

326 ~~(4)(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—~~

327 The owner of a parcel of land defined as an agricultural enclave
 328 under s. 163.3164~~(33)~~ may apply for an amendment to the local
 329 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.

330 Such amendment is presumed not to be urban sprawl as defined in
 331 s. 163.3164 if it includes consistent with rule 9J 5.006(5),
 332 ~~Florida Administrative Code, and may include land uses and~~
 333 intensities of use that are consistent with the uses and
 334 intensities of use of the industrial, commercial, or residential



335 areas that surround the parcel. This presumption may be rebutted
 336 by clear and convincing evidence. Each application for a
 337 comprehensive plan amendment under this subsection for a parcel
 338 larger than 640 acres must include appropriate new urbanism
 339 concepts such as clustering, mixed-use development, the creation
 340 of rural village and city centers, and the transfer of
 341 development rights in order to discourage urban sprawl while
 342 protecting landowner rights.

343 (a) The local government and the owner of a parcel of land
 344 that is the subject of an application for an amendment shall
 345 have 180 days following the date that the local government
 346 receives a complete application to negotiate in good faith to
 347 reach consensus on the land uses and intensities of use that are
 348 consistent with the uses and intensities of use of the
 49 industrial, commercial, or residential areas that surround the
 350 parcel. Within 30 days after the local government's receipt of
 351 such an application, the local government and owner must agree
 352 in writing to a schedule for information submittal, public
 353 hearings, negotiations, and final action on the amendment, which
 354 schedule may thereafter be altered only with the written consent
 355 of the local government and the owner. Compliance with the
 356 schedule in the written agreement constitutes good faith
 357 negotiations for purposes of paragraph (c).

358 (b) Upon conclusion of good faith negotiations under
 359 paragraph (a), regardless of whether the local government and
 360 owner reach consensus on the land uses and intensities of use
 361 that are consistent with the uses and intensities of use of the
 362 industrial, commercial, or residential areas that surround the



363 parcel, the amendment must be transmitted to the state land
 364 planning agency for review pursuant to s. 163.3184. If the local
 365 government fails to transmit the amendment within 180 days after
 366 receipt of a complete application, the amendment must be
 367 immediately transferred to the state land planning agency for
 368 such review ~~at the first available transmittal cycle~~. A plan
 369 amendment transmitted to the state land planning agency
 370 submitted under this subsection is presumed not to be urban
 371 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~
 372 ~~5.006(5), Florida Administrative Code~~. This presumption may be
 373 rebutted by clear and convincing evidence.

374 (c) If the owner fails to negotiate in good faith, a plan
 375 amendment submitted under this subsection is not entitled to the
 376 rebuttable presumption under this subsection in the negotiation
 377 and amendment process.

378 (d) Nothing within this subsection relating to
 379 agricultural enclaves shall preempt or replace any protection
 380 currently existing for any property located within the
 381 boundaries of the following areas:

- 382 1. The Wekiva Study Area, as described in s. 369.316; or
- 383 2. The Everglades Protection Area, as defined in s.
 384 373.4592(2).

385 Section 6. Section 163.3164, Florida Statutes, is amended
 386 to read:

387 163.3164 Community Local Government Comprehensive Planning
 388 ~~and Land Development Regulation Act~~; definitions.—As used in
 389 this act:



390 (1) "Adaptation action area" or "adaptation area" means a
 391 designation in the coastal management element of a local
 392 government's comprehensive plan which identifies one or more
 393 areas that experience coastal flooding due to extreme high tides
 394 and storm surge, and that are vulnerable to the related impacts
 395 of rising sea levels for the purpose of prioritizing funding for
 396 infrastructure needs and adaptation planning.

397 (2) "Administration Commission" means the Governor and the
 398 Cabinet, and for purposes of this chapter the commission shall
 399 act on a simple majority vote, except that for purposes of
 400 imposing the sanctions provided in s. 163.3184(8)-(11),
 401 affirmative action shall require the approval of the Governor
 402 and at least three other members of the commission.

403 (3) "Affordable housing" has the same meaning as in s.
 404 420.0004(3).

405 (4)~~(33)~~ "Agricultural enclave" means an unincorporated,
 406 undeveloped parcel that:

407 (a) Is owned by a single person or entity;

408 (b) Has been in continuous use for bona fide agricultural
 409 purposes, as defined by s. 193.461, for a period of 5 years
 410 prior to the date of any comprehensive plan amendment
 411 application;

412 (c) Is surrounded on at least 75 percent of its perimeter
 413 by:

414 1. Property that has existing industrial, commercial, or
 415 residential development; or

416 2. Property that the local government has designated, in
 417 the local government's comprehensive plan, zoning map, and



418 future land use map, as land that is to be developed for
 419 industrial, commercial, or residential purposes, and at least 75
 420 percent of such property is existing industrial, commercial, or
 421 residential development;

422 (d) Has public services, including water, wastewater,
 423 transportation, schools, and recreation facilities, available or
 424 such public services are scheduled in the capital improvement
 425 element to be provided by the local government or can be
 426 provided by an alternative provider of local government
 427 infrastructure in order to ensure consistency with applicable
 428 concurrency provisions of s. 163.3180; and

429 (e) Does not exceed 1,280 acres; however, if the property
 430 is surrounded by existing or authorized residential development
 431 that will result in a density at buildout of at least 1,000
 32 residents per square mile, then the area shall be determined to
 433 be urban and the parcel may not exceed 4,480 acres.

434 (5) "Antiquated subdivision" means a subdivision that was
 435 recorded or approved more than 20 years ago and that has
 436 substantially failed to be built and the continued buildout of
 437 the subdivision in accordance with the subdivision's zoning and
 438 land use purposes would cause an imbalance of land uses and
 439 would be detrimental to the local and regional economies and
 440 environment, hinder current planning practices, and lead to
 441 inefficient and fiscally irresponsible development patterns as
 442 determined by the respective jurisdiction in which the
 443 subdivision is located.

444 (6)~~(2)~~ "Area" or "area of jurisdiction" means the total
 445 area qualifying under ~~the provisions of this act~~, whether this



446 be all of the lands lying within the limits of an incorporated
 447 municipality, lands in and adjacent to incorporated
 448 municipalities, all unincorporated lands within a county, or
 449 areas comprising combinations of the lands in incorporated
 450 municipalities and unincorporated areas of counties.

451 (7) "Capital improvement" means physical assets
 452 constructed or purchased to provide, improve, or replace a
 453 public facility and which are typically large scale and high in
 454 cost. The cost of a capital improvement is generally
 455 nonrecurring and may require multiyear financing. For the
 456 purposes of this part, physical assets that have been identified
 457 as existing or projected needs in the individual comprehensive
 458 plan elements shall be considered capital improvements.

459 (8)~~(3)~~ "Coastal area" means the 35 coastal counties and
 60 all coastal municipalities within their boundaries ~~designated~~
 461 ~~coastal by the state land planning agency.~~

462 (9) "Compatibility" means a condition in which land uses
 463 or conditions can coexist in relative proximity to each other in
 464 a stable fashion over time such that no use or condition is
 465 unduly negatively impacted directly or indirectly by another use
 466 or condition.

467 (10)~~(4)~~ "Comprehensive plan" means a plan that meets the
 468 requirements of ss. 163.3177 and 163.3178.

469 (11) "Deepwater ports" means the ports identified in s.
 470 403.021(9).

471 (12) "Density" means an objective measurement of the
 472 number of people or residential units allowed per unit of land,
 473 such as residents or employees per acre.



474 ~~(13)(5)~~ "Developer" means any person, including a
 475 governmental agency, undertaking any development as defined in
 476 this act.

477 ~~(14)(6)~~ "Development" has the same meaning as given it in
 478 s. 380.04.

479 ~~(15)(7)~~ "Development order" means any order granting,
 480 denying, or granting with conditions an application for a
 481 development permit.

482 ~~(16)(8)~~ "Development permit" includes any building permit,
 483 zoning permit, subdivision approval, rezoning, certification,
 484 special exception, variance, or any other official action of
 485 local government having the effect of permitting the development
 486 of land.

487 ~~(17)(25)~~ "Downtown revitalization" means the physical and
 38 economic renewal of a central business district of a community
 489 as designated by local government, and includes both downtown
 490 development and redevelopment.

491 (18) "Floodprone areas" means areas inundated during a
 492 100-year flood event or areas identified by the National Flood
 493 Insurance Program as an A Zone on flood insurance rate maps or
 494 flood hazard boundary maps.

495 (19) "Goal" means the long-term end toward which programs
 496 or activities are ultimately directed.

497 ~~(20)(9)~~ "Governing body" means the board of county
 498 commissioners of a county, the commission or council of an
 499 incorporated municipality, or any other chief governing body of
 500 a unit of local government, however designated, or the



501 combination of such bodies where joint utilization of the
 502 provisions of this act is accomplished as provided herein.

503 ~~(21)(10)~~ "Governmental agency" means:

504 (a) The United States or any department, commission,
 505 agency, or other instrumentality thereof.

506 (b) This state or any department, commission, agency, or
 507 other instrumentality thereof.

508 (c) Any local government, as defined in this section, or
 509 any department, commission, agency, or other instrumentality
 510 thereof.

511 (d) Any school board or other special district, authority,
 512 or governmental entity.

513 (22) "Intensity" means an objective measurement of the
 514 extent to which land may be developed or used, including the
 515 consumption or use of the space above, on, or below ground; the
 516 measurement of the use of or demand on natural resources; and
 517 the measurement of the use of or demand on facilities and
 518 services.

519 (23) "Internal trip capture" means trips generated by a
 520 mixed-use project that travel from one on-site land use to
 521 another on-site land use without using the external road
 522 network.

523 ~~(24)(11)~~ "Land" means the earth, water, and air, above,
 524 below, or on the surface, and includes any improvements or
 525 structures customarily regarded as land.

526 ~~(25)(22)~~ "Land development regulation commission" means a
 527 commission designated by a local government to develop and
 528 recommend, to the local governing body, land development



529 regulations which implement the adopted comprehensive plan and
 530 to review land development regulations, or amendments thereto,
 531 for consistency with the adopted plan and report to the
 532 governing body regarding its findings. The responsibilities of
 533 the land development regulation commission may be performed by
 534 the local planning agency.

535 (26)~~(23)~~ "Land development regulations" means ordinances
 536 enacted by governing bodies for the regulation of any aspect of
 537 development and includes any local government zoning, rezoning,
 538 subdivision, building construction, or sign regulations or any
 539 other regulations controlling the development of land, except
 540 that this definition does ~~shall~~ not apply in s. 163.3213.

541 (27)~~(12)~~ "Land use" means the development that has
 542 occurred on the land, the development that is proposed by a
 543 developer on the land, or the use that is permitted or
 544 permissible on the land under an adopted comprehensive plan or
 545 element or portion thereof, land development regulations, or a
 546 land development code, as the context may indicate.

547 (28) "Level of service" means an indicator of the extent
 548 or degree of service provided by, or proposed to be provided by,
 549 a facility based on and related to the operational
 550 characteristics of the facility. Level of service shall indicate
 551 the capacity per unit of demand for each public facility.

552 (29)~~(13)~~ "Local government" means any county or
 553 municipality.

554 (30)~~(14)~~ "Local planning agency" means the agency
 555 designated to prepare the comprehensive plan or plan amendments
 556 required by this act.



557 ~~(31)(15)~~ A "Newspaper of general circulation" means a
 558 newspaper published at least on a weekly basis and printed in
 559 the language most commonly spoken in the area within which it
 560 circulates, but does not include a newspaper intended primarily
 561 for members of a particular professional or occupational group,
 562 a newspaper whose primary function is to carry legal notices, or
 563 a newspaper that is given away primarily to distribute
 564 advertising.

565 (32) "New town" means an urban activity center and
 566 community designated on the future land use map of sufficient
 567 size, population and land use composition to support a variety
 568 of economic and social activities consistent with an urban area
 569 designation. New towns shall include basic economic activities;
 570 all major land use categories, with the possible exception of
 571 agricultural and industrial; and a centrally provided full range
 572 of public facilities and services that demonstrate internal trip
 573 capture. A new town shall be based on a master development plan.

574 (33) "Objective" means a specific, measurable,
 575 intermediate end that is achievable and marks progress toward a
 576 goal.

577 ~~(34)(16)~~ "Parcel of land" means any quantity of land
 578 capable of being described with such definiteness that its
 579 locations and boundaries may be established, which is designated
 580 by its owner or developer as land to be used, or developed as, a
 581 unit or which has been used or developed as a unit.

582 ~~(35)(17)~~ "Person" means an individual, corporation,
 583 governmental agency, business trust, estate, trust, partnership,



HB 7207, Engrossed 2

2011

584 association, two or more persons having a joint or common
585 interest, or any other legal entity.

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

588 (37)-(28) "Projects that promote public transportation"
589 means projects that directly affect the provisions of public
590 transit, including transit terminals, transit lines and routes,
591 separate lanes for the exclusive use of public transit services,
592 transit stops (shelters and stations), office buildings or
593 projects that include fixed-rail or transit terminals as part of
594 the building, and projects which are transit oriented and
595 designed to complement reasonably proximate planned or existing
596 public facilities.

597 (38)-(24) "Public facilities" means major capital
598 improvements, including, but not limited to, transportation,
599 sanitary sewer, solid waste, drainage, potable water,
600 educational, parks and recreational, and health systems and
601 facilities, and spoil disposal sites for maintenance dredging
602 located in the intracoastal waterways, except for spoil disposal
603 sites owned or used by ports listed in s. 403.021(9)(b).

604 (39)-(18) "Public notice" means notice as required by s.
605 125.66(2) for a county or by s. 166.041(3)(a) for a
606 municipality. The public notice procedures required in this part
607 are established as minimum public notice procedures.

608 (40)-(19) "Regional planning agency" means the council
609 created pursuant to chapter 186 agency designated by the state
610 land planning agency to exercise responsibilities under law in a
611 particular region of the state.



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

616 ~~(42)(31)~~ "Optional Sector plan" means the an optional
 617 process authorized by s. 163.3245 in which one or more local
 618 governments engage in long-term planning for a large area and by
 619 agreement with the state land planning agency are allowed to
 620 address regional development of regional impact issues through
 621 adoption of detailed specific area plans within the planning
 622 area within certain designated geographic areas identified in
 623 the local comprehensive plan as a means of fostering innovative
 624 planning and development strategies in s. 163.3177(11)(a) and
 625 (b), furthering the purposes of this part and part I of chapter
 626 380, reducing overlapping data and analysis requirements,
 627 protecting regionally significant resources and facilities, and
 628 addressing extrajurisdictional impacts. The term includes an
 629 optional sector plan that was adopted before the effective date
 630 of this act.

631 ~~(43)(20)~~ "State land planning agency" means the Department
 632 of Community Affairs.

633 ~~(44)(21)~~ "Structure" has the same meaning as in given it
 634 by s. 380.031(19).

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

638 (46) "Transit-oriented development" means a project or
 639 projects, in areas identified in a local government



640 comprehensive plan, that is or will be served by existing or
 641 planned transit service. These designated areas shall be
 642 compact, moderate to high density developments, of mixed-use
 643 character, interconnected with other land uses, bicycle and
 644 pedestrian friendly, and designed to support frequent transit
 645 service operating through, collectively or separately, rail,
 646 fixed guideway, streetcar, or bus systems on dedicated
 647 facilities or available roadway connections.

648 ~~(47)~~(30) "Transportation corridor management" means the
 649 coordination of the planning of designated future transportation
 650 corridors with land use planning within and adjacent to the
 651 corridor to promote orderly growth, to meet the concurrency
 652 requirements of this chapter, and to maintain the integrity of
 653 the corridor for transportation purposes.

654 ~~(48)~~(27) "Urban infill" means the development of vacant
 655 parcels in otherwise built-up areas where public facilities such
 656 as sewer systems, roads, schools, and recreation areas are
 657 already in place and the average residential density is at least
 658 five dwelling units per acre, the average nonresidential
 659 intensity is at least a floor area ratio of 1.0 and vacant,
 660 developable land does not constitute more than 10 percent of the
 661 area.

662 ~~(49)~~(26) "Urban redevelopment" means demolition and
 663 reconstruction or substantial renovation of existing buildings
 664 or infrastructure within urban infill areas, existing urban
 665 service areas, or community redevelopment areas created pursuant
 666 to part III.



667 ~~(50)~~ (29) "Urban service area" means ~~built up~~ areas
 668 identified in the comprehensive plan where public facilities and
 669 services, including, but not limited to, central water and sewer
 670 capacity and roads, are already in place or are identified in
 671 the capital improvements element. The term includes any areas
 672 identified in the comprehensive plan as urban service areas,
 673 regardless of local government limitation ~~committed in the first~~
 674 ~~3 years of the capital improvement schedule. In addition, for~~
 675 ~~counties that qualify as dense urban land areas under subsection~~
 676 ~~(34), the nonrural area of a county which has adopted into the~~
 677 ~~county charter a rural area designation or areas identified in~~
 678 ~~the comprehensive plan as urban service areas or urban growth~~
 679 ~~boundaries on or before July 1, 2009, are also urban service~~
 680 ~~areas under this definition.~~

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

687 ~~(32) "Financial feasibility" means that sufficient~~
 688 ~~revenues are currently available or will be available from~~
 689 ~~committed funding sources for the first 3 years, or will be~~
 690 ~~available from committed or planned funding sources for years 4~~
 691 ~~and 5, of a 5-year capital improvement schedule for financing~~
 692 ~~capital improvements, such as ad valorem taxes, bonds, state and~~
 693 ~~federal funds, tax revenues, impact fees, and developer~~
 694 ~~contributions, which are adequate to fund the projected costs of~~



695 ~~the capital improvements identified in the comprehensive plan~~
 696 ~~necessary to ensure that adopted level of service standards are~~
 697 ~~achieved and maintained within the period covered by the 5-year~~
 698 ~~schedule of capital improvements. A comprehensive plan shall be~~
 699 ~~deemed financially feasible for transportation and school~~
 700 ~~facilities throughout the planning period addressed by the~~
 701 ~~capital improvements schedule if it can be demonstrated that the~~
 702 ~~level of service standards will be achieved and maintained by~~
 703 ~~the end of the planning period even if in a particular year such~~
 704 ~~improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

714
 715 ~~The Office of Economic and Demographic Research within the~~
 716 ~~Legislature shall annually calculate the population and density~~
 717 ~~criteria needed to determine which jurisdictions qualify as~~
 718 ~~dense urban land areas by using the most recent land area data~~
 719 ~~from the decennial census conducted by the Bureau of the Census~~
 720 ~~of the United States Department of Commerce and the latest~~
 721 ~~available population estimates determined pursuant to s.~~
 722 ~~186.901. If any local government has had an annexation,~~



723 ~~contraction, or new incorporation, the Office of Economic and~~
 724 ~~Demographic Research shall determine the population density~~
 725 ~~using the new jurisdictional boundaries as recorded in~~
 726 ~~accordance with s. 171.091. The Office of Economic and~~
 727 ~~Demographic Research shall submit to the state land planning~~
 728 ~~agency a list of jurisdictions that meet the total population~~
 729 ~~and density criteria necessary for designation as a dense urban~~
 730 ~~land area by July 1, 2009, and every year thereafter. The state~~
 731 ~~land planning agency shall publish the list of jurisdictions on~~
 732 ~~its Internet website within 7 days after the list is received.~~
 733 ~~The designation of jurisdictions that qualify or do not qualify~~
 734 ~~as a dense urban land area is effective upon publication on the~~
 735 ~~state land planning agency's Internet website.~~

736 Section 7. Section 163.3167, Florida Statutes, is amended
 737 to read:

738 163.3167 Scope of act.—

739 (1) The several incorporated municipalities and counties
 740 shall have power and responsibility:

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

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

744 (c) To implement adopted or amended comprehensive plans by
 745 the adoption of appropriate land development regulations or
 746 elements thereof.

747 (d) To establish, support, and maintain administrative
 748 instruments and procedures to carry out the provisions and
 749 purposes of this act.

750



751 The powers and authority set out in this act may be employed by
 752 municipalities and counties individually or jointly by mutual
 753 agreement in accord with ~~the provisions of~~ this act and in such
 754 combinations as their common interests may dictate and require.

755 (2) Each local government shall maintain ~~prepare~~ a
 756 comprehensive plan of the type and in the manner set out in this
 757 part or prepare amendments to its existing comprehensive plan to
 758 conform it to the requirements of this part and in the manner
 759 set out in this part. ~~In accordance with s. 163.3184, each local~~
 760 ~~government shall submit to the state land planning agency its~~
 761 ~~complete proposed comprehensive plan or its complete~~
 762 ~~comprehensive plan as proposed to be amended.~~

763 (3) ~~When a local government has not prepared all of the~~
 764 ~~required elements or has not amended its plan as required by~~
 765 ~~subsection (2), the regional planning agency having~~
 766 ~~responsibility for the area in which the local government lies~~
 767 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
 768 ~~missing elements or adopt by rule amendments to the existing~~
 769 ~~plan in accordance with this act by July 1, 1989, or within 1~~
 770 ~~year after the dates specified or provided in subsection (2) and~~
 771 ~~the state land planning agency review schedule, whichever is~~
 772 ~~later. The regional planning agency shall provide at least 90~~
 773 ~~days' written notice to any local government whose plan it is~~
 774 ~~required by this subsection to prepare, prior to initiating the~~
 775 ~~planning process. At least 90 days before the adoption by the~~
 776 ~~regional planning agency of a comprehensive plan, or element or~~
 777 ~~portion thereof, pursuant to this subsection, the regional~~
 778 ~~planning agency shall transmit a copy of the proposed~~



779 ~~comprehensive plan, or element or portion thereof, to the local~~
 780 ~~government and the state land planning agency for written~~
 781 ~~comment. The state land planning agency shall review and comment~~
 782 ~~on such plan, or element or portion thereof, in accordance with~~
 783 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
 784 ~~applicable to the regional planning agency as if it were a~~
 785 ~~governing body. Existing comprehensive plans shall remain in~~
 786 ~~effect until they are amended pursuant to subsection (2), this~~
 787 ~~subsection, s. 163.3187, or s. 163.3189.~~

788 (3)(4) A municipality established after the effective date
 789 of this act shall, within 1 year after incorporation, establish
 790 a local planning agency, pursuant to s. 163.3174, and prepare
 791 and adopt a comprehensive plan of the type and in the manner set
 792 out in this act within 3 years after the date of such
 793 incorporation. A county comprehensive plan shall be deemed
 794 controlling until the municipality adopts a comprehensive plan
 795 in accord with ~~the provisions of this act. If, upon the~~
 796 ~~expiration of the 3 year time limit, the municipality has not~~
 797 ~~adopted a comprehensive plan, the regional planning agency shall~~
 798 ~~prepare and adopt a comprehensive plan for such municipality.~~

799 (4)(5) Any comprehensive plan, or element or portion
 800 thereof, adopted pursuant to ~~the provisions of this act, which~~
 801 but for its adoption after the deadlines established pursuant to
 802 previous versions of this act would have been valid, shall be
 803 valid.

804 ~~(6)~~ ~~When a regional planning agency is required to prepare~~
 805 ~~or amend a comprehensive plan, or element or portion thereof,~~
 806 ~~pursuant to subsections (3) and (4), the regional planning~~



807 ~~agency and the local government may agree to a method of~~
 808 ~~compensating the regional planning agency for any verifiable,~~
 809 ~~direct costs incurred. If an agreement is not reached within 6~~
 810 ~~months after the date the regional planning agency assumes~~
 811 ~~planning responsibilities for the local government pursuant to~~
 812 ~~subsections (3) and (4) or by the time the plan or element, or~~
 813 ~~portion thereof, is completed, whichever is earlier, the~~
 814 ~~regional planning agency shall file invoices for verifiable,~~
 815 ~~direct costs involved with the governing body. Upon the failure~~
 816 ~~of the local government to pay such invoices within 90 days, the~~
 817 ~~regional planning agency may, upon filing proper vouchers with~~
 818 ~~the Chief Financial Officer, request payment by the Chief~~
 819 ~~Financial Officer from unencumbered revenue or other tax sharing~~
 820 ~~funds due such local government from the state for work actually~~
 821 ~~performed, and the Chief Financial Officer shall pay such~~
 822 ~~vouchers; however, the amount of such payment shall not exceed~~
 823 ~~50 percent of such funds due such local government in any one~~
 824 ~~year.~~

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

832 (5)~~(8)~~ Nothing in this act shall limit or modify the
 833 rights of any person to complete any development that has been
 834 authorized as a development of regional impact pursuant to



835 chapter 380 or who has been issued a final local development
 836 order and development has commenced and is continuing in good
 837 faith.

838 (6)~~(9)~~ The Reedy Creek Improvement District shall exercise
 839 the authority of this part as it applies to municipalities,
 840 consistent with the legislative act under which it was
 841 established, for the total area under its jurisdiction.

842 (7)~~(10)~~ Nothing in this part shall supersede any provision
 843 of ss. 341.8201-341.842.

844 ~~(11) Each local government is encouraged to articulate a
 845 vision of the future physical appearance and qualities of its
 846 community as a component of its local comprehensive plan. The
 847 vision should be developed through a collaborative planning
 848 process with meaningful public participation and shall be
 849 adopted by the governing body of the jurisdiction. Neighboring
 850 communities, especially those sharing natural resources or
 851 physical or economic infrastructure, are encouraged to create
 852 collective visions for greater than local areas. Such collective
 853 visions shall apply in each city or county only to the extent
 854 that each local government chooses to make them applicable. The
 855 state land planning agency shall serve as a clearinghouse for
 856 creating a community vision of the future and may utilize the
 857 Growth Management Trust Fund, created by s. 186.911, to provide
 858 grants to help pay the costs of local visioning programs. When a
 859 local vision of the future has been created, a local government
 860 should review its comprehensive plan, land development
 861 regulations, and capital improvement program to ensure that
 862 these instruments will help to move the community toward its~~



863 ~~vision in a manner consistent with this act and with the state~~
 864 ~~comprehensive plan. A local or regional vision must be~~
 865 ~~consistent with the state vision, when adopted, and be~~
 866 ~~internally consistent with the local or regional plan of which~~
 867 ~~it is a component. The state land planning agency shall not~~
 868 ~~adopt minimum criteria for evaluating or judging the form or~~
 869 ~~content of a local or regional vision.~~

870 (8)~~(12)~~ An initiative or referendum process in regard to
 871 any development order or in regard to any local comprehensive
 872 plan amendment or map amendment ~~that affects five or fewer~~
 873 ~~parcels of land~~ is prohibited.

874 (9)~~(13)~~ Each local government shall address in its
 875 comprehensive plan, as enumerated in this chapter, the water
 876 supply sources necessary to meet and achieve the existing and
 877 projected water use demand for the established planning period,
 878 considering the applicable plan developed pursuant to s.
 879 373.709.

880 (10)~~(14)~~(a) If a local government grants a development
 881 order pursuant to its adopted land development regulations and
 882 the order is not the subject of a pending appeal and the
 883 timeframe for filing an appeal has expired, the development
 884 order may not be invalidated by a subsequent judicial
 885 determination that such land development regulations, or any
 886 portion thereof that is relevant to the development order, are
 887 invalid because of a deficiency in the approval standards.

888 (b) This subsection does not preclude or affect the timely
 889 institution of any other remedy available at law or equity,
 890 including a common law writ of certiorari proceeding pursuant to



891 Rule 9.190, Florida Rules of Appellate Procedure, or an original
 892 proceeding pursuant to s. 163.3215, as applicable.

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

895 Section 8. Section 163.3168, Florida Statutes, is created
 896 to read:

897 163.3168 Planning innovations and technical assistance.-

898 (1) The Legislature recognizes the need for innovative
 899 planning and development strategies to promote a diverse economy
 900 and vibrant rural and urban communities, while protecting
 901 environmentally sensitive areas. The Legislature further
 902 recognizes the substantial advantages of innovative approaches
 903 to development directed to meet the needs of urban, rural, and
 904 suburban areas.

905 (2) Local governments are encouraged to apply innovative
 906 planning tools, including, but not limited to, visioning, sector
 907 planning, and rural land stewardship area designations to
 908 address future new development areas, urban service area
 909 designations, urban growth boundaries, and mixed-use, high-
 910 density development in urban areas.

911 (3) The state land planning agency shall help communities
 912 find creative solutions to fostering vibrant, healthy
 913 communities, while protecting the functions of important state
 914 resources and facilities. The state land planning agency and all
 915 other appropriate state and regional agencies may use various
 916 means to provide direct and indirect technical assistance within
 917 available resources. If plan amendments may adversely impact
 918 important state resources or facilities, upon request by the



919 local government, the state land planning agency shall
 920 coordinate multi-agency assistance, if needed, in developing an
 921 amendment to minimize impacts on such resources or facilities.

922 (4) The state land planning agency shall provide, on its
 923 website, guidance on the submittal and adoption of comprehensive
 924 plans, plan amendments, and land development regulations. Such
 925 guidance shall not be adopted as a rule and is exempt from s.
 926 120.54(1)(a).

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

929 163.3171 Areas of authority under this act.—

930 ~~(4) The state land planning agency and a~~ Local governments
 931 ~~may government shall have the power to enter into agreements~~
 932 ~~with each other and to agree together to enter into agreements~~
 933 ~~with a landowner, developer, or governmental agency as may be~~
 934 ~~necessary or desirable to effectuate the provisions and purposes~~
 935 ~~of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,~~
 936 ~~and 163.3248. It is the Legislature's intent that joint~~
 937 agreements entered into under the authority of this section be
 938 liberally, broadly, and flexibly construed to facilitate
 939 intergovernmental cooperation between cities and counties and to
 940 encourage planning in advance of jurisdictional changes. Joint
 941 agreements, executed before or after the effective date of this
 942 act, include, but are not limited to, agreements that
 943 contemplate municipal adoption of plans or plan amendments for
 944 lands in advance of annexation of such lands into the
 945 municipality, and may permit municipalities and counties to
 946 exercise nonexclusive extrajurisdictional authority within



HB 7207, Engrossed 2

2011

947 incorporated and unincorporated areas. The state land planning
948 agency may not interpret, invalidate, or declare inoperative
949 such joint agreements, and the validity of joint agreements may
950 not be a basis for finding plans or plan amendments not in
951 compliance pursuant to chapter law.

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

954 163.3174 Local planning agency.—

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

959 Notwithstanding any special act to the contrary, all local
960 planning agencies or equivalent agencies that first review
961 rezoning and comprehensive plan amendments in each municipality
962 and county shall include a representative of the school district
963 appointed by the school board as a nonvoting member of the local
964 planning agency or equivalent agency to attend those meetings at
965 which the agency considers comprehensive plan amendments and
966 rezonings that would, if approved, increase residential density
967 on the property that is the subject of the application. However,
968 this subsection does not prevent the governing body of the local
969 government from granting voting status to the school board
970 member. The governing body may designate itself as the local
971 planning agency pursuant to this subsection with the addition of
972 a nonvoting school board representative. ~~The governing body~~
973 ~~shall notify the state land planning agency of the establishment~~
974 ~~of its local planning agency.~~ All local planning agencies shall



975 provide opportunities for involvement by applicable community
 976 college boards, which may be accomplished by formal
 977 representation, membership on technical advisory committees, or
 978 other appropriate means. The local planning agency shall prepare
 979 the comprehensive plan or plan amendment after hearings to be
 980 held after public notice and shall make recommendations to the
 981 governing body regarding the adoption or amendment of the plan.
 982 The agency may be a local planning commission, the planning
 983 department of the local government, or other instrumentality,
 984 including a countywide planning entity established by special
 985 act or a council of local government officials created pursuant
 986 to s. 163.02, provided the composition of the council is fairly
 987 representative of all the governing bodies in the county or
 988 planning area; however:

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

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

998 Section 11. Subsections (5), (6), and (9) of section
 999 163.3175, Florida Statutes, are amended to read:

1000 163.3175 Legislative findings on compatibility of
 1001 development with military installations; exchange of information
 1002 between local governments and military installations.-



1003 (5) The commanding officer or his or her designee may
 1004 provide comments to the affected local government on the impact
 1005 such proposed changes may have on the mission of the military
 1006 installation. Such comments may include:

1007 (a) If the installation has an airfield, whether such
 1008 proposed changes will be incompatible with the safety and noise
 1009 standards contained in the Air Installation Compatible Use Zone
 1010 (AICUZ) adopted by the military installation for that airfield;

1011 (b) Whether such changes are incompatible with the
 1012 Installation Environmental Noise Management Program (IENMP) of
 1013 the United States Army;

1014 (c) Whether such changes are incompatible with the
 1015 findings of a Joint Land Use Study (JLUS) for the area if one
 1016 has been completed; and

1017 (d) Whether the military installation's mission will be
 1018 adversely affected by the proposed actions of the county or
 1019 affected local government.

1020
 1021 The commanding officer's comments, underlying studies, and
 1022 reports are not binding on the local government.

1023 (6) The affected local government shall take into
 1024 consideration any comments provided by the commanding officer or
 1025 his or her designee pursuant to subsection (4) and must also be
 1026 sensitive to private property rights and not be unduly
 1027 restrictive on those rights. The affected local government shall
 1028 forward a copy of any comments regarding comprehensive plan
 1029 amendments to the state land planning agency.



1030 (9) If a local government, as required under s.
 1031 163.3177(6)(a), does not adopt criteria and address
 1032 compatibility of lands adjacent to or closely proximate to
 1033 existing military installations in its future land use plan
 1034 element by June 30, 2012, the local government, the military
 1035 installation, the state land planning agency, and other parties
 1036 as identified by the regional planning council, including, but
 1037 not limited to, private landowner representatives, shall enter
 1038 into mediation conducted pursuant to s. 186.509. If the local
 1039 government comprehensive plan does not contain criteria
 1040 addressing compatibility by December 31, 2013, the agency may
 1041 notify the Administration Commission. The Administration
 1042 Commission may impose sanctions pursuant to s. 163.3184(8) ~~(11)~~.
 1043 Any local government that amended its comprehensive plan to
 1044 address military installation compatibility requirements after
 1045 2004 and was found to be in compliance is deemed to be in
 1046 compliance with this subsection until the local government
 1047 conducts its evaluation and appraisal review pursuant to s.
 1048 163.3191 and determines that amendments are necessary to meet
 1049 updated general law requirements.

1050 Section 12. Section 163.3177, Florida Statutes, is amended
 1051 to read:

1052 163.3177 Required and optional elements of comprehensive
 1053 plan; studies and surveys.—

1054 (1) The comprehensive plan shall provide the consist of
 1055 materials in such descriptive form, written or graphic, as may
 1056 be appropriate to the prescription of principles, guidelines,
 1057 and standards, and strategies for the orderly and balanced



1058 future economic, social, physical, environmental, and fiscal
 1059 development of the area that reflects community commitments to
 1060 implement the plan and its elements. These principles and
 1061 strategies shall guide future decisions in a consistent manner
 1062 and shall contain programs and activities to ensure
 1063 comprehensive plans are implemented. The sections of the
 1064 comprehensive plan containing the principles and strategies,
 1065 generally provided as goals, objectives, and policies, shall
 1066 describe how the local government's programs, activities, and
 1067 land development regulations will be initiated, modified, or
 1068 continued to implement the comprehensive plan in a consistent
 1069 manner. It is not the intent of this part to require the
 1070 inclusion of implementing regulations in the comprehensive plan
 1071 but rather to require identification of those programs,
 1072 activities, and land development regulations that will be part
 1073 of the strategy for implementing the comprehensive plan and the
 1074 principles that describe how the programs, activities, and land
 1075 development regulations will be carried out. The plan shall
 1076 establish meaningful and predictable standards for the use and
 1077 development of land and provide meaningful guidelines for the
 1078 content of more detailed land development and use regulations.

1079 (a) The comprehensive plan shall consist of elements as
 1080 described in this section, and may include optional elements.

1081 (b) A local government may include, as part of its adopted
 1082 plan, documents adopted by reference but not incorporated
 1083 verbatim into the plan. The adoption by reference must identify
 1084 the title and author of the document and indicate clearly what
 1085 provisions and edition of the document is being adopted.



1086 (c) The format of these principles and guidelines is at
 1087 the discretion of the local government, but typically is
 1088 expressed in goals, objectives, policies, and strategies.

1089 (d) The comprehensive plan shall identify procedures for
 1090 monitoring, evaluating, and appraising implementation of the
 1091 plan.

1092 (e) When a federal, state, or regional agency has
 1093 implemented a regulatory program, a local government is not
 1094 required to duplicate or exceed that regulatory program in its
 1095 local comprehensive plan.

1096 (f) All mandatory and optional elements of the
 1097 comprehensive plan and plan amendments shall be based upon
 1098 relevant and appropriate data and an analysis by the local
 1099 government that may include, but not be limited to, surveys,
 1100 studies, community goals and vision, and other data available at
 1101 the time of adoption of the comprehensive plan or plan
 1102 amendment. To be based on data means to react to it in an
 1103 appropriate way and to the extent necessary indicated by the
 1104 data available on that particular subject at the time of
 1105 adoption of the plan or plan amendment at issue.

1106 1. Surveys, studies, and data utilized in the preparation
 1107 of the comprehensive plan may not be deemed a part of the
 1108 comprehensive plan unless adopted as a part of it. Copies of
 1109 such studies, surveys, data, and supporting documents for
 1110 proposed plans and plan amendments shall be made available for
 1111 public inspection, and copies of such plans shall be made
 1112 available to the public upon payment of reasonable charges for
 1113 reproduction. Support data or summaries are not subject to the



1114 compliance review process, but the comprehensive plan must be
 1115 clearly based on appropriate data. Support data or summaries may
 1116 be used to aid in the determination of compliance and
 1117 consistency.

1118 2. Data must be taken from professionally accepted
 1119 sources. The application of a methodology utilized in data
 1120 collection or whether a particular methodology is professionally
 1121 accepted may be evaluated. However, the evaluation may not
 1122 include whether one accepted methodology is better than another.
 1123 Original data collection by local governments is not required.
 1124 However, local governments may use original data so long as
 1125 methodologies are professionally accepted.

1126 3. The comprehensive plan shall be based upon permanent
 1127 and seasonal population estimates and projections, which shall
 1128 either be those provided by the University of Florida's Bureau
 1129 of Economic and Business Research or generated by the local
 1130 government based upon a professionally acceptable methodology.
 1131 The plan must be based on at least the minimum amount of land
 1132 required to accommodate the medium projections of the University
 1133 of Florida's Bureau of Economic and Business Research for at
 1134 least a 10-year planning period unless otherwise limited under
 1135 s. 380.05, including related rules of the Administration
 1136 Commission.

1137 (2) Coordination of the several elements of the local
 1138 comprehensive plan shall be a major objective of the planning
 1139 process. The several elements of the comprehensive plan shall be
 1140 consistent. Where data is relevant to several elements,
 1141 consistent data shall be used, including population estimates



1142 and projections unless alternative data can be justified for a
 1143 plan amendment through new supporting data and analysis. Each
 1144 map depicting future conditions must reflect the principles,
 1145 guidelines, and standards within all elements and each such map
 1146 must be contained within the comprehensive plan, and the
 1147 ~~comprehensive plan shall be financially feasible. Financial~~
 1148 ~~feasibility shall be determined using professionally accepted~~
 1149 ~~methodologies and applies to the 5-year planning period, except~~
 1150 ~~in the case of a long-term transportation or school concurrency~~
 1151 ~~management system, in which case a 10-year or 15-year period~~
 1152 ~~applies.~~

1153 (3) (a) The comprehensive plan shall contain a capital
 1154 improvements element designed to consider the need for and the
 1155 location of public facilities in order to encourage the
 1156 efficient use of such facilities and set forth:

1157 1. A component that outlines principles for construction,
 1158 extension, or increase in capacity of public facilities, as well
 1159 as a component that outlines principles for correcting existing
 1160 public facility deficiencies, which are necessary to implement
 1161 the comprehensive plan. The components shall cover at least a 5-
 1162 year period.

1163 2. Estimated public facility costs, including a
 1164 delineation of when facilities will be needed, the general
 1165 location of the facilities, and projected revenue sources to
 1166 fund the facilities.

1167 3. Standards to ensure the availability of public
 1168 facilities and the adequacy of those facilities to meet
 1169 established ~~including~~ acceptable levels of service.



1198 | planning organization's long-range transportation plan adopted
 1199 | pursuant to s. 339.175(7).

1200 | (b)1. The capital improvements element must be reviewed by
 1201 | the local government on an annual basis. Modifications and
 1202 | ~~modified as necessary in accordance with s. 163.3187 or s.~~
 1203 | ~~163.3189 in order to update the maintain a financially feasible~~
 1204 | ~~5-year capital improvement schedule of capital improvements.~~
 1205 | ~~Corrections and modifications concerning costs; revenue sources;~~
 1206 | ~~or acceptance of facilities pursuant to dedications which are~~
 1207 | ~~consistent with the plan may be accomplished by ordinance and~~
 1208 | ~~may shall~~ not be deemed to be amendments to the local
 1209 | comprehensive plan. A copy of the ordinance shall be transmitted
 1210 | to the state land planning agency. An amendment to the
 1211 | comprehensive plan is required to update the schedule on an
 1212 | annual basis or to eliminate, defer, or delay the construction
 1213 | for any facility listed in the 5 year schedule. All public
 1214 | facilities must be consistent with the capital improvements
 1215 | element. The annual update to the capital improvements element
 1216 | of the comprehensive plan need not comply with the financial
 1217 | feasibility requirement until December 1, 2011. Thereafter, a
 1218 | local government may not amend its future land use map, except
 1219 | for plan amendments to meet new requirements under this part and
 1220 | emergency amendments pursuant to s. 163.3187(1)(a), after
 1221 | December 1, 2011, and every year thereafter, unless and until
 1222 | the local government has adopted the annual update and it has
 1223 | been transmitted to the state land planning agency.

1224 | 2. Capital improvements element amendments adopted after
 1225 | the effective date of this act shall require only a single



1226 ~~public hearing before the governing board which shall be an~~
 1227 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
 1228 ~~are not subject to the requirements of s. 163.3184(3) (6).~~

1229 ~~(c) If the local government does not adopt the required~~
 1230 ~~annual update to the schedule of capital improvements, the state~~
 1231 ~~land planning agency must notify the Administration Commission.~~
 1232 ~~A local government that has a demonstrated lack of commitment to~~
 1233 ~~meeting its obligations identified in the capital improvements~~
 1234 ~~element may be subject to sanctions by the Administration~~
 1235 ~~Commission pursuant to s. 163.3184(11).~~

1236 ~~(d) If a local government adopts a long term concurrency~~
 1237 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
 1238 ~~a long term capital improvements schedule covering up to a 10-~~
 1239 ~~year or 15 year period, and must update the long term schedule~~
 1240 ~~annually. The long term schedule of capital improvements must be~~
 1241 ~~financially feasible.~~

1242 ~~(e) At the discretion of the local government and~~
 1243 ~~notwithstanding the requirements of this subsection, a~~
 1244 ~~comprehensive plan, as revised by an amendment to the plan's~~
 1245 ~~future land use map, shall be deemed to be financially feasible~~
 1246 ~~and to have achieved and maintained level of service standards~~
 1247 ~~as required by this section with respect to transportation~~
 1248 ~~facilities if the amendment to the future land use map is~~
 1249 ~~supported by a:~~

- 1250 ~~1. Condition in a development order for a development of~~
- 1251 ~~regional impact or binding agreement that addresses~~
- 1252 ~~proportionate share mitigation consistent with s. 163.3180(12);~~
- 1253 ~~or~~



1282 comprehensive plans of adjacent municipalities, the county,
 1283 adjacent counties, or the region ~~and to the state comprehensive~~
 1284 ~~plan~~, as the case may require and as such adopted plans or plans
 1285 in preparation may exist.

1286 (b) When all or a portion of the land in a local
 1287 government jurisdiction is or becomes part of a designated area
 1288 of critical state concern, the local government shall clearly
 1289 identify those portions of the local comprehensive plan that
 1290 shall be applicable to the critical area and shall indicate the
 1291 relationship of the proposed development of the area to the
 1292 rules for the area of critical state concern.

1293 (5) (a) Each local government comprehensive plan must
 1294 include at least two planning periods, one covering at least the
 1295 first 5-year period occurring after the plan's adoption and one
 1296 covering at least a 10-year period. Additional planning periods
 1297 for specific components, elements, land use amendments, or
 1298 projects shall be permissible and accepted as part of the
 1299 planning process.

1300 (b) The comprehensive plan and its elements shall contain
 1301 guidelines or policies ~~policy recommendations~~ for the
 1302 implementation of the plan and its elements.

1303 (6) In addition to the requirements of subsections (1)-(5)
 1304 ~~and (12)~~, the comprehensive plan shall include the following
 1305 elements:

1306 (a) A future land use plan element designating proposed
 1307 future general distribution, location, and extent of the uses of
 1308 land for residential uses, commercial uses, industry,
 1309 agriculture, recreation, conservation, education, ~~public~~



1310 ~~buildings and grounds, other public facilities, and other~~
 1311 ~~categories of the public and private uses of land. The~~
 1312 ~~approximate acreage and the general range of density or~~
 1313 ~~intensity of use shall be provided for the gross land area~~
 1314 ~~included in each existing land use category. The element shall~~
 1315 ~~establish the long-term end toward which land use programs and~~
 1316 ~~activities are ultimately directed. Counties are encouraged to~~
 1317 ~~designate rural land stewardship areas, pursuant to paragraph~~
 1318 ~~(11)(d), as overlays on the future land use map.~~

1319 1. Each future land use category must be defined in terms
 1320 of uses included, and must include standards to be followed in
 1321 the control and distribution of population densities and
 1322 building and structure intensities. The proposed distribution,
 1323 location, and extent of the various categories of land use shall
 1324 be shown on a land use map or map series which shall be
 1325 supplemented by goals, policies, and measurable objectives.

1326 2. The future land use plan and plan amendments shall be
 1327 based upon surveys, studies, and data regarding the area, as
 1328 applicable, including:

1329 a. The amount of land required to accommodate anticipated
 1330 growth.†

1331 b. The projected permanent and seasonal population of the
 1332 area.†

1333 c. The character of undeveloped land.†

1334 d. The availability of water supplies, public facilities,
 1335 and services.†



1336 e. The need for redevelopment, including the renewal of
 1337 blighted areas and the elimination of nonconforming uses which
 1338 are inconsistent with the character of the community.~~†~~

1339 f. The compatibility of uses on lands adjacent to or
 1340 closely proximate to military installations.~~†~~

1341 g. The compatibility of uses on lands adjacent to an
 1342 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~

1343 h. The discouragement of urban sprawl.~~† energy efficient~~
 1344 ~~land use patterns accounting for existing and future electric~~
 1345 ~~power generation and transmission systems; greenhouse gas~~
 1346 ~~reduction strategies; and, in rural communities,~~

1347 i. The need for job creation, capital investment, and
 1348 economic development that will strengthen and diversify the
 1349 community's economy.

1350 j. The need to modify land uses and development patterns
 1351 within antiquated subdivisions. ~~The future land use plan may~~
 1352 ~~designate areas for future planned development use involving~~
 1353 ~~combinations of types of uses for which special regulations may~~
 1354 ~~be necessary to ensure development in accord with the principles~~
 1355 ~~and standards of the comprehensive plan and this act.~~

1356 3. The future land use plan element shall include criteria
 1357 to be used to:

1358 a. Achieve the compatibility of lands adjacent or closely
 1359 proximate to military installations, considering factors
 1360 identified in s. 163.3175(5).~~†~~ and

1361 b. Achieve the compatibility of lands adjacent to an
 1362 airport as defined in s. 330.35 and consistent with s. 333.02.



HB 7207, Engrossed 2

2011

1419 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1420 ~~the school siting requirements are met. Amendments proposed by a~~
1421 ~~local government for purposes of identifying the land use~~
1422 ~~categories in which public schools are an allowable use are~~
1423 ~~exempt from the limitation on the frequency of plan amendments~~
1424 ~~contained in s. 163.3187. The future land use element shall~~
1425 ~~include criteria that encourage the location of schools~~
1426 ~~proximate to urban residential areas to the extent possible and~~
1427 ~~shall require that the local government seek to collocate public~~
1428 ~~facilities, such as parks, libraries, and community centers,~~
1429 ~~with schools to the extent possible and to encourage the use of~~
1430 ~~elementary schools as focal points for neighborhoods. For~~
1431 ~~schools serving predominantly rural counties, defined as a~~
1432 ~~county with a population of 100,000 or fewer, an agricultural~~
1433 ~~land use category is eligible for the location of public school~~
1434 ~~facilities if the local comprehensive plan contains school~~
1435 ~~siting criteria and the location is consistent with such~~
1436 ~~criteria.~~

1437 8. Future land use map amendments shall be based upon the
1438 following analyses:

1439 a. An analysis of the availability of facilities and
1440 services.

1441 b. An analysis of the suitability of the plan amendment
1442 for its proposed use considering the character of the
1443 undeveloped land, soils, topography, natural resources, and
1444 historic resources on site.

1445 c. An analysis of the minimum amount of land needed as
1446 determined by the local government.



1447 9. The future land use element and any amendment to the
 1448 future land use element shall discourage the proliferation of
 1449 urban sprawl.

1450 a. The primary indicators that a plan or plan amendment
 1451 does not discourage the proliferation of urban sprawl are listed
 1452 below. The evaluation of the presence of these indicators shall
 1453 consist of an analysis of the plan or plan amendment within the
 1454 context of features and characteristics unique to each locality
 1455 in order to determine whether the plan or plan amendment:

1456 (I) Promotes, allows, or designates for development
 1457 substantial areas of the jurisdiction to develop as low-
 1458 intensity, low-density, or single-use development or uses.

1459 (II) Promotes, allows, or designates significant amounts
 1460 of urban development to occur in rural areas at substantial
 1461 distances from existing urban areas while not using undeveloped
 1462 lands that are available and suitable for development.

1463 (III) Promotes, allows, or designates urban development in
 1464 radial, strip, isolated, or ribbon patterns generally emanating
 1465 from existing urban developments.

1466 (IV) Fails to adequately protect and conserve natural
 1467 resources, such as wetlands, floodplains, native vegetation,
 1468 environmentally sensitive areas, natural groundwater aquifer
 1469 recharge areas, lakes, rivers, shorelines, beaches, bays,
 1470 estuarine systems, and other significant natural systems.

1471 (V) Fails to adequately protect adjacent agricultural
 1472 areas and activities, including silviculture, active
 1473 agricultural and silvicultural activities, passive agricultural
 1474 activities, and dormant, unique, and prime farmlands and soils.



1475 (VI) Fails to maximize use of existing public facilities
 1476 and services.

1477 (VII) Fails to maximize use of future public facilities
 1478 and services.

1479 (VIII) Allows for land use patterns or timing which
 1480 disproportionately increase the cost in time, money, and energy
 1481 of providing and maintaining facilities and services, including
 1482 roads, potable water, sanitary sewer, stormwater management, law
 1483 enforcement, education, health care, fire and emergency
 1484 response, and general government.

1485 (IX) Fails to provide a clear separation between rural and
 1486 urban uses.

1487 (X) Discourages or inhibits infill development or the
 1488 redevelopment of existing neighborhoods and communities.

1489 (XI) Fails to encourage a functional mix of uses.

1490 (XII) Results in poor accessibility among linked or
 1491 related land uses.

1492 (XIII) Results in the loss of significant amounts of
 1493 functional open space.

1494 b. The future land use element or plan amendment shall be
 1495 determined to discourage the proliferation of urban sprawl if it
 1496 incorporates a development pattern or urban form that achieves
 1497 four or more of the following:

1498 (I) Directs or locates economic growth and associated land
 1499 development to geographic areas of the community in a manner
 1500 that does not have an adverse impact on and protects natural
 1501 resources and ecosystems.



1502 (II) Promotes the efficient and cost-effective provision
 1503 or extension of public infrastructure and services.

1504 (III) Promotes walkable and connected communities and
 1505 provides for compact development and a mix of uses at densities
 1506 and intensities that will support a range of housing choices and
 1507 a multimodal transportation system, including pedestrian,
 1508 bicycle, and transit, if available.

1509 (IV) Promotes conservation of water and energy.

1510 (V) Preserves agricultural areas and activities, including
 1511 silviculture, and dormant, unique, and prime farmlands and
 1512 soils.

1513 (VI) Preserves open space and natural lands and provides
 1514 for public open space and recreation needs.

1515 (VII) Creates a balance of land uses based upon demands of
 1516 residential population for the nonresidential needs of an area.

1517 (VIII) Provides uses, densities, and intensities of use
 1518 and urban form that would remediate an existing or planned
 1519 development pattern in the vicinity that constitutes sprawl or
 1520 if it provides for an innovative development pattern such as
 1521 transit-oriented developments or new towns as defined in s.
 1522 163.3164.

1523 10. The future land use element shall include a future
 1524 land use map or map series.

1525 a. The proposed distribution, extent, and location of the
 1526 following uses shall be shown on the future land use map or map
 1527 series:

1528 (I) Residential.

1529 (II) Commercial.



1530 (III) Industrial.
 1531 (IV) Agricultural.
 1532 (V) Recreational.
 1533 (VI) Conservation.
 1534 (VII) Educational.
 1535 (VIII) Public.
 1536 b. The following areas shall also be shown on the future
 1537 land use map or map series, if applicable:
 1538 (I) Historic district boundaries and designated
 1539 historically significant properties.
 1540 (II) Transportation concurrency management area boundaries
 1541 or transportation concurrency exception area boundaries.
 1542 (III) Multimodal transportation district boundaries.
 1543 (IV) Mixed use categories.
 (44 c. The following natural resources or conditions shall be
 1545 shown on the future land use map or map series, if applicable:
 1546 (I) Existing and planned public potable waterwells, cones
 1547 of influence, and wellhead protection areas.
 1548 (II) Beaches and shores, including estuarine systems.
 1549 (III) Rivers, bays, lakes, floodplains, and harbors.
 1550 (IV) Wetlands.
 1551 (V) Minerals and soils.
 1552 (VI) Coastal high hazard areas.
 1553 11. Local governments required to update or amend their
 1554 comprehensive plan to include criteria and address compatibility
 1555 of lands adjacent or closely proximate to existing military
 1556 installations, or lands adjacent to an airport as defined in s.
 1557 330.35 and consistent with s. 333.02, in their future land use



1558 plan element shall transmit the update or amendment to the state
 1559 land planning agency by June 30, 2012.

1560 (b) A transportation element addressing mobility issues in
 1561 relationship to the size and character of the local government.
 1562 The purpose of the transportation element shall be to plan for a
 1563 multimodal transportation system that places emphasis on public
 1564 transportation systems, where feasible. The element shall
 1565 provide for a safe, convenient multimodal transportation system,
 1566 coordinated with the future land use map or map series and
 1567 designed to support all elements of the comprehensive plan. A
 1568 local government that has all or part of its jurisdiction
 1569 included within the metropolitan planning area of a metropolitan
 1570 planning organization (M.P.O.) pursuant to s. 339.175 shall
 1571 prepare and adopt a transportation element consistent with this
 72 subsection. Local governments that are not located within the
 1573 metropolitan planning area of an M.P.O. shall address traffic
 1574 circulation, mass transit, and ports, and aviation and related
 1575 facilities consistent with this subsection, except that local
 1576 governments with a population of 50,000 or less shall only be
 1577 required to address transportation circulation. The element
 1578 shall be coordinated with the plans and programs of any
 1579 applicable metropolitan planning organization, transportation
 1580 authority, Florida Transportation Plan, and Department of
 1581 Transportation's adopted work program.

1582 1. Each local government's transportation element shall
 1583 address

1584 ~~(b) A traffic circulation, including element consisting of~~
 1585 ~~the types, locations, and extent of existing and proposed major~~



1586 thoroughfares and transportation routes, including bicycle and
 1587 pedestrian ways. Transportation corridors, as defined in s.
 1588 334.03, may be designated in the transportation traffic
 1589 circulation element pursuant to s. 337.273. If the
 1590 transportation corridors are designated, the local government
 1591 may adopt a transportation corridor management ordinance. The
 1592 element shall include a map or map series showing the general
 1593 location of the existing and proposed transportation system
 1594 features and shall be coordinated with the future land use map
 1595 or map series. The element shall reflect the data, analysis, and
 1596 associated principles and strategies relating to:

1597 a. The existing transportation system levels of service
 1598 and system needs and the availability of transportation
 1599 facilities and services.

1600 b. The growth trends and travel patterns and interactions
 1601 between land use and transportation.

1602 c. Existing and projected intermodal deficiencies and
 1603 needs.

1604 d. The projected transportation system levels of service
 1605 and system needs based upon the future land use map and the
 1606 projected integrated transportation system.

1607 e. How the local government will correct existing facility
 1608 deficiencies, meet the identified needs of the projected
 1609 transportation system, and advance the purpose of this paragraph
 1610 and the other elements of the comprehensive plan.

1611 2. Local governments within a metropolitan planning area
 1612 designated as an M.P.O. pursuant to s. 339.175 shall also
 1613 address:



1641 c. Plans for the circulation of recreational traffic,
1642 including bicycle facilities, exercise trails, riding
1643 facilities, and such other matters as may be related to the
1644 improvement and safety of movement of all types of recreational
1645 traffic.

1646 4. At the option of a local government, an airport master
1647 plan, and any subsequent amendments to the airport master plan,
1648 prepared by a licensed publicly owned and operated airport under
1649 s. 333.06 may be incorporated into the local government
1650 comprehensive plan by the local government having jurisdiction
1651 under this act for the area in which the airport or projected
1652 airport development is located by the adoption of a
1653 comprehensive plan amendment. In the amendment to the local
1654 comprehensive plan that integrates the airport master plan, the
1655 comprehensive plan amendment shall address land use
1656 compatibility consistent with chapter 333 regarding airport
1657 zoning; the provision of regional transportation facilities for
1658 the efficient use and operation of the transportation system and
1659 airport; consistency with the local government transportation
1660 circulation element and applicable M.P.O. long-range
1661 transportation plans; the execution of any necessary interlocal
1662 agreements for the purposes of the provision of public
1663 facilities and services to maintain the adopted level-of-service
1664 standards for facilities subject to concurrency; and may address
1665 airport-related or aviation-related development. Development or
1666 expansion of an airport consistent with the adopted airport
1667 master plan that has been incorporated into the local
1668 comprehensive plan in compliance with this part, and airport-



1669 related or aviation-related development that has been addressed
 1670 in the comprehensive plan amendment that incorporates the
 1671 airport master plan, do not constitute a development of regional
 1672 impact. Notwithstanding any other general law, an airport that
 1673 has received a development-of-regional-impact development order
 1674 pursuant to s. 380.06, but which is no longer required to
 1675 undergo development-of-regional-impact review pursuant to this
 1676 subsection, may rescind its development-of-regional-impact order
 1677 upon written notification to the applicable local government.
 1678 Upon receipt by the local government, the development-of-
 1679 regional-impact development order shall be deemed rescinded. The
 1680 ~~traffic circulation element shall incorporate transportation~~
 1681 ~~strategies to address reduction in greenhouse gas emissions from~~
 1682 ~~the transportation sector.~~

1683 (c) A general sanitary sewer, solid waste, drainage,
 1684 potable water, and natural groundwater aquifer recharge element
 1685 correlated to principles and guidelines for future land use,
 1686 indicating ways to provide for future potable water, drainage,
 1687 sanitary sewer, solid waste, and aquifer recharge protection
 1688 requirements for the area. The element may be a detailed
 1689 engineering plan including a topographic map depicting areas of
 1690 prime groundwater recharge.

1691 1. Each local government shall address in the data and
 1692 analyses required by this section those facilities that provide
 1693 service within the local government's jurisdiction. Local
 1694 governments that provide facilities to serve areas within other
 1695 local government jurisdictions shall also address those
 1696 facilities in the data and analyses required by this section,



1697 using data from the comprehensive plan for those areas for the
 1698 purpose of projecting facility needs as required in this
 1699 subsection. For shared facilities, each local government shall
 1700 indicate the proportional capacity of the systems allocated to
 1701 serve its jurisdiction.

1702 2. The element shall describe the problems and needs and
 1703 the general facilities that will be required for solution of the
 1704 problems and needs, including correcting existing facility
 1705 deficiencies. The element shall address coordinating the
 1706 extension of, or increase in the capacity of, facilities to meet
 1707 future needs while maximizing the use of existing facilities and
 1708 discouraging urban sprawl; conservation of potable water
 1709 resources; and protecting the functions of natural groundwater
 1710 recharge areas and natural drainage features. The element shall
 1711 ~~also include a topographic map depicting any areas adopted by a~~
 1712 ~~regional water management district as prime groundwater recharge~~
 1713 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~
 1714 ~~be given special consideration when the local government is~~
 1715 ~~engaged in zoning or considering future land use for said~~
 1716 ~~designated areas. For areas served by septic tanks, soil surveys~~
 1717 ~~shall be provided which indicate the suitability of soils for~~
 1718 ~~septic tanks.~~

1719 3. Within 18 months after the governing board approves an
 1720 updated regional water supply plan, the element must incorporate
 1721 the alternative water supply project or projects selected by the
 1722 local government from those identified in the regional water
 1723 supply plan pursuant to s. 373.709(2)(a) or proposed by the
 1724 local government under s. 373.709(8)(b). If a local government



1725 is located within two water management districts, the local
 1726 government shall adopt its comprehensive plan amendment within
 1727 18 months after the later updated regional water supply plan.
 1728 The element must identify such alternative water supply projects
 1729 and traditional water supply projects and conservation and reuse
 1730 necessary to meet the water needs identified in s. 373.709(2)(a)
 1731 within the local government's jurisdiction and include a work
 1732 plan, covering at least a 10-year planning period, for building
 1733 public, private, and regional water supply facilities, including
 1734 development of alternative water supplies, which are identified
 1735 in the element as necessary to serve existing and new
 1736 development. The work plan shall be updated, at a minimum, every
 1737 5 years within 18 months after the governing board of a water
 1738 management district approves an updated regional water supply
 1739 plan. ~~Amendments to incorporate the work plan do not count~~
 1740 ~~toward the limitation on the frequency of adoption of amendments~~
 1741 ~~to the comprehensive plan.~~ Local governments, public and private
 1742 utilities, regional water supply authorities, special districts,
 1743 and water management districts are encouraged to cooperatively
 1744 plan for the development of multijurisdictional water supply
 1745 facilities that are sufficient to meet projected demands for
 1746 established planning periods, including the development of
 1747 alternative water sources to supplement traditional sources of
 1748 groundwater and surface water supplies.

1749 (d) A conservation element for the conservation, use, and
 1750 protection of natural resources in the area, including air,
 1751 water, water recharge areas, wetlands, waterwells, estuarine
 1752 marshes, soils, beaches, shores, flood plains, rivers, bays,



1753 lakes, harbors, forests, fisheries and wildlife, marine habitat,
 1754 minerals, and other natural and environmental resources,
 1755 including factors that affect energy conservation.

1756 1. The following natural resources, where present within
 1757 the local government's boundaries, shall be identified and
 1758 analyzed and existing recreational or conservation uses, known
 1759 pollution problems, including hazardous wastes, and the
 1760 potential for conservation, recreation, use, or protection shall
 1761 also be identified:

1762 a. Rivers, bays, lakes, wetlands including estuarine
 1763 marshes, groundwaters, and springs, including information on
 1764 quality of the resource available.

1765 b. Floodplains.

1766 c. Known sources of commercially valuable minerals.

1767 d. Areas known to have experienced soil erosion problems.

1768 e. Areas that are the location of recreationally and
 1769 commercially important fish or shellfish, wildlife, marine
 1770 habitats, and vegetative communities, including forests,
 1771 indicating known dominant species present and species listed by
 1772 federal, state, or local government agencies as endangered,
 1773 threatened, or species of special concern.

1774 2. The element must contain principles, guidelines, and
 1775 standards for conservation that provide long-term goals and
 1776 which:

1777 a. Protects air quality.

1778 b. Conserves, appropriately uses, and protects the quality
 1779 and quantity of current and projected water sources and waters
 1780 that flow into estuarine waters or oceanic waters and protect



1781 from activities and land uses known to affect adversely the
 1782 quality and quantity of identified water sources, including
 1783 natural groundwater recharge areas, wellhead protection areas,
 1784 and surface waters used as a source of public water supply.

1785 c. Provides for the emergency conservation of water
 1786 sources in accordance with the plans of the regional water
 1787 management district.

1788 d. Conserves, appropriately uses, and protects minerals,
 1789 soils, and native vegetative communities, including forests,
 1790 from destruction by development activities.

1791 e. Conserves, appropriately uses, and protects fisheries,
 1792 wildlife, wildlife habitat, and marine habitat and restricts
 1793 activities known to adversely affect the survival of endangered
 1794 and threatened wildlife.

1795 f. Protects existing natural reservations identified in
 1796 the recreation and open space element.

1797 g. Maintains cooperation with adjacent local governments
 1798 to conserve, appropriately use, or protect unique vegetative
 1799 communities located within more than one local jurisdiction.

1800 h. Designates environmentally sensitive lands for
 1801 protection based on locally determined criteria which further
 1802 the goals and objectives of the conservation element.

1803 i. Manages hazardous waste to protect natural resources.

1804 j. Protects and conserves wetlands and the natural
 1805 functions of wetlands.

1806 k. Directs future land uses that are incompatible with the
 1807 protection and conservation of wetlands and wetland functions
 1808 away from wetlands. The type, intensity or density, extent,



1809 distribution, and location of allowable land uses and the types,
 1810 values, functions, sizes, conditions, and locations of wetlands
 1811 are land use factors that shall be considered when directing
 1812 incompatible land uses away from wetlands. Land uses shall be
 1813 distributed in a manner that minimizes the effect and impact on
 1814 wetlands. The protection and conservation of wetlands by the
 1815 direction of incompatible land uses away from wetlands shall
 1816 occur in combination with other principles, guidelines,
 1817 standards, and strategies in the comprehensive plan. Where
 1818 incompatible land uses are allowed to occur, mitigation shall be
 1819 considered as one means to compensate for loss of wetlands
 1820 functions.

1821 3. Local governments shall assess their Current and, as
 1822 well as projected, water needs and sources for at least a 10-
 1823 year period based on the demands for industrial, agricultural,
 1824 and potable water use and the quality and quantity of water
 1825 available to meet these demands shall be analyzed. The analysis
 1826 shall consider the existing levels of water conservation, use,
 1827 and protection and applicable policies of the regional water
 1828 management district and further must consider, considering the
 1829 appropriate regional water supply plan approved pursuant to s.
 1830 373.709, or, in the absence of an approved regional water supply
 1831 plan, the district water management plan approved pursuant to s.
 1832 373.036(2). This information shall be submitted to the
 1833 appropriate agencies. The land use map or map series contained
 1834 in the future land use element shall generally identify and
 1835 depict the following:



- 1836 1. ~~Existing and planned waterwells and cones of influence~~
- 1837 ~~where applicable.~~
- 1838 2. ~~Beaches and shores, including estuarine systems.~~
- 1839 3. ~~Rivers, bays, lakes, flood plains, and harbors.~~
- 1840 4. ~~Wetlands.~~
- 1841 5. ~~Minerals and soils.~~
- 1842 6. ~~Energy conservation.~~

1843

1844 ~~The land uses identified on such maps shall be consistent with~~

1845 ~~applicable state law and rules.~~

1846 (e) A recreation and open space element indicating a

1847 comprehensive system of public and private sites for recreation,

1848 including, but not limited to, natural reservations, parks and

1849 playgrounds, parkways, beaches and public access to beaches,

1850 open spaces, waterways, and other recreational facilities.

1851 (f)1. A housing element consisting of standards, plans,

1852 and principles, guidelines, standards, and strategies to be

1853 followed in:

- 1854 a. The provision of housing for all current and
- 1855 anticipated future residents of the jurisdiction.
- 1856 b. The elimination of substandard dwelling conditions.
- 1857 c. The structural and aesthetic improvement of existing
- 1858 housing.
- 1859 d. The provision of adequate sites for future housing,
- 1860 including affordable workforce housing as defined in s.
- 1861 380.0651(3) (h) ~~(j)~~, housing for low-income, very low-income, and
- 1862 moderate-income families, mobile homes, and group home



1973 10. At the option of the local government, develop an
 1974 adaptation action area designation for those low-lying coastal
 1975 zones that are experiencing coastal flooding due to extreme high
 1976 tides and storm surge and are vulnerable to the impacts of
 1977 rising sea level. Local governments that adopt an adaptation
 1978 action area may consider policies within the coastal management
 1979 element to improve resilience to coastal flooding resulting from
 1980 high-tide events, storm surge, flash floods, stormwater runoff,
 1981 and related impacts of sea level rise. Criteria for the
 1982 adaptation action area may include, but need not be limited to,
 1983 areas for which the land elevations are below, at, or near mean
 1984 higher high water, which have an hydrologic connection to
 1985 coastal waters, or which are designated as evacuation zones for
 1986 storm surge.

87 ~~2. As part of this element, a local government that has a~~
 1988 ~~coastal management element in its comprehensive plan is~~
 1989 ~~encouraged to adopt recreational surface water use policies that~~
 1990 ~~include applicable criteria for and consider such factors as~~
 1991 ~~natural resources, manatee protection needs, protection of~~
 1992 ~~working waterfronts and public access to the water, and~~
 1993 ~~recreation and economic demands. Criteria for manatee protection~~
 1994 ~~in the recreational surface water use policies should reflect~~
 1995 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
 1996 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
 1997 ~~the local government elects to adopt recreational surface water~~
 1998 ~~use policies by comprehensive plan amendment, such comprehensive~~
 1999 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
 2000 ~~Local governments that wish to adopt recreational surface water~~



2001 ~~use policies may be eligible for assistance with the development~~
 2002 ~~of such policies through the Florida Coastal Management Program.~~
 2003 ~~The Office of Program Policy Analysis and Government~~
 2004 ~~Accountability shall submit a report on the adoption of~~
 2005 ~~recreational surface water use policies under this subparagraph~~
 2006 ~~to the President of the Senate, the Speaker of the House of~~
 2007 ~~Representatives, and the majority and minority leaders of the~~
 2008 ~~Senate and the House of Representatives no later than December~~
 2009 ~~1, 2010.~~

2010 (h)1. An intergovernmental coordination element showing
 2011 relationships and stating principles and guidelines to be used
 2012 in coordinating the adopted comprehensive plan with the plans of
 2013 school boards, regional water supply authorities, and other
 2014 units of local government providing services but not having
 2015 regulatory authority over the use of land, with the
 2016 comprehensive plans of adjacent municipalities, the county,
 2017 adjacent counties, or the region, with the state comprehensive
 2018 plan and with the applicable regional water supply plan approved
 2019 pursuant to s. 373.709, as the case may require and as such
 2020 adopted plans or plans in preparation may exist. This element of
 2021 the local comprehensive plan must demonstrate consideration of
 2022 the particular effects of the local plan, when adopted, upon the
 2023 development of adjacent municipalities, the county, adjacent
 2024 counties, or the region, or upon the state comprehensive plan,
 2025 as the case may require.

2026 a. The intergovernmental coordination element must provide
 2027 procedures for identifying and implementing joint planning



2028 areas, especially for the purpose of annexation, municipal
 2029 incorporation, and joint infrastructure service areas.

2030 ~~b. The intergovernmental coordination element must provide~~
 2031 ~~for recognition of campus master plans prepared pursuant to s.~~
 2032 ~~1013.30 and airport master plans under paragraph (k).~~

2033 e. The intergovernmental coordination element shall
 2034 provide for a dispute resolution process, as established
 2035 pursuant to s. 186.509, for bringing intergovernmental disputes
 2036 to closure in a timely manner.

2037 ~~c.d.~~ The intergovernmental coordination element shall
 2038 provide for interlocal agreements as established pursuant to s.
 2039 333.03(1)(b).

2040 2. The intergovernmental coordination element shall also
 2041 state principles and guidelines to be used in coordinating the
 2042 adopted comprehensive plan with the plans of school boards and
 2043 other units of local government providing facilities and
 2044 services but not having regulatory authority over the use of
 2045 land. In addition, the intergovernmental coordination element
 2046 must describe joint processes for collaborative planning and
 2047 decisionmaking on population projections and public school
 2048 siting, the location and extension of public facilities subject
 2049 to concurrency, and siting facilities with countywide
 2050 significance, including locally unwanted land uses whose nature
 2051 and identity are established in an agreement.

2052 3. Within 1 year after adopting their intergovernmental
 2053 coordination elements, each county, all the municipalities
 2054 within that county, the district school board, and any unit of
 2055 local government service providers in that county shall



2056 establish by interlocal or other formal agreement executed by
 2057 all affected entities, the joint processes described in this
 2058 subparagraph consistent with their adopted intergovernmental
 2059 coordination elements. The element must:

2060 a. Ensure that the local government addresses through
 2061 coordination mechanisms the impacts of development proposed in
 2062 the local comprehensive plan upon development in adjacent
 2063 municipalities, the county, adjacent counties, the region, and
 2064 the state. The area of concern for municipalities shall include
 2065 adjacent municipalities, the county, and counties adjacent to
 2066 the municipality. The area of concern for counties shall include
 2067 all municipalities within the county, adjacent counties, and
 2068 adjacent municipalities.

2069 b. Ensure coordination in establishing level of service
 2070 standards for public facilities with any state, regional, or
 2071 local entity having operational and maintenance responsibility
 2072 for such facilities.

2073 ~~3. To foster coordination between special districts and~~
 2074 ~~local general purpose governments as local general purpose~~
 2075 ~~governments implement local comprehensive plans, each~~
 2076 ~~independent special district must submit a public facilities~~
 2077 ~~report to the appropriate local government as required by s.~~
 2078 ~~189.415.~~

2079 ~~4. Local governments shall execute an interlocal agreement~~
 2080 ~~with the district school board, the county, and nonexempt~~
 2081 ~~municipalities pursuant to s. 163.31777. The local government~~
 2082 ~~shall amend the intergovernmental coordination element to ensure~~
 2083 ~~that coordination between the local government and school board~~



2084 ~~is pursuant to the agreement and shall state the obligations of~~
 2085 ~~the local government under the agreement. Plan amendments that~~
 2086 ~~comply with this subparagraph are exempt from the provisions of~~
 2087 ~~s. 163.3187(1).~~

2088 ~~5. By January 1, 2004, any county having a population~~
 2089 ~~greater than 100,000, and the municipalities and special~~
 2090 ~~districts within that county, shall submit a report to the~~
 2091 ~~Department of Community Affairs which identifies:~~

2092 ~~a. All existing or proposed interlocal service delivery~~
 2093 ~~agreements relating to education; sanitary sewer; public safety;~~
 2094 ~~solid waste; drainage; potable water; parks and recreation; and~~
 2095 ~~transportation facilities.~~

2096 ~~b. Any deficits or duplication in the provision of~~
 2097 ~~services within its jurisdiction, whether capital or~~
 98 ~~operational. Upon request, the Department of Community Affairs~~
 2099 ~~shall provide technical assistance to the local governments in~~
 2100 ~~identifying deficits or duplication.~~

2101 ~~6. Within 6 months after submission of the report, the~~
 2102 ~~Department of Community Affairs shall, through the appropriate~~
 2103 ~~regional planning council, coordinate a meeting of all local~~
 2104 ~~governments within the regional planning area to discuss the~~
 2105 ~~reports and potential strategies to remedy any identified~~
 2106 ~~deficiencies or duplications.~~

2107 ~~7. Each local government shall update its~~
 2108 ~~intergovernmental coordination element based upon the findings~~
 2109 ~~in the report submitted pursuant to subparagraph 5. The report~~
 2110 ~~may be used as supporting data and analysis for the~~
 2111 ~~intergovernmental coordination element.~~



2112 ~~(i) The optional elements of the comprehensive plan in~~
 2113 ~~paragraphs (7) (a) and (b) are required elements for those~~
 2114 ~~municipalities having populations greater than 50,000, and those~~
 2115 ~~counties having populations greater than 75,000, as determined~~
 2116 ~~under s. 186.901.~~

2117 ~~(j) For each unit of local government within an urbanized~~
 2118 ~~area designated for purposes of s. 339.175, a transportation~~
 2119 ~~element, which must be prepared and adopted in lieu of the~~
 2120 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
 2121 ~~and (d) and which shall address the following issues:~~

2122 ~~1. Traffic circulation, including major thoroughfares and~~
 2123 ~~other routes, including bicycle and pedestrian ways.~~

2124 ~~2. All alternative modes of travel, such as public~~
 2125 ~~transportation, pedestrian, and bicycle travel.~~

2126 ~~3. Parking facilities.~~

2127 ~~4. Aviation, rail, seaport facilities, access to those~~
 2128 ~~facilities, and intermodal terminals.~~

2129 ~~5. The availability of facilities and services to serve~~
 2130 ~~existing land uses and the compatibility between future land use~~
 2131 ~~and transportation elements.~~

2132 ~~6. The capability to evacuate the coastal population prior~~
 2133 ~~to an impending natural disaster.~~

2134 ~~7. Airports, projected airport and aviation development,~~
 2135 ~~and land use compatibility around airports, which includes areas~~
 2136 ~~defined in ss. 333.01 and 333.02.~~

2137 ~~8. An identification of land use densities, building~~
 2138 ~~intensities, and transportation management programs to promote~~
 2139 ~~public transportation systems in designated public~~



2140 ~~transportation corridors so as to encourage population densities~~
 2141 ~~sufficient to support such systems.~~

2142 ~~9. May include transportation corridors, as defined in s.~~
 2143 ~~334.03, intended for future transportation facilities designated~~
 2144 ~~pursuant to s. 337.273. If transportation corridors are~~
 2145 ~~designated, the local government may adopt a transportation~~
 2146 ~~corridor management ordinance.~~

2147 ~~10. The incorporation of transportation strategies to~~
 2148 ~~address reduction in greenhouse gas emissions from the~~
 2149 ~~transportation sector.~~

2150 ~~(k) An airport master plan, and any subsequent amendments~~
 2151 ~~to the airport master plan, prepared by a licensed publicly~~
 2152 ~~owned and operated airport under s. 333.06 may be incorporated~~
 2153 ~~into the local government comprehensive plan by the local~~
 54 ~~government having jurisdiction under this act for the area in~~
 2155 ~~which the airport or projected airport development is located by~~
 2156 ~~the adoption of a comprehensive plan amendment. In the amendment~~
 2157 ~~to the local comprehensive plan that integrates the airport~~
 2158 ~~master plan, the comprehensive plan amendment shall address land~~
 2159 ~~use compatibility consistent with chapter 333 regarding airport~~
 2160 ~~zoning; the provision of regional transportation facilities for~~
 2161 ~~the efficient use and operation of the transportation system and~~
 2162 ~~airport; consistency with the local government transportation~~
 2163 ~~circulation element and applicable metropolitan planning~~
 2164 ~~organization long range transportation plans; and the execution~~
 2165 ~~of any necessary interlocal agreements for the purposes of the~~
 2166 ~~provision of public facilities and services to maintain the~~
 2167 ~~adopted level of service standards for facilities subject to~~



HB 7207, Engrossed 2

2011

2195 ~~(c) As a part of the circulation element of paragraph~~
 2196 ~~(6) (b) and in coordination with paragraph (6) (e), where~~
 2197 ~~applicable, a plan element for the circulation of recreational~~
 2198 ~~traffic, including bicycle facilities, exercise trails, riding~~
 2199 ~~facilities, and such other matters as may be related to the~~
 2200 ~~improvement and safety of movement of all types of recreational~~
 2201 ~~traffic.~~

2202 ~~(d) As a part of the circulation element of paragraph~~
 2203 ~~(6) (b) or as a separate element, a plan element for the~~
 2204 ~~development of offstreet parking facilities for motor vehicles~~
 2205 ~~and the fiscal considerations for the accomplishment of the~~
 2206 ~~element.~~

2207 ~~(e) A public buildings and related facilities element~~
 2208 ~~showing locations and arrangements of civic and community~~
 09 ~~centers, public schools, hospitals, libraries, police and fire~~
 2210 ~~stations, and other public buildings. This plan element should~~
 2211 ~~show particularly how it is proposed to effect coordination with~~
 2212 ~~governmental units, such as school boards or hospital~~
 2213 ~~authorities, having public development and service~~
 2214 ~~responsibilities, capabilities, and potential but not having~~
 2215 ~~land development regulatory authority. This element may include~~
 2216 ~~plans for architecture and landscape treatment of their grounds.~~

2217 ~~(f) A recommended community design element which may~~
 2218 ~~consist of design recommendations for land subdivision,~~
 2219 ~~neighborhood development and redevelopment, design of open space~~
 2220 ~~locations, and similar matters to the end that such~~
 2221 ~~recommendations may be available as aids and guides to~~



2222 ~~developers in the future planning and development of land in the~~
 2223 ~~area.~~

2224 ~~(g) A general area redevelopment element consisting of~~
 2225 ~~plans and programs for the redevelopment of slums and blighted~~
 2226 ~~locations in the area and for community redevelopment, including~~
 2227 ~~housing sites, business and industrial sites, public buildings~~
 2228 ~~sites, recreational facilities, and other purposes authorized by~~
 2229 ~~law.~~

2230 ~~(h) A safety element for the protection of residents and~~
 2231 ~~property of the area from fire, hurricane, or manmade or natural~~
 2232 ~~catastrophe, including such necessary features for protection as~~
 2233 ~~evacuation routes and their control in an emergency, water~~
 2234 ~~supply requirements, minimum road widths, clearances around and~~
 2235 ~~elevations of structures, and similar matters.~~

36 ~~(i) An historical and scenic preservation element setting~~
 2237 ~~out plans and programs for those structures or lands in the area~~
 2238 ~~having historical, archaeological, architectural, scenic, or~~
 2239 ~~similar significance.~~

2240 ~~(j) An economic element setting forth principles and~~
 2241 ~~guidelines for the commercial and industrial development, if~~
 2242 ~~any, and the employment and personnel utilization within the~~
 2243 ~~area. The element may detail the type of commercial and~~
 2244 ~~industrial development sought, correlated to the present and~~
 2245 ~~projected employment needs of the area and to other elements of~~
 2246 ~~the plans, and may set forth methods by which a balanced and~~
 2247 ~~stable economic base will be pursued.~~

2248 ~~(k) Such other elements as may be peculiar to, and~~
 2249 ~~necessary for, the area concerned and as are added to the~~



2250 ~~comprehensive plan by the governing body upon the recommendation~~
2251 ~~of the local planning agency.~~

2252 ~~(1) Local governments that are not required to prepare~~
2253 ~~coastal management elements under s. 163.3178 are encouraged to~~
2254 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
2255 ~~plans should, at a minimum, establish long-term policies~~
2256 ~~regarding redevelopment, infrastructure, densities,~~
2257 ~~nonconforming uses, and future land use patterns. Grants to~~
2258 ~~assist local governments in the preparation of these hazard~~
2259 ~~mitigation/postdisaster redevelopment plans shall be available~~
2260 ~~through the Emergency Management Preparedness and Assistance~~
2261 ~~Account in the Grants and Donations Trust Fund administered by~~
2262 ~~the department, if such account is created by law. The plans~~
2263 ~~must be in compliance with the requirements of this act and~~
2264 ~~chapter 252.~~

2265 ~~(8) All elements of the comprehensive plan, whether~~
2266 ~~mandatory or optional, shall be based upon data appropriate to~~
2267 ~~the element involved. Surveys and studies utilized in the~~
2268 ~~preparation of the comprehensive plan shall not be deemed a part~~
2269 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
2270 ~~of such studies, surveys, and supporting documents shall be made~~
2271 ~~available to public inspection, and copies of such plans shall~~
2272 ~~be made available to the public upon payment of reasonable~~
2273 ~~charges for reproduction.~~

2274 ~~(9) The state land planning agency shall, by February 15,~~
2275 ~~1986, adopt by rule minimum criteria for the review and~~
2276 ~~determination of compliance of the local government~~
2277 ~~comprehensive plan elements required by this act. Such rules~~



2389 | ~~discouraged from utilizing original data so long as~~
 2390 | ~~methodologies are professionally accepted.~~

2391 | ~~(f) The Legislature recognizes that under this section,~~
 2392 | ~~local governments are charged with setting levels of service for~~
 2393 | ~~public facilities in their comprehensive plans in accordance~~
 2394 | ~~with which development orders and permits will be issued~~
 2395 | ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~
 2396 | ~~the authority of state, regional, or local agencies as otherwise~~
 2397 | ~~provided by law.~~

2398 | ~~(g) Definitions contained in chapter 9J-5, Florida~~
 2399 | ~~Administrative Code, are not intended to modify or amend the~~
 2400 | ~~definitions utilized for purposes of other programs or rules or~~
 2401 | ~~to establish or limit regulatory authority. Local governments~~
 2402 | ~~may establish alternative definitions in local comprehensive~~
 2403 | ~~plans, as long as such definitions accomplish the intent of this~~
 2404 | ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2405 | ~~(h) It is the intent of the Legislature that public~~
 2406 | ~~facilities and services needed to support development shall be~~
 2407 | ~~available concurrent with the impacts of such development in~~
 2408 | ~~accordance with s. 163.3180. In meeting this intent, public~~
 2409 | ~~facility and service availability shall be deemed sufficient if~~
 2410 | ~~the public facilities and services for a development are phased,~~
 2411 | ~~or the development is phased, so that the public facilities and~~
 2412 | ~~those related services which are deemed necessary by the local~~
 2413 | ~~government to operate the facilities necessitated by that~~
 2414 | ~~development are available concurrent with the impacts of the~~
 2415 | ~~development. The public facilities and services, unless already~~
 2416 | ~~available, are to be consistent with the capital improvements~~



2445 ~~Florida Administrative Code, as amended, is subject to rule~~
 2446 ~~challenges under s. 120.56(3), as nothing herein indicates~~
 2447 ~~approval or disapproval of any portion of chapter 9J-5 not~~
 2448 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
 2449 ~~Florida Administrative Code, exclusive of the amendments adopted~~
 2450 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
 2451 ~~to the full chapter 120 process. All amendments shall have~~
 2452 ~~effective dates as provided in chapter 120 and submission to the~~
 2453 ~~President of the Senate and Speaker of the House of~~
 2454 ~~Representatives shall not be required.~~

2455 ~~(1) The state land planning agency shall consider land use~~
 2456 ~~compatibility issues in the vicinity of all airports in~~
 2457 ~~coordination with the Department of Transportation and adjacent~~
 2458 ~~to or in close proximity to all military installations in~~
 59 ~~coordination with the Department of Defense.~~

2460 ~~(11) (a) The Legislature recognizes the need for innovative~~
 2461 ~~planning and development strategies which will address the~~
 2462 ~~anticipated demands of continued urbanization of Florida's~~
 2463 ~~coastal and other environmentally sensitive areas, and which~~
 2464 ~~will accommodate the development of less populated regions of~~
 2465 ~~the state which seek economic development and which have~~
 2466 ~~suitable land and water resources to accommodate growth in an~~
 2467 ~~environmentally acceptable manner. The Legislature further~~
 2468 ~~recognizes the substantial advantages of innovative approaches~~
 2469 ~~to development which may better serve to protect environmentally~~
 2470 ~~sensitive areas, maintain the economic viability of agricultural~~
 2471 ~~and other predominantly rural land uses, and provide for the~~
 2472 ~~cost efficient delivery of public facilities and services.~~

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2556 a. ~~Criteria for the designation of receiving areas within~~
 2557 ~~rural land stewardship areas in which innovative planning and~~
 2558 ~~development strategies may be applied. Criteria shall at a~~
 2559 ~~minimum provide for the following: adequacy of suitable land to~~
 2560 ~~accommodate development so as to avoid conflict with~~
 2561 ~~environmentally sensitive areas, resources, and habitats;~~
 2562 ~~compatibility between and transition from higher density uses to~~
 2563 ~~lower intensity rural uses; the establishment of receiving area~~
 2564 ~~service boundaries which provide for a separation between~~
 2565 ~~receiving areas and other land uses within the rural land~~
 2566 ~~stewardship area through limitations on the extension of~~
 2567 ~~services; and connection of receiving areas with the rest of the~~
 2568 ~~rural land stewardship area using rural design and rural road~~
 2569 ~~corridors.~~

2570 b. ~~Goals, objectives, and policies setting forth the~~
 2571 ~~innovative planning and development strategies to be applied~~
 2572 ~~within rural land stewardship areas pursuant to the provisions~~
 2573 ~~of this section.~~

2574 c. ~~A process for the implementation of innovative planning~~
 2575 ~~and development strategies within the rural land stewardship~~
 2576 ~~area, including those described in this subsection and rule 9J-~~
 2577 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
 2578 ~~functional mix of land uses, including adequate available~~
 2579 ~~workforce housing, including low, very low and moderate income~~
 2580 ~~housing for the development anticipated in the receiving area~~
 2581 ~~and which are applied through the adoption by the local~~
 2582 ~~government of zoning and land development regulations applicable~~
 2583 ~~to the rural land stewardship area.~~



2584 ~~d. A process which encourages visioning pursuant to s.~~
 2585 ~~163.3167(11) to ensure that innovative planning and development~~
 2586 ~~strategies comply with the provisions of this section.~~

2587 ~~e. The control of sprawl through the use of innovative~~
 2588 ~~strategies and creative land use techniques consistent with the~~
 2589 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
 2590 ~~Administrative Code.~~

2591 ~~5. A receiving area shall be designated by the adoption of~~
 2592 ~~a land development regulation. Prior to the designation of a~~
 2593 ~~receiving area, the local government shall provide the~~
 2594 ~~Department of Community Affairs a period of 30 days in which to~~
 2595 ~~review a proposed receiving area for consistency with the rural~~
 2596 ~~land stewardship area plan amendment and to provide comments to~~
 2597 ~~the local government. At the time of designation of a~~
 2598 ~~stewardship receiving area, a listed species survey will be~~
 2599 ~~performed. If listed species occur on the receiving area site,~~
 2600 ~~the developer shall coordinate with each appropriate local,~~
 2601 ~~state, or federal agency to determine if adequate provisions~~
 2602 ~~have been made to protect those species in accordance with~~
 2603 ~~applicable regulations. In determining the adequacy of~~
 2604 ~~provisions for the protection of listed species and their~~
 2605 ~~habitats, the rural land stewardship area shall be considered as~~
 2606 ~~a whole, and the impacts to areas to be developed as receiving~~
 2607 ~~areas shall be considered together with the environmental~~
 2608 ~~benefits of areas protected as sending areas in fulfilling this~~
 2609 ~~criteria.~~

2610 ~~6. Upon the adoption of a plan amendment creating a rural~~
 2611 ~~land stewardship area, the local government shall, by ordinance,~~



2612 ~~establish the methodology for the creation, conveyance, and use~~
 2613 ~~of transferable rural land use credits, otherwise referred to as~~
 2614 ~~stewardship credits, the application of which shall not~~
 2615 ~~constitute a right to develop land, nor increase density of~~
 2616 ~~land, except as provided by this section. The total amount of~~
 2617 ~~transferable rural land use credits within the rural land~~
 2618 ~~stewardship area must enable the realization of the long term~~
 2619 ~~vision and goals for the 25 year or greater projected population~~
 2620 ~~of the rural land stewardship area, which may take into~~
 2621 ~~consideration the anticipated effect of the proposed receiving~~
 2622 ~~areas. Transferable rural land use credits are subject to the~~
 2623 ~~following limitations:~~

2624 ~~a. Transferable rural land use credits may only exist~~
 2625 ~~within a rural land stewardship area.~~

2626 ~~b. Transferable rural land use credits may only be used on~~
 2627 ~~lands designated as receiving areas and then solely for the~~
 2628 ~~purpose of implementing innovative planning and development~~
 2629 ~~strategies and creative land use planning techniques adopted by~~
 2630 ~~the local government pursuant to this section.~~

2631 ~~c. Transferable rural land use credits assigned to a~~
 2632 ~~parcel of land within a rural land stewardship area shall cease~~
 2633 ~~to exist if the parcel of land is removed from the rural land~~
 2634 ~~stewardship area by plan amendment.~~

2635 ~~d. Neither the creation of the rural land stewardship area~~
 2636 ~~by plan amendment nor the assignment of transferable rural land~~
 2637 ~~use credits by the local government shall operate to displace~~
 2638 ~~the underlying density of land uses assigned to a parcel of land~~
 2639 ~~within the rural land stewardship area; however, if transferable~~



2640 ~~rural land use credits are transferred from a parcel for use~~
 2641 ~~within a designated receiving area, the underlying density~~
 2642 ~~assigned to the parcel of land shall cease to exist.~~

2643 ~~e. The underlying density on each parcel of land located~~
 2644 ~~within a rural land stewardship area shall not be increased or~~
 2645 ~~decreased by the local government, except as a result of the~~
 2646 ~~conveyance or use of transferable rural land use credits, as~~
 2647 ~~long as the parcel remains within the rural land stewardship~~
 2648 ~~area.~~

2649 ~~f. Transferable rural land use credits shall cease to~~
 2650 ~~exist on a parcel of land where the underlying density assigned~~
 2651 ~~to the parcel of land is utilized.~~

2652 ~~g. An increase in the density of use on a parcel of land~~
 2653 ~~located within a designated receiving area may occur only~~
 2654 ~~through the assignment or use of transferable rural land use~~
 2655 ~~credits and shall not require a plan amendment.~~

2656 ~~h. A change in the density of land use on parcels located~~
 2657 ~~within receiving areas shall be specified in a development order~~
 2658 ~~which reflects the total number of transferable rural land use~~
 2659 ~~credits assigned to the parcel of land and the infrastructure~~
 2660 ~~and support services necessary to provide for a functional mix~~
 2661 ~~of land uses corresponding to the plan of development.~~

2662 ~~i. Land within a rural land stewardship area may be~~
 2663 ~~removed from the rural land stewardship area through a plan~~
 2664 ~~amendment.~~

2665 ~~j. Transferable rural land use credits may be assigned at~~
 2666 ~~different ratios of credits per acre according to the natural~~
 2667 ~~resource or other beneficial use characteristics of the land and~~



2668 ~~according to the land use remaining following the transfer of~~
 2669 ~~credits, with the highest number of credits per acre assigned to~~
 2670 ~~the most environmentally valuable land or, in locations where~~
 2671 ~~the retention of open space and agricultural land is a priority,~~
 2672 ~~to such lands.~~

2673 ~~k. The use or conveyance of transferable rural land use~~
 2674 ~~credits must be recorded in the public records of the county in~~
 2675 ~~which the property is located as a covenant or restrictive~~
 2676 ~~easement running with the land in favor of the county and either~~
 2677 ~~the Department of Environmental Protection, Department of~~
 2678 ~~Agriculture and Consumer Services, a water management district,~~
 2679 ~~or a recognized statewide land trust.~~

2680 ~~7. Owners of land within rural land stewardship areas~~
 2681 ~~should be provided incentives to enter into rural land~~
 2682 ~~stewardship agreements, pursuant to existing law and rules~~
 2683 ~~adopted thereto, with state agencies, water management~~
 2684 ~~districts, and local governments to achieve mutually agreed upon~~
 2685 ~~conservation objectives. Such incentives may include, but not be~~
 2686 ~~limited to, the following:~~

2687 ~~a. Opportunity to accumulate transferable mitigation~~
 2688 ~~credits.~~

2689 ~~b. Extended permit agreements.~~

2690 ~~c. Opportunities for recreational leases and ecotourism.~~

2691 ~~d. Payment for specified land management services on~~
 2692 ~~publicly owned land, or property under covenant or restricted~~
 2693 ~~easement in favor of a public entity.~~



2804 ~~locate schools to serve as community focal points; projected~~
 2805 ~~future population and associated demographics, including~~
 2806 ~~development patterns year by year for the upcoming 5 year and~~
 2807 ~~long term planning periods; and anticipated educational and~~
 2808 ~~ancillary plants with land area requirements.~~

2809 ~~(d) The element shall contain one or more goals which~~
 2810 ~~establish the long term end toward which public school programs~~
 2811 ~~and activities are ultimately directed.~~

2812 ~~(e) The element shall contain one or more objectives for~~
 2813 ~~each goal, setting specific, measurable, intermediate ends that~~
 2814 ~~are achievable and mark progress toward the goal.~~

2815 ~~(f) The element shall contain one or more policies for~~
 2816 ~~each objective which establish the way in which programs and~~
 2817 ~~activities will be conducted to achieve an identified goal.~~

2818 ~~(g) The objectives and policies shall address items such~~
 2819 ~~as:~~

- 2820 ~~1. The procedure for an annual update process;~~
- 2821 ~~2. The procedure for school site selection;~~
- 2822 ~~3. The procedure for school permitting;~~
- 2823 ~~4. Provision for infrastructure necessary to support~~
 2824 ~~proposed schools, including potable water, wastewater, drainage,~~
 2825 ~~solid waste, transportation, and means by which to assure safe~~
 2826 ~~access to schools, including sidewalks, bicycle paths, turn~~
 2827 ~~lanes, and signalization;~~
- 2828 ~~5. Provision for colocation of other public facilities,~~
 2829 ~~such as parks, libraries, and community centers, in proximity to~~
 2830 ~~public schools;~~



2831 ~~6. Provision for location of schools proximate to~~
 2832 ~~residential areas and to complement patterns of development,~~
 2833 ~~including the location of future school sites so they serve as~~
 2834 ~~community focal points;~~
 2835 ~~7. Measures to ensure compatibility of school sites and~~
 2836 ~~surrounding land uses;~~
 2837 ~~8. Coordination with adjacent local governments and the~~
 2838 ~~school district on emergency preparedness issues, including the~~
 2839 ~~use of public schools to serve as emergency shelters; and~~
 2840 ~~9. Coordination with the future land use element.~~
 2841 ~~(h) The element shall include one or more future~~
 2842 ~~conditions maps which depict the anticipated location of~~
 2843 ~~educational and ancillary plants, including the general location~~
 2844 ~~of improvements to existing schools or new schools anticipated~~
 2845 ~~over the 5 year or long term planning period. The maps will of~~
 2846 ~~necessity be general for the long term planning period and more~~
 2847 ~~specific for the 5 year period. Maps indicating general~~
 2848 ~~locations of future schools or school improvements may not~~
 2849 ~~prescribe a land use on a particular parcel of land.~~
 2850 ~~(i) The state land planning agency shall establish a~~
 2851 ~~phased schedule for adoption of the public school facilities~~
 2852 ~~element and the required updates to the public schools~~
 2853 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~
 2854 ~~shall provide for each county and local government within the~~
 2855 ~~county to adopt the element and update to the agreement no later~~
 2856 ~~than December 1, 2008. Plan amendments to adopt a public school~~
 2857 ~~facilities element are exempt from the provisions of s.~~
 2858 ~~163.3187(1).~~



2887 ~~organizations, businesses, private property owners, housing and~~
 2888 ~~development interests, and environmental organizations.~~

2889 ~~(b) The local government must, at a minimum, discuss five~~
 2890 ~~of the following topics as part of the workshops and public~~
 2891 ~~meetings required under paragraph (a):~~

2892 ~~1. Future growth in the area using population forecasts~~
 2893 ~~from the Bureau of Economic and Business Research;~~

2894 ~~2. Priorities for economic development;~~

2895 ~~3. Preservation of open space, environmentally sensitive~~
 2896 ~~lands, and agricultural lands;~~

2897 ~~4. Appropriate areas and standards for mixed use~~
 2898 ~~development;~~

2899 ~~5. Appropriate areas and standards for high-density~~
 2900 ~~commercial and residential development;~~

2901 ~~6. Appropriate areas and standards for economic~~
 2902 ~~development opportunities and employment centers;~~

2903 ~~7. Provisions for adequate workforce housing;~~

2904 ~~8. An efficient, interconnected multimodal transportation~~
 2905 ~~system; and~~

2906 ~~9. Opportunities to create land use patterns that~~
 2907 ~~accommodate the issues listed in subparagraphs 1. 8.~~

2908 ~~(c) As part of the workshops and public meetings, the~~
 2909 ~~local government must discuss strategies for addressing the~~
 2910 ~~topics discussed under paragraph (b), including:~~

2911 ~~1. Strategies to preserve open space and environmentally~~
 2912 ~~sensitive lands, and to encourage a healthy agricultural~~
 2913 ~~economy, including innovative planning and development~~
 2914 ~~strategies, such as the transfer of development rights;~~



2915 2. ~~Incentives for mixed use development, including~~
 2916 ~~increased height and intensity standards for buildings that~~
 2917 ~~provide residential use in combination with office or commercial~~
 2918 ~~space;~~

2919 3. ~~Incentives for workforce housing;~~

2920 4. ~~Designation of an urban service boundary pursuant to~~
 2921 ~~subsection (2); and~~

2922 5. ~~Strategies to provide mobility within the community and~~
 2923 ~~to protect the Strategic Intermodal System, including the~~
 2924 ~~development of a transportation corridor management plan under~~
 2925 ~~s. 337.273.~~

2926 (d) ~~The community vision must reflect the community's~~
 2927 ~~shared concept for growth and development of the community,~~
 2928 ~~including visual representations depicting the desired land use~~
 2929 ~~patterns and character of the community during a 10 year~~
 2930 ~~planning timeframe. The community vision must also take into~~
 2931 ~~consideration economic viability of the vision and private~~
 2932 ~~property interests.~~

2933 (e) ~~After the workshops and public meetings required under~~
 2934 ~~paragraph (a) are held, the local government may amend its~~
 2935 ~~comprehensive plan to include the community vision as a~~
 2936 ~~component in the plan. This plan amendment must be transmitted~~
 2937 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
 2938 ~~163.3189 at public hearings of the governing body other than~~
 2939 ~~those identified in paragraph (a).~~

2940 (f) ~~Amendments submitted under this subsection are exempt~~
 2941 ~~from the limitation on the frequency of plan amendments in s.~~
 2942 ~~163.3187.~~



2943 ~~(g) A local government that has developed a community~~
 2944 ~~vision or completed a visioning process after July 1, 2000, and~~
 2945 ~~before July 1, 2005, which substantially accomplishes the goals~~
 2946 ~~set forth in this subsection and the appropriate goals,~~
 2947 ~~policies, or objectives have been adopted as part of the~~
 2948 ~~comprehensive plan or reflected in subsequently adopted land~~
 2949 ~~development regulations and the plan amendment incorporating the~~
 2950 ~~community vision as a component has been found in compliance is~~
 2951 ~~eligible for the incentives in s. 163.3184(17).~~

2952 ~~(14) Local governments are also encouraged to designate an~~
 2953 ~~urban service boundary. This area must be appropriate for~~
 2954 ~~compact, contiguous urban development within a 10 year planning~~
 2955 ~~timeframe. The urban service area boundary must be identified on~~
 2956 ~~the future land use map or map series. The local government~~
 2957 ~~shall demonstrate that the land included within the urban~~
 2958 ~~service boundary is served or is planned to be served with~~
 2959 ~~adequate public facilities and services based on the local~~
 2960 ~~government's adopted level of service standards by adopting a~~
 2961 ~~10 year facilities plan in the capital improvements element~~
 2962 ~~which is financially feasible. The local government shall~~
 2963 ~~demonstrate that the amount of land within the urban service~~
 2964 ~~boundary does not exceed the amount of land needed to~~
 2965 ~~accommodate the projected population growth at densities~~
 2966 ~~consistent with the adopted comprehensive plan within the 10-~~
 2967 ~~year planning timeframe.~~

2968 ~~(a) As part of the process of establishing an urban~~
 2969 ~~service boundary, the local government must hold two public~~
 2970 ~~meetings with at least one of those meetings before the local~~



HB 7207, Engrossed 2

2011

2971 ~~planning agency. Before those public meetings, the local~~
2972 ~~government must hold at least one public workshop with~~
2973 ~~stakeholder groups such as neighborhood associations, community~~
2974 ~~organizations, businesses, private property owners, housing and~~
2975 ~~development interests, and environmental organizations.~~

2976 ~~(b)1. After the workshops and public meetings required~~
2977 ~~under paragraph (a) are held, the local government may amend its~~
2978 ~~comprehensive plan to include the urban service boundary. This~~
2979 ~~plan amendment must be transmitted and adopted pursuant to the~~
2980 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
2981 ~~governing body other than those required under paragraph (a).~~

2982 ~~2. This subsection does not prohibit new development~~
2983 ~~outside an urban service boundary. However, a local government~~
2984 ~~that establishes an urban service boundary under this subsection~~
2985 ~~is encouraged to require a full cost accounting analysis for any~~
2986 ~~new development outside the boundary and to consider the results~~
2987 ~~of that analysis when adopting a plan amendment for property~~
2988 ~~outside the established urban service boundary.~~

2989 ~~(c) Amendments submitted under this subsection are exempt~~
2990 ~~from the limitation on the frequency of plan amendments in s.~~
2991 ~~163.3187.~~

2992 ~~(d) A local government that has adopted an urban service~~
2993 ~~boundary before July 1, 2005, which substantially accomplishes~~
2994 ~~the goals set forth in this subsection is not required to comply~~
2995 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
2996 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2997 ~~order to satisfy the provisions of this paragraph, the local~~
2998 ~~government must secure a determination from the state land~~



2999 ~~planning agency that the urban service boundary adopted before~~
 3000 ~~July 1, 2005, substantially complies with the criteria of this~~
 3001 ~~subsection, based on data and analysis submitted by the local~~
 3002 ~~government to support this determination. The determination by~~
 3003 ~~the state land planning agency is not subject to administrative~~
 3004 ~~challenge.~~

3005 (7)~~(15)~~(a) The Legislature finds that:

3006 1. There are a number of rural agricultural industrial
 3007 centers in the state that process, produce, or aid in the
 3008 production or distribution of a variety of agriculturally based
 3009 products, including, but not limited to, fruits, vegetables,
 3010 timber, and other crops, and juices, paper, and building
 3011 materials. Rural agricultural industrial centers have a
 3012 significant amount of existing associated infrastructure that is
 3013 used for processing, producing, or distributing agricultural
 3014 products.

3015 2. Such rural agricultural industrial centers are often
 3016 located within or near communities in which the economy is
 3017 largely dependent upon agriculture and agriculturally based
 3018 products. The centers significantly enhance the economy of such
 3019 communities. However, these agriculturally based communities are
 3020 often socioeconomically challenged and designated as rural areas
 3021 of critical economic concern. If such rural agricultural
 3022 industrial centers are lost and not replaced with other job-
 3023 creating enterprises, the agriculturally based communities will
 3024 lose a substantial amount of their economies.

3025 3. The state has a compelling interest in preserving the
 3026 viability of agriculture and protecting rural agricultural



3027 communities and the state from the economic upheaval that would
 3028 result from short-term or long-term adverse changes in the
 3029 agricultural economy. To protect these communities and promote
 3030 viable agriculture for the long term, it is essential to
 3031 encourage and permit diversification of existing rural
 3032 agricultural industrial centers by providing for jobs that are
 3033 not solely dependent upon, but are compatible with and
 3034 complement, existing agricultural industrial operations and to
 3035 encourage the creation and expansion of industries that use
 3036 agricultural products in innovative ways. However, the expansion
 3037 and diversification of these existing centers must be
 3038 accomplished in a manner that does not promote urban sprawl into
 3039 surrounding agricultural and rural areas.

3040 (b) As used in this subsection, the term "rural
 3041 agricultural industrial center" means a developed parcel of land
 3042 in an unincorporated area on which there exists an operating
 3043 agricultural industrial facility or facilities that employ at
 3044 least 200 full-time employees in the aggregate and process and
 3045 prepare for transport a farm product, as defined in s. 163.3162,
 3046 or any biomass material that could be used, directly or
 3047 indirectly, for the production of fuel, renewable energy,
 3048 bioenergy, or alternative fuel as defined by law. The center may
 3049 also include land contiguous to the facility site which is not
 3050 used for the cultivation of crops, but on which other existing
 3051 activities essential to the operation of such facility or
 3052 facilities are located or conducted. The parcel of land must be
 3053 located within, or within 10 miles of, a rural area of critical
 3054 economic concern.



3055 (c)1. A landowner whose land is located within a rural
 3056 agricultural industrial center may apply for an amendment to the
 3057 local government comprehensive plan for the purpose of
 3058 designating and expanding the existing agricultural industrial
 3059 uses of facilities located within the center or expanding the
 3060 existing center to include industrial uses or facilities that
 3061 are not dependent upon but are compatible with agriculture and
 3062 the existing uses and facilities. A local government
 3063 comprehensive plan amendment under this paragraph must:

3064 a. Not increase the physical area of the existing rural
 3065 agricultural industrial center by more than 50 percent or 320
 3066 acres, whichever is greater.

3067 b. Propose a project that would, upon completion, create
 3068 at least 50 new full-time jobs.

3069 c. Demonstrate that sufficient infrastructure capacity
 3070 exists or will be provided to support the expanded center at the
 3071 level-of-service standards adopted in the local government
 3072 comprehensive plan.

3073 d. Contain goals, objectives, and policies that will
 3074 ensure that any adverse environmental impacts of the expanded
 3075 center will be adequately addressed and mitigation implemented
 3076 or demonstrate that the local government comprehensive plan
 3077 contains such provisions.

3078 2. Within 6 months after receiving an application as
 3079 provided in this paragraph, the local government shall transmit
 3080 the application to the state land planning agency for review
 3081 pursuant to this chapter together with any needed amendments to
 3082 the applicable sections of its comprehensive plan to include



3083 goals, objectives, and policies that provide for the expansion
 3084 of rural agricultural industrial centers and discourage urban
 3085 sprawl in the surrounding areas. Such goals, objectives, and
 3086 policies must promote and be consistent with the findings in
 3087 this subsection. An amendment that meets the requirements of
 3088 this subsection is presumed not to be urban sprawl as defined in
 3089 s. 163.3164 and shall be considered within 90 days after any
 3090 review required by the state land planning agency if required by
 3091 s. 163.3184. ~~consistent with rule 9J-5.006(5), Florida~~
 3092 ~~Administrative Code.~~ This presumption may be rebutted by a
 3093 preponderance of the evidence.

3094 (d) This subsection does not apply to an optional sector
 3095 plan adopted pursuant to s. 163.3245, a rural land stewardship
 3096 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
 97 comprehensive plan amendment that includes an inland port
 3098 terminal or affiliated port development.

3099 (e) Nothing in this subsection shall be construed to
 3100 confer the status of rural area of critical economic concern, or
 3101 any of the rights or benefits derived from such status, on any
 3102 land area not otherwise designated as such pursuant to s.
 3103 288.0656(7).

3104 Section 13. Section 163.31777, Florida Statutes, is
 3105 amended to read:

3106 163.31777 Public schools interlocal agreement.—

3107 (1)~~(a)~~ The county and municipalities located within the
 3108 geographic area of a school district shall enter into an
 3109 interlocal agreement with the district school board which
 3110 jointly establishes the specific ways in which the plans and



3167 ~~for submission of the executed agreement, renotify the local~~
 3168 ~~government and the district school board of the upcoming~~
 3169 ~~deadline and the potential for sanctions.~~

3170 (2) At a minimum, the interlocal agreement must address
 3171 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
 3172 ~~for exempt local governments as provided in s. 163.3177(12), and~~
 3173 ~~must address~~ the following issues:

3174 (a) A process by which each local government and the
 3175 district school board agree and base their plans on consistent
 3176 projections of the amount, type, and distribution of population
 3177 growth and student enrollment. The geographic distribution of
 3178 jurisdiction-wide growth forecasts is a major objective of the
 3179 process.

3180 (b) A process to coordinate and share information relating
 81 to existing and planned public school facilities, including
 3182 school renovations and closures, and local government plans for
 3183 development and redevelopment.

3184 (c) Participation by affected local governments with the
 3185 district school board in the process of evaluating potential
 3186 school closures, significant renovations to existing schools,
 3187 and new school site selection before land acquisition. Local
 3188 governments shall advise the district school board as to the
 3189 consistency of the proposed closure, renovation, or new site
 3190 with the local comprehensive plan, including appropriate
 3191 circumstances and criteria under which a district school board
 3192 may request an amendment to the comprehensive plan for school
 3193 siting.



3194 (d) A process for determining the need for and timing of
 3195 onsite and offsite improvements to support new, proposed
 3196 expansion, or redevelopment of existing schools. The process
 3197 must address identification of the party or parties responsible
 3198 for the improvements.

3199 (e) A process for the school board to inform the local
 3200 government regarding the effect of comprehensive plan amendments
 3201 on school capacity. The capacity reporting must be consistent
 3202 with laws and rules relating to measurement of school facility
 3203 capacity and must also identify how the district school board
 3204 will meet the public school demand based on the facilities work
 3205 program adopted pursuant to s. 1013.35.

3206 (f) Participation of the local governments in the
 3207 preparation of the annual update to the district school board's
 3208 5-year district facilities work program and educational plant
 3209 survey prepared pursuant to s. 1013.35.

3210 (g) A process for determining where and how joint use of
 3211 either school board or local government facilities can be shared
 3212 for mutual benefit and efficiency.

3213 (h) A procedure for the resolution of disputes between the
 3214 district school board and local governments, which may include
 3215 the dispute resolution processes contained in chapters 164 and
 3216 186.

3217 (i) An oversight process, including an opportunity for
 3218 public participation, for the implementation of the interlocal
 3219 agreement.

3220 ~~(3) (a) The Office of Educational Facilities shall submit~~
 3221 ~~any comments or concerns regarding the executed interlocal~~



3250 ~~agreement shall be determined to be consistent with subsection~~
 3251 ~~(2) and this subsection if the local government's and school~~
 3252 ~~board's determination of consistency is fairly debatable. When~~
 3253 ~~the state planning agency finds the interlocal agreement to be~~
 3254 ~~inconsistent with the requirements of subsection (2) and this~~
 3255 ~~subsection, the local government's and school board's~~
 3256 ~~determination of consistency shall be sustained unless it is~~
 3257 ~~shown by a preponderance of the evidence that the interlocal~~
 3258 ~~agreement is inconsistent.~~

3259 ~~(c) If the state land planning agency enters a final order~~
 3260 ~~that finds that the interlocal agreement is inconsistent with~~
 3261 ~~the requirements of subsection (2) or this subsection, it shall~~
 3262 ~~forward it to the Administration Commission, which may impose~~
 3263 ~~sanctions against the local government pursuant to s.~~
 3264 ~~163.3184(11) and may impose sanctions against the district~~
 3265 ~~school board by directing the Department of Education to~~
 3266 ~~withhold from the district school board an equivalent amount of~~
 3267 ~~funds for school construction available pursuant to ss. 1013.65,~~
 3268 ~~1013.68, 1013.70, and 1013.72.~~

3269 ~~(4) If an executed interlocal agreement is not timely~~
 3270 ~~submitted to the state land planning agency for review, the~~
 3271 ~~state land planning agency shall, within 15 working days after~~
 3272 ~~the deadline for submittal, issue to the local government and~~
 3273 ~~the district school board a Notice to Show Cause why sanctions~~
 3274 ~~should not be imposed for failure to submit an executed~~
 3275 ~~interlocal agreement by the deadline established by the agency.~~
 3276 ~~The agency shall forward the notice and the responses to the~~
 3277 ~~Administration Commission, which may enter a final order citing~~



3278 | ~~the failure to comply and imposing sanctions against the local~~
 3279 | ~~government and district school board by directing the~~
 3280 | ~~appropriate agencies to withhold at least 5 percent of state~~
 3281 | ~~funds pursuant to s. 163.3184(11) and by directing the~~
 3282 | ~~Department of Education to withhold from the district school~~
 3283 | ~~board at least 5 percent of funds for school construction~~
 3284 | ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
 3285 | ~~1013.72.~~

3286 | ~~(5) Any local government transmitting a public school~~
 3287 | ~~element to implement school concurrency pursuant to the~~
 3288 | ~~requirements of s. 163.3180 before the effective date of this~~
 3289 | ~~section is not required to amend the element or any interlocal~~
 3290 | ~~agreement to conform with the provisions of this section if the~~
 3291 | ~~element is adopted prior to or within 1 year after the effective~~
 3292 | ~~date of this section and remains in effect until the county~~
 3293 | ~~conducts its evaluation and appraisal report and identifies~~
 3294 | ~~changes necessary to more fully conform to the provisions of~~
 3295 | ~~this section.~~

3296 | ~~(6) Except as provided in subsection (7), municipalities~~
 3297 | ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 3298 | ~~from the requirements of subsections (1), (2), and (3).~~

3299 | ~~(7) At the time of the evaluation and appraisal report,~~
 3300 | ~~each exempt municipality shall assess the extent to which it~~
 3301 | ~~continues to meet the criteria for exemption under s.~~
 3302 | ~~163.3177(12). If the municipality continues to meet these~~
 3303 | ~~criteria, the municipality shall continue to be exempt from the~~
 3304 | ~~interlocal agreement requirement. Each municipality exempt under~~
 3305 | ~~s. 163.3177(12) must comply with the provisions of this section~~



3306 ~~within 1 year after the district school board proposes, in its~~
 3307 ~~5-year district facilities work program, a new school within the~~
 3308 ~~municipality's jurisdiction.~~

3309 Section 14. Subsection (9) of section 163.3178, Florida
 3310 Statutes, is amended to read:

3311 163.3178 Coastal management.—

3312 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
 3313 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
 3314 ~~process provided in this section. A proposed comprehensive plan~~
 3315 ~~amendment shall be found in compliance with state coastal high-~~
 3316 ~~hazard provisions pursuant to rule 9J 5.012(3)(b)6. and 7.,~~
 3317 ~~Florida Administrative Code, if:~~

3318 1. The adopted level of service for out-of-county
 3319 hurricane evacuation is maintained for a category 5 storm event
 20 as measured on the Saffir-Simpson scale; or

3321 2. A 12-hour evacuation time to shelter is maintained for
 3322 a category 5 storm event as measured on the Saffir-Simpson scale
 3323 and shelter space reasonably expected to accommodate the
 3324 residents of the development contemplated by a proposed
 3325 comprehensive plan amendment is available; or

3326 3. Appropriate mitigation is provided that will satisfy
 3327 ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate
 3328 mitigation shall include, without limitation, payment of money,
 3329 contribution of land, and construction of hurricane shelters and
 3330 transportation facilities. Required mitigation may ~~shall~~ not
 3331 exceed the amount required for a developer to accommodate
 3332 impacts reasonably attributable to development. A local



3333 government and a developer shall enter into a binding agreement
 3334 to memorialize the mitigation plan.

3335 (b) For those local governments that have not established
 3336 a level of service for out-of-county hurricane evacuation by
 3337 July 1, 2008, ~~but elect to comply with rule 9J 5.012(3)(b)6. and~~
 3338 ~~7., Florida Administrative Code,~~ by following the process in
 3339 paragraph (a), the level of service shall be no greater than 16
 3340 hours for a category 5 storm event as measured on the Saffir-
 3341 Simpson scale.

3342 (c) This subsection shall become effective immediately and
 3343 shall apply to all local governments. No later than July 1,
 3344 2008, local governments shall amend their future land use map
 3345 and coastal management element to include the new definition of
 3346 coastal high-hazard area and to depict the coastal high-hazard
 3347 area on the future land use map.

3348 Section 15. Section 163.3180, Florida Statutes, is amended
 3349 to read:

3350 163.3180 Concurrency.—

3351 (1)(a) Sanitary sewer, solid waste, drainage, and potable
 3352 water, ~~parks and recreation, schools, and transportation~~
 3353 ~~facilities, including mass transit, where applicable,~~ are the
 3354 only public facilities and services subject to the concurrency
 3355 requirement on a statewide basis. Additional public facilities
 3356 and services may not be made subject to concurrency on a
 3357 statewide basis without ~~appropriate study and approval by the~~
 3358 Legislature; however, any local government may extend the
 3359 concurrency requirement so that it applies to additional public
 3360 facilities within its jurisdiction.



3361 (a) If concurrency is applied to other public facilities,
 3362 the local government comprehensive plan must provide the
 3363 principles, guidelines, standards, and strategies, including
 3364 adopted levels of service, to guide its application. In order
 3365 for a local government to rescind any optional concurrency
 3366 provisions, a comprehensive plan amendment is required. An
 3367 amendment rescinding optional concurrency issues is not subject
 3368 to state review.

3369 (b) The local government comprehensive plan must
 3370 demonstrate, for required or optional concurrency requirements,
 3371 that the levels of service adopted can be reasonably met.
 3372 Infrastructure needed to ensure that adopted level-of-service
 3373 standards are achieved and maintained for the 5-year period of
 3374 the capital improvement schedule must be identified pursuant to
 3375 the requirements of s. 163.3177(3). The comprehensive plan must
 3376 include principles, guidelines, standards, and strategies for
 3377 the establishment of a concurrency management system.

3378 ~~(b) Local governments shall use professionally accepted~~
 3379 ~~techniques for measuring level of service for automobiles,~~
 3380 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
 3381 ~~be used to evaluate increased accessibility by multiple modes~~
 3382 ~~and reductions in vehicle miles of travel in an area or zone.~~
 3383 ~~The Department of Transportation shall develop methodologies to~~
 3384 ~~assist local governments in implementing this multimodal level-~~
 3385 ~~of service analysis. The Department of Community Affairs and the~~
 3386 ~~Department of Transportation shall provide technical assistance~~
 3387 ~~to local governments in applying these methodologies.~~



3388 (2)(a) Consistent with public health and safety, sanitary
 3389 sewer, solid waste, drainage, adequate water supplies, and
 3390 potable water facilities shall be in place and available to
 3391 serve new development no later than the issuance by the local
 3392 government of a certificate of occupancy or its functional
 3393 equivalent. Prior to approval of a building permit or its
 3394 functional equivalent, the local government shall consult with
 3395 the applicable water supplier to determine whether adequate
 3396 water supplies to serve the new development will be available no
 3397 later than the anticipated date of issuance by the local
 3398 government of a certificate of occupancy or its functional
 3399 equivalent. A local government may meet the concurrency
 3400 requirement for sanitary sewer through the use of onsite sewage
 3401 treatment and disposal systems approved by the Department of
 02 Health to serve new development.

3403 ~~(b) Consistent with the public welfare, and except as~~
 3404 ~~otherwise provided in this section, parks and recreation~~
 3405 ~~facilities to serve new development shall be in place or under~~
 3406 ~~actual construction no later than 1 year after issuance by the~~
 3407 ~~local government of a certificate of occupancy or its functional~~
 3408 ~~equivalent. However, the acreage for such facilities shall be~~
 3409 ~~dedicated or be acquired by the local government prior to~~
 3410 ~~issuance by the local government of a certificate of occupancy~~
 3411 ~~or its functional equivalent, or funds in the amount of the~~
 3412 ~~developer's fair share shall be committed no later than the~~
 3413 ~~local government's approval to commence construction.~~

3414 ~~(c) Consistent with the public welfare, and except as~~
 3415 ~~otherwise provided in this section, transportation facilities~~



3416 ~~needed to serve new development shall be in place or under~~
 3417 ~~actual construction within 3 years after the local government~~
 3418 ~~approves a building permit or its functional equivalent that~~
 3419 ~~results in traffic generation.~~

3420 (3) Governmental entities that are not responsible for
 3421 providing, financing, operating, or regulating public facilities
 3422 needed to serve development may not establish binding level-of-
 3423 service standards on governmental entities that do bear those
 3424 responsibilities. ~~This subsection does not limit the authority~~
 3425 ~~of any agency to recommend or make objections, recommendations,~~
 3426 ~~comments, or determinations during reviews conducted under s.~~
 3427 ~~163.3184.~~

3428 (4)(a) The concurrency requirement as implemented in local
 3429 comprehensive plans applies to state and other public facilities
 3430 and development to the same extent that it applies to all other
 3431 facilities and development, as provided by law.

3432 ~~(b) The concurrency requirement as implemented in local~~
 3433 ~~comprehensive plans does not apply to public transit facilities.~~
 3434 ~~For the purposes of this paragraph, public transit facilities~~
 3435 ~~include transit stations and terminals; transit station parking;~~
 3436 ~~park and ride lots; intermodal public transit connection or~~
 3437 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
 3438 ~~airport passenger terminals and concourses, air cargo~~
 3439 ~~facilities, and hangars for the assembly, manufacture,~~
 3440 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
 3441 ~~the terms "terminals" and "transit facilities" do not include~~
 3442 ~~seaports or commercial or residential development constructed in~~
 3443 ~~conjunction with a public transit facility.~~



3444 ~~(c) The concurrency requirement, except as it relates to~~
 3445 ~~transportation facilities and public schools, as implemented in~~
 3446 ~~local government comprehensive plans, may be waived by a local~~
 3447 ~~government for urban infill and redevelopment areas designated~~
 3448 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
 3449 ~~public health or safety as defined by the local government in~~
 3450 ~~its local government comprehensive plan. The waiver shall be~~
 3451 ~~adopted as a plan amendment pursuant to the process set forth in~~
 3452 ~~s. 163.3187(3) (a). A local government may grant a concurrency~~
 3453 ~~exception pursuant to subsection (5) for transportation~~
 3454 ~~facilities located within these urban infill and redevelopment~~
 3455 ~~areas.~~

3456 (5)(a) If concurrency is applied to transportation
 3457 facilities, the local government comprehensive plan must provide
 3458 the principles, guidelines, standards, and strategies, including
 3459 adopted levels of service to guide its application.

3460 (b) Local governments shall use professionally accepted
 3461 studies to evaluate the appropriate levels of service. Local
 3462 governments should consider the number of facilities that will
 3463 be necessary to meet level-of-service demands when determining
 3464 the appropriate levels of service. The schedule of facilities
 3465 that are necessary to meet the adopted level of service shall be
 3466 reflected in the capital improvement element.

3467 (c) Local governments shall use professionally accepted
 3468 techniques for measuring levels of service when evaluating
 3469 potential impacts of a proposed development.

3470 (d) The premise of concurrency is that the public
 3471 facilities will be provided in order to achieve and maintain the



HB 7207, Engrossed 2

2011

3472 adopted level of service standard. A comprehensive plan that
3473 imposes transportation concurrency shall contain appropriate
3474 amendments to the capital improvements element of the
3475 comprehensive plan, consistent with the requirements of s.
3476 163.3177(3). The capital improvements element shall identify
3477 facilities necessary to meet adopted levels of service during a
3478 5-year period.

3479 (e) If a local government applies transportation
3480 concurrency in its jurisdiction, it is encouraged to develop
3481 policy guidelines and techniques to address potential negative
3482 impacts on future development:

3483 1. In urban infill and redevelopment, and urban service
3484 areas.

3485 2. With special part-time demands on the transportation
3486 system.

3487 3. With de minimis impacts.

3488 4. On community desired types of development, such as
3489 redevelopment, or job creation projects.

3490 (f) Local governments are encouraged to develop tools and
3491 techniques to complement the application of transportation
3492 concurrency such as:

3493 1. Adoption of long-term strategies to facilitate
3494 development patterns that support multimodal solutions,
3495 including urban design, and appropriate land use mixes,
3496 including intensity and density.

3497 2. Adoption of an areawide level of service not dependent
3498 on any single road segment function.



3499 3. Exempting or discounting impacts of locally desired
 3500 development, such as development in urban areas, redevelopment,
 3501 job creation, and mixed use on the transportation system.

3502 4. Assigning secondary priority to vehicle mobility and
 3503 primary priority to ensuring a safe, comfortable, and attractive
 3504 pedestrian environment, with convenient interconnection to
 3505 transit.

3506 5. Establishing multimodal level of service standards that
 3507 rely primarily on nonvehicular modes of transportation where
 3508 existing or planned community design will provide adequate level
 3509 of mobility.

3510 6. Reducing impact fees or local access fees to promote
 3511 development within urban areas, multimodal transportation
 3512 districts, and a balance of mixed use development in certain
 3513 areas or districts, or for affordable or workforce housing.

3514 (g) Local governments are encouraged to coordinate with
 3515 adjacent local governments for the purpose of using common
 3516 methodologies for measuring impacts on transportation
 3517 facilities.

3518 (h) Local governments that implement transportation
 3519 concurrency must:

3520 1. Consult with the Department of Transportation when
 3521 proposed plan amendments affect facilities on the strategic
 3522 intermodal system.

3523 2. Exempt public transit facilities from concurrency. For
 3524 the purposes of this subparagraph, public transit facilities
 3525 include transit stations and terminals; transit station parking;
 3526 park-and-ride lots; intermodal public transit connection or



HB 7207, Engrossed 2

2011

3527 transfer facilities; fixed bus, guideway, and rail stations; and
3528 airport passenger terminals and concourses, air cargo
3529 facilities, and hangars for the assembly, manufacture,
3530 maintenance, or storage of aircraft. As used in this
3531 subparagraph, the terms "terminals" and "transit facilities" do
3532 not include seaports or commercial or residential development
3533 constructed in conjunction with a public transit facility.

3534 3. Allow an applicant for a development-of-regional-impact
3535 development order, a rezoning, or other land use development
3536 permit to satisfy the transportation concurrency requirements of
3537 the local comprehensive plan, the local government's concurrency
3538 management system, and s. 380.06, when applicable, if:

3539 a. The applicant enters into a binding agreement to pay
3540 for or construct its proportionate share of required
3541 improvements.

3542 b. The proportionate-share contribution or construction is
3543 sufficient to accomplish one or more mobility improvements that
3544 will benefit a regionally significant transportation facility.

3545 c.(I) The local government has provided a means by which
3546 the landowner will be assessed a proportionate share of the cost
3547 of providing the transportation facilities necessary to serve
3548 the proposed development. An applicant shall not be held
3549 responsible for the additional cost of reducing or eliminating
3550 deficiencies.

3551 (II) When an applicant contributes or constructs its
3552 proportionate share pursuant to this subparagraph, a local
3553 government may not require payment or construction of
3554 transportation facilities whose costs would be greater than a



3555 development's proportionate share of the improvements necessary
 3556 to mitigate the development's impacts.

3557 (A) The proportionate-share contribution shall be
 3558 calculated based upon the number of trips from the proposed
 3559 development expected to reach roadways during the peak hour from
 3560 the stage or phase being approved, divided by the change in the
 3561 peak hour maximum service volume of roadways resulting from
 3562 construction of an improvement necessary to maintain or achieve
 3563 the adopted level of service, multiplied by the construction
 3564 cost, at the time of development payment, of the improvement
 3565 necessary to maintain or achieve the adopted level of service.

3566 (B) In using the proportionate-share formula provided in
 3567 this subparagraph, the applicant, in its traffic analysis, shall
 3568 identify those roads or facilities that have a transportation
 3569 deficiency in accordance with the transportation deficiency as
 3570 defined in sub-subparagraph e. The proportionate-share formula
 3571 provided in this subparagraph shall be applied only to those
 3572 facilities that are determined to be significantly impacted by
 3573 the project traffic under review. If any road is determined to
 3574 be transportation deficient without the project traffic under
 3575 review, the costs of correcting that deficiency shall be removed
 3576 from the project's proportionate-share calculation and the
 3577 necessary transportation improvements to correct that deficiency
 3578 shall be considered to be in place for purposes of the
 3579 proportionate-share calculation. The improvement necessary to
 3580 correct the transportation deficiency is the funding
 3581 responsibility of the entity that has maintenance responsibility
 3582 for the facility. The development's proportionate share shall be



3583 calculated only for the needed transportation improvements that
 3584 are greater than the identified deficiency.

3585 (C) When the provisions of this subparagraph have been
 3586 satisfied for a particular stage or phase of development, all
 3587 transportation impacts from that stage or phase for which
 3588 mitigation was required and provided shall be deemed fully
 3589 mitigated in any transportation analysis for a subsequent stage
 3590 or phase of development. Trips from a previous stage or phase
 3591 that did not result in impacts for which mitigation was required
 3592 or provided may be cumulatively analyzed with trips from a
 3593 subsequent stage or phase to determine whether an impact
 3594 requires mitigation for the subsequent stage or phase.

3595 (D) In projecting the number of trips to be generated by
 3596 the development under review, any trips assigned to a toll-
 3597 financed facility shall be eliminated from the analysis.

3598 (E) The applicant shall receive a credit on a dollar-for-
 3599 dollar basis for impact fees, mobility fees, and other
 3600 transportation concurrency mitigation requirements paid or
 3601 payable in the future for the project. The credit shall be
 3602 reduced up to 20 percent by the percentage share that the
 3603 project's traffic represents of the added capacity of the
 3604 selected improvement, or by the amount specified by local
 3605 ordinance, whichever yields the greater credit.

3606 d. This subsection does not require a local government to
 3607 approve a development that is not otherwise qualified for
 3608 approval pursuant to the applicable local comprehensive plan and
 3609 land development regulations.



3610 e. As used in this subsection, the term "transportation
 3611 deficiency" means a facility or facilities on which the adopted
 3612 level-of-service standard is exceeded by the existing,
 3613 committed, and vested trips, plus additional projected
 3614 background trips from any source other than the development
 3615 project under review, and trips that are forecast by established
 3616 traffic standards, including traffic modeling, consistent with
 3617 the University of Florida's Bureau of Economic and Business
 3618 Research medium population projections. Additional projected
 3619 background trips are to be coincident with the particular stage
 3620 or phase of development under review.

3621 ~~(a) The Legislature finds that under limited~~
 3622 ~~circumstances, countervailing planning and public policy goals~~
 3623 ~~may come into conflict with the requirement that adequate public~~
 3624 ~~transportation facilities and services be available concurrent~~
 3625 ~~with the impacts of such development. The Legislature further~~
 3626 ~~finds that the unintended result of the concurrency requirement~~
 3627 ~~for transportation facilities is often the discouragement of~~
 3628 ~~urban infill development and redevelopment. Such unintended~~
 3629 ~~results directly conflict with the goals and policies of the~~
 3630 ~~state comprehensive plan and the intent of this part. The~~
 3631 ~~Legislature also finds that in urban centers transportation~~
 3632 ~~cannot be effectively managed and mobility cannot be improved~~
 3633 ~~solely through the expansion of roadway capacity, that the~~
 3634 ~~expansion of roadway capacity is not always physically or~~
 3635 ~~financially possible, and that a range of transportation~~
 3636 ~~alternatives is essential to satisfy mobility needs, reduce~~
 3637 ~~congestion, and achieve healthy, vibrant centers.~~



3666 ~~a. Urban infill as defined in s. 163.3164;~~
 3667 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
 3668 ~~c. Urban service areas as defined in s. 163.3164.~~
 3669 ~~4. A local government that has a transportation~~
 3670 ~~concurrency exception area designated pursuant to subparagraph~~
 3671 ~~1., subparagraph 2., or subparagraph 3. shall, within 2 years~~
 3672 ~~after the designated area becomes exempt, adopt into its local~~
 3673 ~~comprehensive plan land use and transportation strategies to~~
 3674 ~~support and fund mobility within the exception area, including~~
 3675 ~~alternative modes of transportation. Local governments are~~
 3676 ~~encouraged to adopt complementary land use and transportation~~
 3677 ~~strategies that reflect the region's shared vision for its~~
 3678 ~~future. If the state land planning agency finds insufficient~~
 3679 ~~cause for the failure to adopt into its comprehensive plan land~~
 3680 ~~use and transportation strategies to support and fund mobility~~
 3681 ~~within the designated exception area after 2 years, it shall~~
 3682 ~~submit the finding to the Administration Commission, which may~~
 3683 ~~impose any of the sanctions set forth in s. 163.3184(11) (a) and~~
 3684 ~~(b) against the local government.~~
 3685 ~~5. Transportation concurrency exception areas designated~~
 3686 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
 3687 ~~do not apply to designated transportation concurrency districts~~
 3688 ~~located within a county that has a population of at least 1.5~~
 3689 ~~million, has implemented and uses a transportation related~~
 3690 ~~concurrency assessment to support alternative modes of~~
 3691 ~~transportation, including, but not limited to, mass transit, and~~
 3692 ~~does not levy transportation impact fees within the concurrency~~
 3693 ~~district.~~



3694 ~~6. Transportation concurrency exception areas designated~~
 3695 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
 3696 ~~not apply in any county that has exempted more than 40 percent~~
 3697 ~~of the area inside the urban service area from transportation~~
 3698 ~~concurrency for the purpose of urban infill.~~

3699 ~~7. A local government that does not have a transportation~~
 3700 ~~concurrency exception area designated pursuant to subparagraph~~
 3701 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
 3702 ~~from the concurrency requirement for transportation facilities~~
 3703 ~~if the proposed development is otherwise consistent with the~~
 3704 ~~adopted local government comprehensive plan and is a project~~
 3705 ~~that promotes public transportation or is located within an area~~
 3706 ~~designated in the comprehensive plan for:~~

- 3707 ~~a. Urban infill development;~~
- 3708 ~~b. Urban redevelopment;~~
- 3709 ~~c. Downtown revitalization;~~
- 3710 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3711 ~~e. An urban service area specifically designated as a~~
 3712 ~~transportation concurrency exception area which includes lands~~
 3713 ~~appropriate for compact, contiguous urban development, which~~
 3714 ~~does not exceed the amount of land needed to accommodate the~~
 3715 ~~projected population growth at densities consistent with the~~
 3716 ~~adopted comprehensive plan within the 10 year planning period,~~
 3717 ~~and which is served or is planned to be served with public~~
 3718 ~~facilities and services as provided by the capital improvements~~
 3719 ~~element.~~

3720 ~~(c) The Legislature also finds that developments located~~
 3721 ~~within urban infill, urban redevelopment, urban service, or~~



3722 ~~downtown revitalization areas or areas designated as urban~~
 3723 ~~infill and redevelopment areas under s. 163.2517, which pose~~
 3724 ~~only special part time demands on the transportation system, are~~
 3725 ~~exempt from the concurrency requirement for transportation~~
 3726 ~~facilities. A special part time demand is one that does not have~~
 3727 ~~more than 200 scheduled events during any calendar year and does~~
 3728 ~~not affect the 100 highest traffic volume hours.~~

3729 ~~(d) Except for transportation concurrency exception areas~~
 3730 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
 3731 ~~or subparagraph (b)3., the following requirements apply:~~

3732 ~~1. The local government shall both adopt into the~~
 3733 ~~comprehensive plan and implement long term strategies to support~~
 3734 ~~and fund mobility within the designated exception area,~~
 3735 ~~including alternative modes of transportation. The plan~~
 3736 ~~amendment must also demonstrate how strategies will support the~~
 3737 ~~purpose of the exception and how mobility within the designated~~
 3738 ~~exception area will be provided.~~

3739 ~~2. The strategies must address urban design; appropriate~~
 3740 ~~land use mixes, including intensity and density; and network~~
 3741 ~~connectivity plans needed to promote urban infill,~~
 3742 ~~redevelopment, or downtown revitalization. The comprehensive~~
 3743 ~~plan amendment designating the concurrency exception area must~~
 3744 ~~be accompanied by data and analysis supporting the local~~
 3745 ~~government's determination of the boundaries of the~~
 3746 ~~transportation concurrency exception area.~~

3747 ~~(e) Before designating a concurrency exception area~~
 3748 ~~pursuant to subparagraph (b)7., the state land planning agency~~
 3749 ~~and the Department of Transportation shall be consulted by the~~



3804 ~~land planning agency before issuing further de minimis~~
 3805 ~~exceptions.~~

3806 ~~(7) In order to promote infill development and~~
 3807 ~~redevelopment, one or more transportation concurrency management~~
 3808 ~~areas may be designated in a local government comprehensive~~
 3809 ~~plan. A transportation concurrency management area must be a~~
 3810 ~~compact geographic area with an existing network of roads where~~
 3811 ~~multiple, viable alternative travel paths or modes are available~~
 3812 ~~for common trips. A local government may establish an areawide~~
 3813 ~~level of service standard for such a transportation concurrency~~
 3814 ~~management area based upon an analysis that provides for a~~
 3815 ~~justification for the areawide level of service, how urban~~
 3816 ~~infill development or redevelopment will be promoted, and how~~
 3817 ~~mobility will be accomplished within the transportation~~
 3818 ~~concurrency management area. Prior to the designation of a~~
 3819 ~~concurrency management area, the Department of Transportation~~
 3820 ~~shall be consulted by the local government to assess the impact~~
 3821 ~~that the proposed concurrency management area is expected to~~
 3822 ~~have on the adopted level of service standards established for~~
 3823 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
 3824 ~~and roadway facilities funded in accordance with s. 339.2819.~~
 3825 ~~Further, the local government shall, in cooperation with the~~
 3826 ~~Department of Transportation, develop a plan to mitigate any~~
 3827 ~~impacts to the Strategic Intermodal System, including, if~~
 3828 ~~appropriate, the development of a long term concurrency~~
 3829 ~~management system pursuant to subsection (9) and s.~~
 3830 ~~163.3177(3)(d). Transportation concurrency management areas~~
 3831 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~



3832 ~~provisions of this section by July 1, 2006, or at the time of~~
 3833 ~~the comprehensive plan update pursuant to the evaluation and~~
 3834 ~~appraisal report, whichever occurs last. The state land planning~~
 3835 ~~agency shall amend chapter 9J 5, Florida Administrative Code, to~~
 3836 ~~be consistent with this subsection.~~

3837 ~~(8) When assessing the transportation impacts of proposed~~
 3838 ~~urban redevelopment within an established existing urban service~~
 3839 ~~area, 110 percent of the actual transportation impact caused by~~
 3840 ~~the previously existing development must be reserved for the~~
 3841 ~~redevelopment, even if the previously existing development has a~~
 3842 ~~lesser or nonexistent impact pursuant to the calculations of the~~
 3843 ~~local government. Redevelopment requiring less than 110 percent~~
 3844 ~~of the previously existing capacity shall not be prohibited due~~
 3845 ~~to the reduction of transportation levels of service below the~~
 46 ~~adopted standards. This does not preclude the appropriate~~
 3847 ~~assessment of fees or accounting for the impacts within the~~
 3848 ~~concurrency management system and capital improvements program~~
 3849 ~~of the affected local government. This paragraph does not affect~~
 3850 ~~local government requirements for appropriate development~~
 3851 ~~permits.~~

3852 ~~(9) (a) Each local government may adopt as a part of its~~
 3853 ~~plan, long term transportation and school concurrency management~~
 3854 ~~systems with a planning period of up to 10 years for specially~~
 3855 ~~designated districts or areas where significant backlogs exist.~~
 3856 ~~The plan may include interim level of service standards on~~
 3857 ~~certain facilities and shall rely on the local government's~~
 3858 ~~schedule of capital improvements for up to 10 years as a basis~~
 3859 ~~for issuing development orders that authorize commencement of~~



3860 ~~construction in these designated districts or areas. The~~
 3861 ~~concurrency management system must be designed to correct~~
 3862 ~~existing deficiencies and set priorities for addressing~~
 3863 ~~backlogged facilities. The concurrency management system must be~~
 3864 ~~financially feasible and consistent with other portions of the~~
 3865 ~~adopted local plan, including the future land use map.~~

3866 ~~(b) If a local government has a transportation or school~~
 3867 ~~facility backlog for existing development which cannot be~~
 3868 ~~adequately addressed in a 10-year plan, the state land planning~~
 3869 ~~agency may allow it to develop a plan and long term schedule of~~
 3870 ~~capital improvements covering up to 15 years for good and~~
 3871 ~~sufficient cause, based on a general comparison between that~~
 3872 ~~local government and all other similarly situated local~~
 3873 ~~jurisdictions, using the following factors:~~

- 3874 ~~1. The extent of the backlog.~~
- 3875 ~~2. For roads, whether the backlog is on local or state~~
 3876 ~~roads.~~
- 3877 ~~3. The cost of eliminating the backlog.~~
- 3878 ~~4. The local government's tax and other revenue-raising~~
 3879 ~~efforts.~~

3880 ~~(c) The local government may issue approvals to commence~~
 3881 ~~construction notwithstanding this section, consistent with and~~
 3882 ~~in areas that are subject to a long term concurrency management~~
 3883 ~~system.~~

3884 ~~(d) If the local government adopts a long term concurrency~~
 3885 ~~management system, it must evaluate the system periodically. At~~
 3886 ~~a minimum, the local government must assess its progress toward~~
 3887 ~~improving levels of service within the long term concurrency~~



3916 ~~to coordinate, for the purpose of using common methodologies for~~
 3917 ~~measuring impacts on transportation facilities for the purpose~~
 3918 ~~of implementing their concurrency management systems.~~

3919 ~~(11) In order to limit the liability of local governments,~~
 3920 ~~a local government may allow a landowner to proceed with~~
 3921 ~~development of a specific parcel of land notwithstanding a~~
 3922 ~~failure of the development to satisfy transportation~~
 3923 ~~concurrency, when all the following factors are shown to exist:~~

3924 ~~(a) The local government with jurisdiction over the~~
 3925 ~~property has adopted a local comprehensive plan that is in~~
 3926 ~~compliance.~~

3927 ~~(b) The proposed development would be consistent with the~~
 3928 ~~future land use designation for the specific property and with~~
 3929 ~~pertinent portions of the adopted local plan, as determined by~~
 30 ~~the local government.~~

3931 ~~(c) The local plan includes a financially feasible capital~~
 3932 ~~improvements element that provides for transportation facilities~~
 3933 ~~adequate to serve the proposed development, and the local~~
 3934 ~~government has not implemented that element.~~

3935 ~~(d) The local government has provided a means by which the~~
 3936 ~~landowner will be assessed a fair share of the cost of providing~~
 3937 ~~the transportation facilities necessary to serve the proposed~~
 3938 ~~development.~~

3939 ~~(e) The landowner has made a binding commitment to the~~
 3940 ~~local government to pay the fair share of the cost of providing~~
 3941 ~~the transportation facilities to serve the proposed development.~~

3942 ~~(12) (a) A development of regional impact may satisfy the~~
 3943 ~~transportation concurrency requirements of the local~~



3944 ~~comprehensive plan, the local government's concurrency~~
 3945 ~~management system, and s. 380.06 by payment of a proportionate~~
 3946 ~~share contribution for local and regionally significant traffic~~
 3947 ~~impacts, if:~~

3948 ~~1. The development of regional impact which, based on its~~
 3949 ~~location or mix of land uses, is designed to encourage~~
 3950 ~~pedestrian or other nonautomotive modes of transportation;~~

3951 ~~2. The proportionate share contribution for local and~~
 3952 ~~regionally significant traffic impacts is sufficient to pay for~~
 3953 ~~one or more required mobility improvements that will benefit a~~
 3954 ~~regionally significant transportation facility;~~

3955 ~~3. The owner and developer of the development of regional~~
 3956 ~~impact pays or assures payment of the proportionate share~~
 3957 ~~contribution; and~~

58 ~~4. If the regionally significant transportation facility~~
 3959 ~~to be constructed or improved is under the maintenance authority~~
 3960 ~~of a governmental entity, as defined by s. 334.03(12), other~~
 3961 ~~than the local government with jurisdiction over the development~~
 3962 ~~of regional impact, the developer is required to enter into a~~
 3963 ~~binding and legally enforceable commitment to transfer funds to~~
 3964 ~~the governmental entity having maintenance authority or to~~
 3965 ~~otherwise assure construction or improvement of the facility.~~

3966
 3967 ~~The proportionate share contribution may be applied to any~~
 3968 ~~transportation facility to satisfy the provisions of this~~
 3969 ~~subsection and the local comprehensive plan, but, for the~~
 3970 ~~purposes of this subsection, the amount of the proportionate-~~
 3971 ~~share contribution shall be calculated based upon the cumulative~~



3972 ~~number of trips from the proposed development expected to reach~~
 3973 ~~roadways during the peak hour from the complete buildout of a~~
 3974 ~~stage or phase being approved, divided by the change in the peak~~
 3975 ~~hour maximum service volume of roadways resulting from~~
 3976 ~~construction of an improvement necessary to maintain the adopted~~
 3977 ~~level of service, multiplied by the construction cost, at the~~
 3978 ~~time of developer payment, of the improvement necessary to~~
 3979 ~~maintain the adopted level of service. For purposes of this~~
 3980 ~~subsection, "construction cost" includes all associated costs of~~
 3981 ~~the improvement. Proportionate share mitigation shall be limited~~
 3982 ~~to ensure that a development of regional impact meeting the~~
 3983 ~~requirements of this subsection mitigates its impact on the~~
 3984 ~~transportation system but is not responsible for the additional~~
 3985 ~~cost of reducing or eliminating backlogs. This subsection also~~
 3986 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
 3987 ~~and to detailed specific area plans implementing optional sector~~
 3988 ~~plans pursuant to s. 163.3245.~~

3989 ~~(b) As used in this subsection, the term "backlog" means a~~
 3990 ~~facility or facilities on which the adopted level of service~~
 3991 ~~standard is exceeded by the existing trips, plus additional~~
 3992 ~~projected background trips from any source other than the~~
 3993 ~~development project under review that are forecast by~~
 3994 ~~established traffic standards, including traffic modeling,~~
 3995 ~~consistent with the University of Florida Bureau of Economic and~~
 3996 ~~Business Research medium population projections. Additional~~
 3997 ~~projected background trips are to be coincident with the~~
 3998 ~~particular stage or phase of development under review.~~



3999 ~~(13) School concurrency shall be established on a~~
 4000 ~~districtwide basis and shall include all public schools in the~~
 4001 ~~district and all portions of the district, whether located in a~~
 4002 ~~municipality or an unincorporated area unless exempt from the~~
 4003 ~~public school facilities element pursuant to s. 163.3177(12).~~

4004 (6) (a) If concurrency is applied to public education
 4005 facilities, The application of school concurrency to development
 4006 shall be based upon the adopted comprehensive plan, as amended.
 4007 all local governments within a county, except as provided in
 4008 paragraph (i) ~~(f)~~, shall include principles, guidelines,
 4009 standards, and strategies, including adopted levels of service,
 4010 in their comprehensive plans and adopt and transmit to the state
 4011 land planning agency the necessary plan amendments, along with
 4012 the interlocal agreements. If the county and one or more
 13 municipalities have adopted school concurrency into its
 4014 comprehensive plan and interlocal agreement that represents at
 4015 least 80 percent of the total countywide population, the failure
 4016 of one or more municipalities to adopt the concurrency and enter
 4017 into the interlocal agreement does not preclude implementation
 4018 of school concurrency within jurisdictions of the school
 4019 district that have opted to implement concurrency. agreement,
 4020 for a compliance review pursuant to s. 163.3184(7) and (8). The
 4021 minimum requirements for school concurrency are the following:

4022 ~~(a) Public school facilities element. A local government~~
 4023 ~~shall adopt and transmit to the state land planning agency a~~
 4024 ~~plan or plan amendment which includes a public school facilities~~
 4025 ~~element which is consistent with the requirements of s.~~
 4026 ~~163.3177(12) and which is determined to be in compliance as~~



4027 ~~defined in s. 163.3184(1)(b).~~ All local government provisions
 4028 included in comprehensive plans regarding school concurrency
 4029 ~~public school facilities plan elements~~ within a county must be
 4030 consistent with each other as well as the requirements of this
 4031 part.

4032 (b) ~~Level of service standards.~~ The Legislature recognizes
 4033 that an essential requirement for a concurrency management
 4034 system is the level of service at which a public facility is
 4035 expected to operate.

4036 1. Local governments and school boards imposing school
 4037 concurrency shall exercise authority in conjunction with each
 4038 other to establish jointly adequate level-of-service standards,
 4039 ~~as defined in chapter 9J 5, Florida Administrative Code,~~
 4040 necessary to implement the adopted local government
 4041 comprehensive plan, based on data and analysis.

4042 (c) 2. Public school level-of-service standards shall be
 4043 included and adopted into the capital improvements element of
 4044 the local comprehensive plan and shall apply districtwide to all
 4045 schools of the same type. Types of schools may include
 4046 elementary, middle, and high schools as well as special purpose
 4047 facilities such as magnet schools.

4048 (d) 3. Local governments and school boards may ~~shall have~~
 4049 ~~the option to~~ utilize tiered level-of-service standards to allow
 4050 time to achieve an adequate and desirable level of service as
 4051 circumstances warrant.

4052 (e) 4. ~~For the purpose of determining whether levels of~~
 4053 ~~service have been achieved, for the first 3 years of school~~
 4054 ~~concurrency implementation,~~ A school district that includes



4055 | relocatable facilities in its inventory of student stations
 4056 | shall include the capacity of such relocatable facilities as
 4057 | provided in s. 1013.35(2)(b)2.f., provided the relocatable
 4058 | facilities were purchased after 1998 and the relocatable
 4059 | facilities meet the standards for long-term use pursuant to s.
 4060 | 1013.20.

4061 | ~~(e) Service areas. The Legislature recognizes that an~~
 4062 | ~~essential requirement for a concurrency system is a designation~~
 4063 | ~~of the area within which the level of service will be measured~~
 4064 | ~~when an application for a residential development permit is~~
 4065 | ~~reviewed for school concurrency purposes. This delineation is~~
 4066 | ~~also important for purposes of determining whether the local~~
 4067 | ~~government has a financially feasible public school capital~~
 4068 | ~~facilities program that will provide schools which will achieve~~
 69 | ~~and maintain the adopted level of service standards.~~

4070 | (f)1. In order to balance competing interests, preserve
 4071 | the constitutional concept of uniformity, and avoid disruption
 4072 | of existing educational and growth management processes, local
 4073 | governments are encouraged, if they elect to adopt school
 4074 | concurrency, to initially apply school concurrency to
 4075 | development ~~only~~ on a districtwide basis so that a concurrency
 4076 | determination for a specific development will be based upon the
 4077 | availability of school capacity districtwide. ~~To ensure that~~
 4078 | ~~development is coordinated with schools having available~~
 4079 | ~~capacity, within 5 years after adoption of school concurrency,~~
 4080 | 2. If a local government elects to ~~governments shall~~ apply
 4081 | school concurrency on a less than districtwide basis, by such as



4082 using school attendance zones or concurrency service areas: ~~as~~
 4083 ~~provided in subparagraph 2.~~

4084 ~~a.2. For local governments applying school concurrency on~~
 4085 ~~a less than districtwide basis, such as utilizing school~~
 4086 ~~attendance zones or larger school concurrency service areas,~~
 4087 Local governments and school boards shall have the burden to
 4088 demonstrate that the utilization of school capacity is maximized
 4089 to the greatest extent possible in the comprehensive plan and
 4090 amendment, taking into account transportation costs and court-
 4091 approved desegregation plans, as well as other factors. In
 4092 addition, in order to achieve concurrency within the service
 4093 area boundaries selected by local governments and school boards,
 4094 the service area boundaries, together with the standards for
 4095 establishing those boundaries, shall be identified and included
 96 as supporting data and analysis for the comprehensive plan.

4097 ~~b.3.~~ Where school capacity is available on a districtwide
 4098 basis but school concurrency is applied on a less than
 4099 districtwide basis in the form of concurrency service areas, if
 4100 the adopted level-of-service standard cannot be met in a
 4101 particular service area as applied to an application for a
 4102 development permit and if the needed capacity for the particular
 4103 service area is available in one or more contiguous service
 4104 areas, as adopted by the local government, then the local
 4105 government may not deny an application for site plan or final
 4106 subdivision approval or the functional equivalent for a
 4107 development or phase of a development on the basis of school
 4108 concurrency, and if issued, development impacts shall be
 4109 subtracted from the ~~shifted to~~ contiguous service area's areas



4110 ~~with schools having available capacity totals. Students from the~~
4111 ~~development may not be required to go to the adjacent service~~
4112 ~~area unless the school board rezones the area in which the~~
4113 ~~development occurs.~~

4114 ~~(g)(d) Financial feasibility. The Legislature recognizes~~
4115 ~~that financial feasibility is an important issue because The~~
4116 ~~premise of concurrency is that the public facilities will be~~
4117 ~~provided in order to achieve and maintain the adopted level-of-~~
4118 ~~service standard. This part and chapter 9J 5, Florida~~
4119 ~~Administrative Code, contain specific standards to determine the~~
4120 ~~financial feasibility of capital programs. These standards were~~
4121 ~~adopted to make concurrency more predictable and local~~
4122 ~~governments more accountable.~~

4123 ~~1. A comprehensive plan that imposes amendment seeking to~~
24 ~~impose school concurrency shall contain appropriate amendments~~
4125 ~~to the capital improvements element of the comprehensive plan,~~
4126 ~~consistent with the requirements of s. 163.3177(3) and rule 9J-~~
4127 ~~5.016, Florida Administrative Code. The capital improvements~~
4128 ~~element shall identify facilities necessary to meet adopted~~
4129 ~~levels of service during a 5-year period consistent with the~~
4130 ~~school board's educational set forth a financially feasible~~
4131 ~~public school capital facilities plan program, established in~~
4132 ~~conjunction with the school board, that demonstrates that the~~
4133 ~~adopted level of service standards will be achieved and~~
4134 ~~maintained.~~

4135 ~~(h)1. In order to limit the liability of local~~
4136 ~~governments, a local government may allow a landowner to proceed~~
4137 ~~with development of a specific parcel of land notwithstanding a~~



4138 failure of the development to satisfy school concurrency, if all
 4139 the following factors are shown to exist:

4140 a. The proposed development would be consistent with the
 4141 future land use designation for the specific property and with
 4142 pertinent portions of the adopted local plan, as determined by
 4143 the local government.

4144 b. The local government's capital improvements element and
 4145 the school board's educational facilities plan provide for
 4146 school facilities adequate to serve the proposed development,
 4147 and the local government or school board has not implemented
 4148 that element or the project includes a plan that demonstrates
 4149 that the capital facilities needed as a result of the project
 4150 can be reasonably provided.

4151 c. The local government and school board have provided a
 4152 means by which the landowner will be assessed a proportionate
 4153 share of the cost of providing the school facilities necessary
 4154 to serve the proposed development.

4155 ~~2. Such amendments shall demonstrate that the public~~
 4156 ~~school capital facilities program meets all of the financial~~
 4157 ~~feasibility standards of this part and chapter 9J 5, Florida~~
 4158 ~~Administrative Code, that apply to capital programs which~~
 4159 ~~provide the basis for mandatory concurrency on other public~~
 4160 ~~facilities and services.~~

4161 ~~3. When the financial feasibility of a public school~~
 4162 ~~capital facilities program is evaluated by the state land~~
 4163 ~~planning agency for purposes of a compliance determination, the~~
 4164 ~~evaluation shall be based upon the service areas selected by the~~
 4165 ~~local governments and school board.~~



4166 2.(e) ~~Availability standard. Consistent with the public~~
 4167 ~~welfare,~~ If a local government applies school concurrency, it
 4168 may not deny an application for site plan, final subdivision
 4169 approval, or the functional equivalent for a development or
 4170 phase of a development authorizing residential development for
 4171 failure to achieve and maintain the level-of-service standard
 4172 for public school capacity in a local school concurrency
 4173 management system where adequate school facilities will be in
 4174 place or under actual construction within 3 years after the
 4175 issuance of final subdivision or site plan approval, or the
 4176 functional equivalent. School concurrency is satisfied if the
 4177 developer executes a legally binding commitment to provide
 4178 mitigation proportionate to the demand for public school
 4179 facilities to be created by actual development of the property,
 80 including, but not limited to, the options described in sub-
 4181 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share
 4182 mitigation of impacts on public school facilities must be
 4183 established in the comprehensive plan ~~public school facilities~~
 4184 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.

4185 a.1. Appropriate mitigation options include the
 4186 contribution of land; the construction, expansion, or payment
 4187 for land acquisition or construction of a public school
 4188 facility; the construction of a charter school that complies
 4189 with the requirements of s. 1002.33(18); or the creation of
 4190 mitigation banking based on the construction of a public school
 4191 facility in exchange for the right to sell capacity credits.
 4192 Such options must include execution by the applicant and the
 4193 local government of a development agreement that constitutes a



HB 7207, Engrossed 2

2011

4194 | legally binding commitment to pay proportionate-share mitigation
 4195 | for the additional residential units approved by the local
 4196 | government in a development order and actually developed on the
 4197 | property, taking into account residential density allowed on the
 4198 | property prior to the plan amendment that increased the overall
 4199 | residential density. The district school board must be a party
 4200 | to such an agreement. As a condition of its entry into such a
 4201 | development agreement, the local government may require the
 4202 | landowner to agree to continuing renewal of the agreement upon
 4203 | its expiration.

4204 | **b.2.** If the interlocal agreement ~~education facilities plan~~
 4205 | and the local government comprehensive plan ~~public educational~~
 4206 | ~~facilities element~~ authorize a contribution of land; the
 4207 | construction, expansion, or payment for land acquisition; the
 08 | construction or expansion of a public school facility, or a
 4209 | portion thereof; or the construction of a charter school that
 4210 | complies with the requirements of s. 1002.33(18), as
 4211 | proportionate-share mitigation, the local government shall
 4212 | credit such a contribution, construction, expansion, or payment
 4213 | toward any other impact fee or exaction imposed by local
 4214 | ordinance for the same need, on a dollar-for-dollar basis at
 4215 | fair market value.

4216 | **c.3.** Any proportionate-share mitigation must be directed
 4217 | by the school board toward a school capacity improvement
 4218 | identified in the a financially feasible 5-year school board's
 4219 | educational facilities district work plan that satisfies the
 4220 | demands created by the development in accordance with a binding
 4221 | developer's agreement.



4222 ~~4. If a development is precluded from commencing because~~
 4223 ~~there is inadequate classroom capacity to mitigate the impacts~~
 4224 ~~of the development, the development may nevertheless commence if~~
 4225 ~~there are accelerated facilities in an approved capital~~
 4226 ~~improvement element scheduled for construction in year four or~~
 4227 ~~later of such plan which, when built, will mitigate the proposed~~
 4228 ~~development, or if such accelerated facilities will be in the~~
 4229 ~~next annual update of the capital facilities element, the~~
 4230 ~~developer enters into a binding, financially guaranteed~~
 4231 ~~agreement with the school district to construct an accelerated~~
 4232 ~~facility within the first 3 years of an approved capital~~
 4233 ~~improvement plan, and the cost of the school facility is equal~~
 4234 ~~to or greater than the development's proportionate share. When~~
 4235 ~~the completed school facility is conveyed to the school~~
 36 ~~district, the developer shall receive impact fee credits usable~~
 4237 ~~within the zone where the facility is constructed or any~~
 4238 ~~attendance zone contiguous with or adjacent to the zone where~~
 4239 ~~the facility is constructed.~~

4240 3.5. This paragraph does not limit the authority of a
 4241 local government to deny a development permit or its functional
 4242 equivalent pursuant to its home rule regulatory powers, except
 4243 as provided in this part.

4244 (i) (f) Intergovernmental coordination.

4245 ~~1. When establishing concurrency requirements for public~~
 4246 ~~schools, a local government shall satisfy the requirements for~~
 4247 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
 4248 ~~and 2., except that A municipality is not required to be a~~
 4249 ~~signatory to the interlocal agreement required by paragraph (j)~~



4305 ~~seeks to collocate schools with other public facilities such as~~
 4306 ~~parks, libraries, and community centers to the extent possible.~~

4307 2.3. Specify uniform, districtwide level-of-service
 4308 standards for public schools of the same type and the process
 4309 for modifying the adopted level-of-service standards.

4310 ~~4. Establish a process for the preparation, amendment, and~~
 4311 ~~joint approval by each local government and the school board of~~
 4312 ~~a public school capital facilities program which is financially~~
 4313 ~~feasible, and a process and schedule for incorporation of the~~
 4314 ~~public school capital facilities program into the local~~
 4315 ~~government comprehensive plans on an annual basis.~~

4316 3.5. Define the geographic application of school
 4317 concurrency. If school concurrency is to be applied on a less
 4318 than districtwide basis in the form of concurrency service
 4319 areas, the agreement shall establish criteria and standards for
 4320 the establishment and modification of school concurrency service
 4321 areas. ~~The agreement shall also establish a process and schedule~~
 4322 ~~for the mandatory incorporation of the school concurrency~~
 4323 ~~service areas and the criteria and standards for establishment~~
 4324 ~~of the service areas into the local government comprehensive~~
 4325 ~~plans. The agreement shall ensure maximum utilization of school~~
 4326 ~~capacity, taking into account transportation costs and court-~~
 4327 ~~approved desegregation plans, as well as other factors. The~~
 4328 ~~agreement shall also ensure the achievement and maintenance of~~
 4329 ~~the adopted level-of-service standards for the geographic area~~
 4330 ~~of application throughout the 5 years covered by the public~~
 4331 ~~school capital facilities plan and thereafter by adding a new~~
 4332 ~~fifth year during the annual update.~~



4333 4.6- Establish a uniform districtwide procedure for
 4334 implementing school concurrency which provides for:
 4335 a. The evaluation of development applications for
 4336 compliance with school concurrency requirements, including
 4337 information provided by the school board on affected schools,
 4338 impact on levels of service, and programmed improvements for
 4339 affected schools and any options to provide sufficient capacity;
 4340 b. An opportunity for the school board to review and
 4341 comment on the effect of comprehensive plan amendments and
 4342 rezonings on the public school facilities plan; and
 4343 c. The monitoring and evaluation of the school concurrency
 4344 system.

4345 ~~7. Include provisions relating to amendment of the~~
 4346 ~~agreement.~~

4347 5.8- A process and uniform methodology for determining
 4348 proportionate-share mitigation pursuant to paragraph (h)
 4349 ~~subparagraph (e)1.~~

4350 (k)(h) ~~Local government authority.~~ This subsection does
 4351 not limit the authority of a local government to grant or deny a
 4352 development permit or its functional equivalent prior to the
 4353 implementation of school concurrency.

4354 ~~(14) The state land planning agency shall, by October 1,~~
 4355 ~~1998, adopt by rule minimum criteria for the review and~~
 4356 ~~determination of compliance of a public school facilities~~
 4357 ~~element adopted by a local government for purposes of imposition~~
 4358 ~~of school concurrency.~~

4359 ~~(15)(a) Multimodal transportation districts may be~~
 4360 ~~established under a local government comprehensive plan in areas~~



4361 ~~delineated on the future land use map for which the local~~
 4362 ~~comprehensive plan assigns secondary priority to vehicle~~
 4363 ~~mobility and primary priority to assuring a safe, comfortable,~~
 4364 ~~and attractive pedestrian environment, with convenient~~
 4365 ~~interconnection to transit. Such districts must incorporate~~
 4366 ~~community design features that will reduce the number of~~
 4367 ~~automobile trips or vehicle miles of travel and will support an~~
 4368 ~~integrated, multimodal transportation system. Prior to the~~
 4369 ~~designation of multimodal transportation districts, the~~
 4370 ~~Department of Transportation shall be consulted by the local~~
 4371 ~~government to assess the impact that the proposed multimodal~~
 4372 ~~district area is expected to have on the adopted level of~~
 4373 ~~service standards established for Strategic Intermodal System~~
 4374 ~~facilities, as defined in s. 339.64, and roadway facilities~~
 4375 ~~funded in accordance with s. 339.2819. Further, the local~~
 4376 ~~government shall, in cooperation with the Department of~~
 4377 ~~Transportation, develop a plan to mitigate any impacts to the~~
 4378 ~~Strategic Intermodal System, including the development of a~~
 4379 ~~long-term concurrency management system pursuant to subsection~~
 4380 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
 4381 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
 4382 ~~provisions of this section by July 1, 2006, or at the time of~~
 4383 ~~the comprehensive plan update pursuant to the evaluation and~~
 4384 ~~appraisal report, whichever occurs last.~~

4385 ~~(b) Community design elements of such a district include:~~
 4386 ~~a complementary mix and range of land uses, including~~
 4387 ~~educational, recreational, and cultural uses; interconnected~~
 4388 ~~networks of streets designed to encourage walking and bicycling,~~



4416 ~~could reasonably be expected to become available over the~~
 4417 ~~planning period.~~

4418 ~~(d) Local governments may reduce impact fees or local~~
 4419 ~~access fees for development within multimodal transportation~~
 4420 ~~districts based on the reduction of vehicle trips per household~~
 4421 ~~or vehicle miles of travel expected from the development pattern~~
 4422 ~~planned for the district.~~

4423 ~~(16) It is the intent of the Legislature to provide a~~
 4424 ~~method by which the impacts of development on transportation~~
 4425 ~~facilities can be mitigated by the cooperative efforts of the~~
 4426 ~~public and private sectors. The methodology used to calculate~~
 4427 ~~proportionate fair share mitigation under this section shall be~~
 4428 ~~as provided for in subsection (12).~~

4429 ~~(a) By December 1, 2006, each local government shall adopt~~
 4430 ~~by ordinance a methodology for assessing proportionate fair-~~
 4431 ~~share mitigation options. By December 1, 2005, the Department of~~
 4432 ~~Transportation shall develop a model transportation concurrency~~
 4433 ~~management ordinance with methodologies for assessing~~
 4434 ~~proportionate fair share mitigation options.~~

4435 ~~(b)1. In its transportation concurrency management system,~~
 4436 ~~a local government shall, by December 1, 2006, include~~
 4437 ~~methodologies that will be applied to calculate proportionate~~
 4438 ~~fair share mitigation. A developer may choose to satisfy all~~
 4439 ~~transportation concurrency requirements by contributing or~~
 4440 ~~paying proportionate fair share mitigation if transportation~~
 4441 ~~facilities or facility segments identified as mitigation for~~
 4442 ~~traffic impacts are specifically identified for funding in the~~
 4443 ~~5 year schedule of capital improvements in the capital~~



4528 ~~exempt from transportation concurrency requirements, and the~~
 4529 ~~local government may not reduce any transportation trip-~~
 4530 ~~generation entitlements of an approved development of regional-~~
 4531 ~~impact development order. As used in this subsection, the term~~
 4532 ~~"close proximity" means 5 miles from the nearest point of the~~
 4533 ~~development of regional impact to the nearest point of the~~
 4534 ~~employment center, and the term "employment center" means a~~
 4535 ~~place of employment that employs at least 25 or more full-time~~
 4536 ~~employees.~~

4537 Section 16. Section 163.3182, Florida Statutes, is amended
 4538 to read:

4539 163.3182 Transportation deficiencies ~~concurrency~~
 4540 ~~backlogs.~~-

4541 (1) DEFINITIONS.—For purposes of this section, the term:

4542 (a) "Transportation deficiency ~~concurrency backlog~~ area"
 4543 means the geographic area within the unincorporated portion of a
 4544 county or within the municipal boundary of a municipality
 4545 designated in a local government comprehensive plan for which a
 4546 transportation development ~~concurrency backlog~~ authority is
 4547 created pursuant to this section. A transportation deficiency
 4548 ~~concurrency backlog~~ area created within the corporate boundary
 4549 of a municipality shall be made pursuant to an interlocal
 4550 agreement between a county, a municipality or municipalities,
 4551 and any affected taxing authority or authorities.

4552 (b) "Authority" or "transportation development ~~concurrency~~
 4553 ~~backlog~~ authority" means the governing body of a county or
 4554 municipality within which an authority is created.



4555 (c) "Governing body" means the council, commission, or
 4556 other legislative body charged with governing the county or
 4557 municipality within which an ~~a transportation concurrency~~
 4558 ~~backlog~~ authority is created pursuant to this section.

4559 (d) "Transportation deficiency ~~concurrency backlog~~" means
 4560 an identified need ~~deficiency~~ where the existing and projected
 4561 extent of traffic volume exceeds the level of service standard
 4562 adopted in a local government comprehensive plan for a
 4563 transportation facility.

4564 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
 4565 means the plan adopted as part of a local government
 4566 comprehensive plan by the governing body of a county or
 4567 municipality acting as a transportation development ~~concurrency~~
 4568 ~~backlog~~ authority.

4569 (f) "Transportation ~~concurrency backlog~~ project" means any
 4570 designated transportation project identified for construction
 4571 within the jurisdiction of a transportation development
 4572 ~~concurrency backlog~~ authority.

4573 (g) "Debt service millage" means any millage levied
 4574 pursuant to s. 12, Art. VII of the State Constitution.

4575 (h) "Increment revenue" means the amount calculated
 4576 pursuant to subsection (5).

4577 (i) "Taxing authority" means a public body that levies or
 4578 is authorized to levy an ad valorem tax on real property located
 4579 within a transportation deficiency ~~concurrency backlog~~ area,
 4580 except a school district.

4581 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4582 ~~BACKLOG~~ AUTHORITIES.—



4583 (a) A county or municipality may create a transportation
 4584 development concurrency backlog authority if it has an
 4585 identified transportation deficiency concurrency backlog.

4586 (b) Acting as the transportation development concurrency
 4587 backlog authority within the authority's jurisdictional
 4588 boundary, the governing body of a county or municipality shall
 4589 adopt and implement a plan to eliminate all identified
 4590 transportation deficiencies concurrency backlogs within the
 4591 authority's jurisdiction using funds provided pursuant to
 4592 subsection (5) and as otherwise provided pursuant to this
 4593 section.

4594 (c) The Legislature finds and declares that there exist in
 4595 many counties and municipalities areas that have significant
 4596 transportation deficiencies and inadequate transportation
 4597 facilities; that many insufficiencies and inadequacies severely
 4598 limit or prohibit the satisfaction of transportation level of
 4599 service concurrency standards; that the transportation
 4600 insufficiencies and inadequacies affect the health, safety, and
 4601 welfare of the residents of these counties and municipalities;
 4602 that the transportation insufficiencies and inadequacies
 4603 adversely affect economic development and growth of the tax base
 4604 for the areas in which these insufficiencies and inadequacies
 4605 exist; and that the elimination of transportation deficiencies
 4606 and inadequacies and the satisfaction of transportation
 4607 concurrency standards are paramount public purposes for the
 4608 state and its counties and municipalities.

4609 (3) POWERS OF A TRANSPORTATION DEVELOPMENT CONCURRENCY
 4610 BACKLOG AUTHORITY.—Each transportation development concurrency



4719 ~~backlog~~ authority and within the transportation deficiency
 4720 ~~backlog~~ area; and

4721 (b) The amount of ad valorem taxes which would have been
 4722 produced by the rate upon which the tax is levied each year by
 4723 or for each taxing authority, exclusive of any debt service
 4724 millage, upon the total of the assessed value of the taxable
 4725 real property within the transportation deficiency concurrency
 4726 ~~backlog~~ area as shown on the most recent assessment roll used in
 4727 connection with the taxation of such property of each taxing
 4728 authority prior to the effective date of the ordinance funding
 4729 the trust fund.

4730 (6) EXEMPTIONS.—

4731 (a) The following public bodies or taxing authorities are
 4732 exempt from ~~the provisions of~~ this section:

4733 1. A special district that levies ad valorem taxes on
 4734 taxable real property in more than one county.

4735 2. A special district for which the sole available source
 4736 of revenue is the authority to levy ad valorem taxes at the time
 4737 an ordinance is adopted under this section. However, revenues or
 4738 aid that may be dispensed or appropriated to a district as
 4739 defined in s. 388.011 at the discretion of an entity other than
 4740 such district are ~~shall~~ not ~~be~~ deemed available.

4741 3. A library district.

4742 4. A neighborhood improvement district created under the
 4743 Safe Neighborhoods Act.

4744 5. A metropolitan transportation authority.

4745 6. A water management district created under s. 373.069.

4746 7. A community redevelopment agency.



4774 comprehensive plan shall be amended to remove the transportation
 4775 concurrency backlog plan.

4776 Section 17. Section 163.3184, Florida Statutes, is amended
 4777 to read:

4778 163.3184 Process for adoption of comprehensive plan or
 4779 plan amendment.—

4780 (1) DEFINITIONS.—As used in this section, the term:

4781 (a) "Affected person" includes the affected local
 4782 government; persons owning property, residing, or owning or
 4783 operating a business within the boundaries of the local
 4784 government whose plan is the subject of the review; owners of
 4785 real property abutting real property that is the subject of a
 4786 proposed change to a future land use map; and adjoining local
 4787 governments that can demonstrate that the plan or plan amendment
 4788 will produce substantial impacts on the increased need for
 4789 publicly funded infrastructure or substantial impacts on areas
 4790 designated for protection or special treatment within their
 4791 jurisdiction. Each person, other than an adjoining local
 4792 government, in order to qualify under this definition, shall
 4793 also have submitted oral or written comments, recommendations,
 4794 or objections to the local government during the period of time
 4795 beginning with the transmittal hearing for the plan or plan
 4796 amendment and ending with the adoption of the plan or plan
 4797 amendment.

4798 (b) "In compliance" means consistent with the requirements
 4799 of ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, and
 4800 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
 4801 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~



4802 ~~Administrative Code, where such rule is not inconsistent with~~
 4803 ~~this part~~ and with the principles for guiding development in
 4804 designated areas of critical state concern and with part III of
 4805 chapter 369, where applicable.

4806 (c) "Reviewing agencies" means:

- 4807 1. The state land planning agency;
- 4808 2. The appropriate regional planning council;
- 4809 3. The appropriate water management district;
- 4810 4. The Department of Environmental Protection;
- 4811 5. The Department of State;
- 4812 6. The Department of Transportation;
- 4813 7. In the case of plan amendments relating to public
 4814 schools, the Department of Education;
- 4815 8. In the case of plans or plan amendments that affect a
 4816 military installation listed in s. 163.3175, the commanding
 4817 officer of the affected military installation;
- 4818 9. In the case of county plans and plan amendments, the
 4819 Fish and Wildlife Conservation Commission and the Department of
 4820 Agriculture and Consumer Services; and
- 4821 10. In the case of municipal plans and plan amendments,
 4822 the county in which the municipality is located.

4823 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4824 (a) Plan amendments adopted by local governments shall
 4825 follow the expedited state review process in subsection (3),
 4826 except as set forth in paragraphs (b) and (c).

4827 (b) Plan amendments that qualify as small-scale
 4828 development amendments may follow the small-scale review process
 4829 in s. 163.3187.



4830 (c) Plan amendments that are in an area of critical state
 4831 concern designated pursuant to s. 380.05; propose a rural land
 4832 stewardship area pursuant to s. 163.3248; propose a sector plan
 4833 pursuant to s. 163.3245; update a comprehensive plan based on an
 4834 evaluation and appraisal pursuant to s. 163.3191; or are new
 4835 plans for newly incorporated municipalities adopted pursuant to
 4836 s. 163.3167 shall follow the state coordinated review process in
 4837 subsection (4).

4838 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 4839 COMPREHENSIVE PLAN AMENDMENTS.--

4840 (a) The process for amending a comprehensive plan
 4841 described in this subsection shall apply to all amendments
 4842 except as provided in paragraphs (2)(b) and (c) and shall be
 4843 applicable statewide.

4844 (b)1. The local government, after the initial public
 4845 hearing held pursuant to subsection (11), shall transmit within
 4846 10 days the amendment or amendments and appropriate supporting
 4847 data and analyses to the reviewing agencies. The local governing
 4848 body shall also transmit a copy of the amendments and supporting
 4849 data and analyses to any other local government or governmental
 4850 agency that has filed a written request with the governing body.

4851 2. The reviewing agencies and any other local government
 4852 or governmental agency specified in subparagraph 1. may provide
 4853 comments regarding the amendment or amendments to the local
 4854 government. State agencies shall only comment on important state
 4855 resources and facilities that will be adversely impacted by the
 4856 amendment if adopted. Comments provided by state agencies shall
 4857 state with specificity how the plan amendment will adversely



4858 impact an important state resource or facility and shall
 4859 identify measures the local government may take to eliminate,
 4860 reduce, or mitigate the adverse impacts. Such comments, if not
 4861 resolved, may result in a challenge by the state land planning
 4862 agency to the plan amendment. Agencies and local governments
 4863 must transmit their comments to the affected local government
 4864 such that they are received by the local government not later
 4865 than 30 days from the date on which the agency or government
 4866 received the amendment or amendments. Reviewing agencies shall
 4867 also send a copy of their comments to the state land planning
 4868 agency.

4869 3. Comments to the local government from a regional
 4870 planning council, county, or municipality shall be limited as
 4871 follows:

4872 a. The regional planning council review and comments shall
 4873 be limited to adverse effects on regional resources or
 4874 facilities identified in the strategic regional policy plan and
 4875 extrajurisdictional impacts that would be inconsistent with the
 4876 comprehensive plan of any affected local government within the
 4877 region. A regional planning council may not review and comment
 4878 on a proposed comprehensive plan amendment prepared by such
 4879 council unless the plan amendment has been changed by the local
 4880 government subsequent to the preparation of the plan amendment
 4881 by the regional planning council.

4882 b. County comments shall be in the context of the
 4883 relationship and effect of the proposed plan amendments on the
 4884 county plan.



4885 c. Municipal comments shall be in the context of the
 4886 relationship and effect of the proposed plan amendments on the
 4887 municipal plan.

4888 d. Military installation comments shall be provided in
 4889 accordance with s. 163.3175.

4890 4. Comments to the local government from state agencies
 4891 shall be limited to the following subjects as they relate to
 4892 important state resources and facilities that will be adversely
 4893 impacted by the amendment if adopted:

4894 a. The Department of Environmental Protection shall limit
 4895 its comments to the subjects of air and water pollution;
 4896 wetlands and other surface waters of the state; federal and
 4897 state-owned lands and interest in lands, including state parks,
 4898 greenways and trails, and conservation easements; solid waste;
 99 water and wastewater treatment; and the Everglades ecosystem
 4900 restoration.

4901 b. The Department of State shall limit its comments to the
 4902 subjects of historic and archeological resources.

4903 c. The Department of Transportation shall limit its
 4904 comments to issues within the agency's jurisdiction as it
 4905 relates to transportation resources and facilities of state
 4906 importance.

4907 d. The Fish and Wildlife Conservation Commission shall
 4908 limit its comments to subjects relating to fish and wildlife
 4909 habitat and listed species and their habitat.

4910 e. The Department of Agriculture and Consumer Services
 4911 shall limit its comments to the subjects of agriculture,
 4912 forestry, and aquaculture issues.



4913 f. The Department of Education shall limit its comments to
 4914 the subject of public school facilities.

4915 g. The appropriate water management district shall limit
 4916 its comments to flood protection and floodplain management,
 4917 wetlands and other surface waters, and regional water supply.

4918 h. The state land planning agency shall limit its comments
 4919 to important state resources and facilities outside the
 4920 jurisdiction of other commenting state agencies and may include
 4921 comments on countervailing planning policies and objectives
 4922 served by the plan amendment that should be balanced against
 4923 potential adverse impacts to important state resources and
 4924 facilities.

4925 (c)1. The local government shall hold its second public
 4926 hearing, which shall be a hearing on whether to adopt one or
 4927 more comprehensive plan amendments pursuant to subsection (11).
 4928 If the local government fails, within 180 days after receipt of
 4929 agency comments, to hold the second public hearing, the
 4930 amendments shall be deemed withdrawn unless extended by
 4931 agreement with notice to the state land planning agency and any
 4932 affected person that provided comments on the amendment. The
 4933 180-day limitation does not apply to amendments processed
 4934 pursuant to s. 380.06.

4935 2. All comprehensive plan amendments adopted by the
 4936 governing body, along with the supporting data and analysis,
 4937 shall be transmitted within 10 days after the second public
 4938 hearing to the state land planning agency and any other agency
 4939 or local government that provided timely comments under
 4940 subparagraph (b)2.



4941 3. The state land planning agency shall notify the local
 4942 government of any deficiencies within 5 working days after
 4943 receipt of an amendment package. For purposes of completeness,
 4944 an amendment shall be deemed complete if it contains a full,
 4945 executed copy of the adoption ordinance or ordinances; in the
 4946 case of a text amendment, a full copy of the amended language in
 4947 legislative format with new words inserted in the text
 4948 underlined, and words deleted stricken with hyphens; in the case
 4949 of a future land use map amendment, a copy of the future land
 4950 use map clearly depicting the parcel, its existing future land
 4951 use designation, and its adopted designation; and a copy of any
 4952 data and analyses the local government deems appropriate.

4953 4. An amendment adopted under this paragraph does not
 4954 become effective until 31 days after the state land planning
 4955 agency notifies the local government that the plan amendment
 4956 package is complete. If timely challenged, an amendment does not
 4957 become effective until the state land planning agency or the
 4958 Administration Commission enters a final order determining the
 4959 adopted amendment to be in compliance.

4960 (4) STATE COORDINATED REVIEW PROCESS.-

4961 (a) ~~(2)~~ Coordination.-The state land planning agency shall
 4962 only use the state coordinated review process described in this
 4963 subsection for review of comprehensive plans and plan amendments
 4964 described in paragraph (2)(c). Each comprehensive plan or plan
 4965 amendment proposed to be adopted pursuant to this subsection
 4966 part shall be transmitted, adopted, and reviewed in the manner
 4967 prescribed in this subsection section. The state land planning
 4968 agency shall have responsibility for plan review, coordination,



4969 and the preparation and transmission of comments, pursuant to
 4970 this subsection ~~section~~, to the local governing body responsible
 4971 for the comprehensive plan or plan amendment. ~~The state land~~
 4972 ~~planning agency shall maintain a single file concerning any~~
 4973 ~~proposed or adopted plan amendment submitted by a local~~
 4974 ~~government for any review under this section. Copies of all~~
 4975 ~~correspondence, papers, notes, memoranda, and other documents~~
 4976 ~~received or generated by the state land planning agency must be~~
 4977 ~~placed in the appropriate file. Paper copies of all electronic~~
 4978 ~~mail correspondence must be placed in the file. The file and its~~
 4979 ~~contents must be available for public inspection and copying as~~
 4980 ~~provided in chapter 119.~~

4981 (b)(3) Local government transmittal of proposed plan or
 4982 amendment.-

4983 (a) Each local governing body proposing a plan or plan
 4984 amendment specified in paragraph (2)(c) shall transmit the
 4985 complete proposed comprehensive plan or plan amendment to the
 4986 reviewing agencies ~~state land planning agency, the appropriate~~
 4987 ~~regional planning council and water management district, the~~
 4988 ~~Department of Environmental Protection, the Department of State,~~
 4989 ~~and the Department of Transportation, and, in the case of~~
 4990 ~~municipal plans, to the appropriate county, and, in the case of~~
 4991 ~~county plans, to the Fish and Wildlife Conservation Commission~~
 4992 ~~and the Department of Agriculture and Consumer Services,~~
 4993 immediately following the first a public hearing pursuant to
 4994 subsection (11). The transmitted document shall clearly indicate
 4995 on the cover sheet that this plan amendment is subject to the
 4996 state coordinated review process of s. 163.3184(4)(15) as



4997 ~~specified in the state land planning agency's procedural rules.~~
 4998 The local governing body shall also transmit a copy of the
 4999 complete proposed comprehensive plan or plan amendment to any
 5000 other unit of local government or government agency in the state
 5001 that has filed a written request with the governing body for the
 5002 plan or plan amendment. ~~The local government may request a~~
 5003 ~~review by the state land planning agency pursuant to subsection~~
 5004 ~~(6) at the time of the transmittal of an amendment.~~

5005 (b) ~~A local governing body shall not transmit portions of~~
 5006 ~~a plan or plan amendment unless it has previously provided to~~
 5007 ~~all state agencies designated by the state land planning agency~~
 5008 ~~a complete copy of its adopted comprehensive plan pursuant to~~
 5009 ~~subsection (7) and as specified in the agency's procedural~~
 5010 ~~rules. In the case of comprehensive plan amendments, the local~~
 11 ~~governing body shall transmit to the state land planning agency,~~
 5012 ~~the appropriate regional planning council and water management~~
 5013 ~~district, the Department of Environmental Protection, the~~
 5014 ~~Department of State, and the Department of Transportation, and,~~
 5015 ~~in the case of municipal plans, to the appropriate county and,~~
 5016 ~~in the case of county plans, to the Fish and Wildlife~~
 5017 ~~Conservation Commission and the Department of Agriculture and~~
 5018 ~~Consumer Services the materials specified in the state land~~
 5019 ~~planning agency's procedural rules and, in cases in which the~~
 5020 ~~plan amendment is a result of an evaluation and appraisal report~~
 5021 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
 5022 ~~appraisal report. Local governing bodies shall consolidate all~~
 5023 ~~proposed plan amendments into a single submission for each of~~



5024 ~~the two plan amendment adoption dates during the calendar year~~
 5025 ~~pursuant to s. 163.3187.~~

5026 ~~(c) A local government may adopt a proposed plan amendment~~
 5027 ~~previously transmitted pursuant to this subsection, unless~~
 5028 ~~review is requested or otherwise initiated pursuant to~~
 5029 ~~subsection (6).~~

5030 ~~(d) In cases in which a local government transmits~~
 5031 ~~multiple individual amendments that can be clearly and legally~~
 5032 ~~separated and distinguished for the purpose of determining~~
 5033 ~~whether to review the proposed amendment, and the state land~~
 5034 ~~planning agency elects to review several or a portion of the~~
 5035 ~~amendments and the local government chooses to immediately adopt~~
 5036 ~~the remaining amendments not reviewed, the amendments~~
 5037 ~~immediately adopted and any reviewed amendments that the local~~
 38 ~~government subsequently adopts together constitute one amendment~~
 5039 ~~cycle in accordance with s. 163.3187(1).~~

5040 ~~(e) At the request of an applicant, a local government~~
 5041 ~~shall consider an application for zoning changes that would be~~
 5042 ~~required to properly enact the provisions of any proposed plan~~
 5043 ~~amendment transmitted pursuant to this subsection. Zoning~~
 5044 ~~changes approved by the local government are contingent upon the~~
 5045 ~~comprehensive plan or plan amendment transmitted becoming~~
 5046 ~~effective.~~

5047 ~~(c)(4) Reviewing agency comments INTERGOVERNMENTAL~~
 5048 ~~REVIEW.—The governmental agencies specified in paragraph (b) may~~
 5049 ~~paragraph (3)(a) shall provide comments regarding the plan or~~
 5050 ~~plan amendments in accordance with subparagraphs (3)(b)2.-4.~~
 5051 ~~However, comments on plans or plan amendments required to be~~



5052 reviewed under the state coordinated review process shall be
 5053 sent to the state land planning agency within 30 days after
 5054 receipt by the state land planning agency of the complete
 5055 proposed plan or plan amendment from the local government. If
 5056 the state land planning agency comments on a plan or plan
 5057 amendment adopted under the state coordinated review process, it
 5058 shall provide comments according to paragraph (d). Any other
 5059 unit of local government or government agency specified in
 5060 paragraph (b) may provide comments to the state land planning
 5061 agency in accordance with subparagraphs (3)(b)2.-4. within 30
 5062 days after receipt by the state land planning agency of the
 5063 complete proposed plan or plan amendment. If the plan or plan
 5064 amendment includes or relates to the public school facilities
 5065 element pursuant to s. 163.3177(12), the state land planning
 5066 agency shall submit a copy to the Office of Educational
 5067 Facilities of the Commissioner of Education for review and
 5068 comment. The appropriate regional planning council shall also
 5069 provide its written comments to the state land planning agency
 5070 within 30 days after receipt by the state land planning agency
 5071 of the complete proposed plan amendment and shall specify any
 5072 objections, recommendations for modifications, and comments of
 5073 any other regional agencies to which the regional planning
 5074 council may have referred the proposed plan amendment. Written
 5075 comments submitted by the public shall be sent directly to the
 5076 local government within 30 days after notice of transmittal by
 5077 the local government of the proposed plan amendment will be
 5078 considered as if submitted by governmental agencies. All written



5079 agency and public comments must be made part of the file
 5080 maintained under subsection (2).

5081 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
 5082 ~~the regional planning council pursuant to subsection (4) shall~~
 5083 ~~be limited to effects on regional resources or facilities~~
 5084 ~~identified in the strategic regional policy plan and~~
 5085 ~~extrajurisdictional impacts which would be inconsistent with the~~
 5086 ~~comprehensive plan of the affected local government. However,~~
 5087 ~~any inconsistency between a local plan or plan amendment and a~~
 5088 ~~strategic regional policy plan must not be the sole basis for a~~
 5089 ~~notice of intent to find a local plan or plan amendment not in~~
 5090 ~~compliance with this act. A regional planning council shall not~~
 5091 ~~review and comment on a proposed comprehensive plan it prepared~~
 5092 ~~itself unless the plan has been changed by the local government~~
 93 ~~subsequent to the preparation of the plan by the regional~~
 5094 ~~planning agency. The review of the county land planning agency~~
 5095 ~~pursuant to subsection (4) shall be primarily in the context of~~
 5096 ~~the relationship and effect of the proposed plan amendment on~~
 5097 ~~any county comprehensive plan element. Any review by~~
 5098 ~~municipalities will be primarily in the context of the~~
 5099 ~~relationship and effect on the municipal plan.~~

5100 (d)(6) State land planning agency review.—

5101 ~~(a) The state land planning agency shall review a proposed~~
 5102 ~~plan amendment upon request of a regional planning council,~~
 5103 ~~affected person, or local government transmitting the plan~~
 5104 ~~amendment. The request from the regional planning council or~~
 5105 ~~affected person must be received within 30 days after~~
 5106 ~~transmittal of the proposed plan amendment pursuant to~~



5162 identified document. ~~The list of documents must be made a part~~
 5163 ~~of the public records of the state land planning agency.~~

5164 (e)(7) Local government review of comments; adoption of
 5165 plan or amendments and transmittal.-

5166 1.(a) The local government shall review the report written
 5167 comments submitted to it by the state land planning agency, if
 5168 any, and written comments submitted to it by any other person,
 5169 agency, or government. Any comments, recommendations, or
 5170 objections and any reply to them shall be public documents, a
 5171 part of the permanent record in the matter, and admissible in
 5172 any proceeding in which the comprehensive plan or plan amendment
 5173 may be at issue. The local government, upon receipt of the
 5174 report written comments from the state land planning agency,
 5175 shall hold its second public hearing, which shall be a hearing
 76 to determine whether to adopt the comprehensive plan or one or
 5177 more comprehensive plan amendments pursuant to subsection (11).
 5178 If the local government fails to hold the second hearing within
 5179 180 days after receipt of the state land planning agency's
 5180 report, the amendments shall be deemed withdrawn unless extended
 5181 by agreement with notice to the state land planning agency and
 5182 any affected person that provided comments on the amendment. The
 5183 180-day limitation does not apply to amendments processed
 5184 pursuant to s. 380.06.

5185 2. All comprehensive plan amendments adopted by the
 5186 governing body, along with the supporting data and analysis,
 5187 shall be transmitted within 10 days after the second public
 5188 hearing to the state land planning agency and any other agency



5189 or local government that provided timely comments under
 5190 paragraph (c).

5191 3. The state land planning agency shall notify the local
 5192 government of any deficiencies within 5 working days after
 5193 receipt of a plan or plan amendment package. For purposes of
 5194 completeness, a plan or plan amendment shall be deemed complete
 5195 if it contains a full, executed copy of the adoption ordinance
 5196 or ordinances; in the case of a text amendment, a full copy of
 5197 the amended language in legislative format with new words
 5198 inserted in the text underlined, and words deleted stricken with
 5199 hyphens; in the case of a future land use map amendment, a copy
 5200 of the future land use map clearly depicting the parcel, its
 5201 existing future land use designation, and its adopted
 5202 designation; and a copy of any data and analyses the local
 03 government deems appropriate.

5204 4. After the state land planning agency makes a
 5205 determination of completeness regarding the adopted plan or plan
 5206 amendment, the state land planning agency shall have 45 days to
 5207 determine if the plan or plan amendment is in compliance with
 5208 this act. Unless the plan or plan amendment is substantially
 5209 changed from the one commented on, the state land planning
 5210 agency's compliance determination shall be limited to objections
 5211 raised in the objections, recommendations, and comments report.
 5212 During the period provided for in this subparagraph, the state
 5213 land planning agency shall issue, through a senior administrator
 5214 or the secretary, a notice of intent to find that the plan or
 5215 plan amendment is in compliance or not in compliance. The state
 5216 land planning agency shall post a copy of the notice of intent



5217 on the agency's Internet website. Publication by the state land
 5218 planning agency of the notice of intent on the state land
 5219 planning agency's Internet site shall be prima facie evidence of
 5220 compliance with the publication requirements of this
 5221 subparagraph.

5222 5. A plan or plan amendment adopted under the state
 5223 coordinated review process shall go into effect pursuant to the
 5224 state land planning agency's notice of intent. If timely
 5225 challenged, an amendment does not become effective until the
 5226 state land planning agency or the Administration Commission
 5227 enters a final order determining the adopted amendment to be in
 5228 compliance.

5229 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
 5230 AMENDMENTS.—

31 (a) Any affected person as defined in paragraph (1)(a) may
 5232 file a petition with the Division of Administrative Hearings
 5233 pursuant to ss. 120.569 and 120.57, with a copy served on the
 5234 affected local government, to request a formal hearing to
 5235 challenge whether the plan or plan amendments are in compliance
 5236 as defined in paragraph (1)(b). This petition must be filed with
 5237 the division within 30 days after the local government adopts
 5238 the amendment. The state land planning agency may not intervene
 5239 in a proceeding initiated by an affected person.

5240 (b) The state land planning agency may file a petition
 5241 with the Division of Administrative Hearings pursuant to ss.
 5242 120.569 and 120.57, with a copy served on the affected local
 5243 government, to request a formal hearing to challenge whether the
 5244 plan or plan amendment is in compliance as defined in paragraph



5245 (1) (b). The state land planning agency's petition must clearly
 5246 state the reasons for the challenge. Under the expedited state
 5247 review process, this petition must be filed with the division
 5248 within 30 days after the state land planning agency notifies the
 5249 local government that the plan amendment package is complete
 5250 according to subparagraph (3) (c)3. Under the state coordinated
 5251 review process, this petition must be filed with the division
 5252 within 45 days after the state land planning agency notifies the
 5253 local government that the plan amendment package is complete
 5254 according to subparagraph (3) (c)3.

5255 1. The state land planning agency's challenge to plan
 5256 amendments adopted under the expedited state review process
 5257 shall be limited to the comments provided by the reviewing
 5258 agencies pursuant to subparagraphs (3) (b)2.-4., upon a
 5259 determination by the state land planning agency that an
 5260 important state resource or facility will be adversely impacted
 5261 by the adopted plan amendment. The state land planning agency's
 5262 petition shall state with specificity how the plan amendment
 5263 will adversely impact the important state resource or facility.
 5264 The state land planning agency may challenge a plan amendment
 5265 that has substantially changed from the version on which the
 5266 agencies provided comments but only upon a determination by the
 5267 state land planning agency that an important state resource or
 5268 facility will be adversely impacted.

5269 2. If the state land planning agency issues a notice of
 5270 intent to find the comprehensive plan or plan amendment not in
 5271 compliance with this act, the notice of intent shall be
 5272 forwarded to the Division of Administrative Hearings of the



5273 Department of Management Services, which shall conduct a
 5274 proceeding under ss. 120.569 and 120.57 in the county of and
 5275 convenient to the affected local jurisdiction. The parties to
 5276 the proceeding shall be the state land planning agency, the
 5277 affected local government, and any affected person who
 5278 intervenes. No new issue may be alleged as a reason to find a
 5279 plan or plan amendment not in compliance in an administrative
 5280 pleading filed more than 21 days after publication of notice
 5281 unless the party seeking that issue establishes good cause for
 5282 not alleging the issue within that time period. Good cause does
 5283 not include excusable neglect.

5284 (c) An administrative law judge shall hold a hearing in
 5285 the affected local jurisdiction on whether the plan or plan
 5286 amendment is in compliance.

5287 1. In challenges filed by an affected person, the
 5288 comprehensive plan or plan amendment shall be determined to be
 5289 in compliance if the local government's determination of
 5290 compliance is fairly debatable.

5291 2.a. In challenges filed by the state land planning
 5292 agency, the local government's determination that the
 5293 comprehensive plan or plan amendment is in compliance is
 5294 presumed to be correct, and the local government's determination
 5295 shall be sustained unless it is shown by a preponderance of the
 5296 evidence that the comprehensive plan or plan amendment is not in
 5297 compliance.

5298 b. In challenges filed by the state land planning agency,
 5299 the local government's determination that elements of its plan



5326 (f) Parties to a proceeding under this subsection may
 5327 enter into compliance agreements using the process in subsection
 5328 (6).

5329 (6) COMPLIANCE AGREEMENT.—

5330 (a) At any time after the filing of a challenge, the state
 5331 land planning agency and the local government may voluntarily
 5332 enter into a compliance agreement to resolve one or more of the
 5333 issues raised in the proceedings. Affected persons who have
 5334 initiated a formal proceeding or have intervened in a formal
 5335 proceeding may also enter into a compliance agreement with the
 5336 local government. All parties granted intervenor status shall be
 5337 provided reasonable notice of the commencement of a compliance
 5338 agreement negotiation process and a reasonable opportunity to
 5339 participate in such negotiation process. Negotiation meetings
 5340 with local governments or intervenors shall be open to the
 5341 public. The state land planning agency shall provide each party
 5342 granted intervenor status with a copy of the compliance
 5343 agreement within 10 days after the agreement is executed. The
 5344 compliance agreement shall list each portion of the plan or plan
 5345 amendment that has been challenged, and shall specify remedial
 5346 actions that the local government has agreed to complete within
 5347 a specified time in order to resolve the challenge, including
 5348 adoption of all necessary plan amendments. The compliance
 5349 agreement may also establish monitoring requirements and
 5350 incentives to ensure that the conditions of the compliance
 5351 agreement are met.

5352 (b) Upon the filing of a compliance agreement executed by
 5353 the parties to a challenge and the local government with the



HB 7207, Engrossed 2

2011

5354 Division of Administrative Hearings, any administrative
5355 proceeding under ss. 120.569 and 120.57 regarding the plan or
5356 plan amendment covered by the compliance agreement shall be
5357 stayed.

5358 (c) Before its execution of a compliance agreement, the
5359 local government must approve the compliance agreement at a
5360 public hearing advertised at least 10 days before the public
5361 hearing in a newspaper of general circulation in the area in
5362 accordance with the advertisement requirements of chapter 125 or
5363 chapter 166, as applicable.

5364 (d) The local government shall hold a single public
5365 hearing for adopting remedial amendments.

5366 (e) For challenges to amendments adopted under the
5367 expedited review process, if the local government adopts a
5368 comprehensive plan amendment pursuant to a compliance agreement,
5369 an affected person or the state land planning agency may file a
5370 revised challenge with the Division of Administrative Hearings
5371 within 15 days after the adoption of the remedial amendment.

5372 (f) For challenges to amendments adopted under the state
5373 coordinated process, the state land planning agency, upon
5374 receipt of a plan or plan amendment adopted pursuant to a
5375 compliance agreement, shall issue a cumulative notice of intent
5376 addressing both the remedial amendment and the plan or plan
5377 amendment that was the subject of the agreement.

5378 1. If the local government adopts a comprehensive plan or
5379 plan amendment pursuant to a compliance agreement and a notice
5380 of intent to find the plan amendment in compliance is issued,
5381 the state land planning agency shall forward the notice of



5382 intent to the Division of Administrative Hearings and the
 5383 administrative law judge shall realign the parties in the
 5384 pending proceeding under ss. 120.569 and 120.57, which shall
 5385 thereafter be governed by the process contained in paragraph
 5386 (5)(a) and subparagraph (5)(c)1., including provisions relating
 5387 to challenges by an affected person, burden of proof, and issues
 5388 of a recommended order and a final order. Parties to the
 5389 original proceeding at the time of realignment may continue as
 5390 parties without being required to file additional pleadings to
 5391 initiate a proceeding, but may timely amend their pleadings to
 5392 raise any challenge to the amendment that is the subject of the
 5393 cumulative notice of intent, and must otherwise conform to the
 5394 rules of procedure of the Division of Administrative Hearings.
 5395 Any affected person not a party to the realigned proceeding may
 5396 challenge the plan amendment that is the subject of the
 5397 cumulative notice of intent by filing a petition with the agency
 5398 as provided in subsection (5). The agency shall forward the
 5399 petition filed by the affected person not a party to the
 5400 realigned proceeding to the Division of Administrative Hearings
 5401 for consolidation with the realigned proceeding. If the
 5402 cumulative notice of intent is not challenged, the state land
 5403 planning agency shall request that the Division of
 5404 Administrative Hearings relinquish jurisdiction to the state
 5405 land planning agency for issuance of a final order.

5406 2. If the local government adopts a comprehensive plan
 5407 amendment pursuant to a compliance agreement and a notice of
 5408 intent is issued that finds the plan amendment not in
 5409 compliance, the state land planning agency shall forward the



5437 (b) Upon receipt of a notice pursuant to paragraph (a),
 5438 the administrative law judge shall set the matter for final
 5439 hearing no more than 30 days after receipt of the notice. Once a
 5440 final hearing has been set, no continuance in the hearing, and
 5441 no additional time for post-hearing submittals, may be granted
 5442 without the written agreement of the parties absent a finding by
 5443 the administrative law judge of extraordinary circumstances.
 5444 Extraordinary circumstances do not include matters relating to
 5445 workload or need for additional time for preparation,
 5446 negotiation, or mediation.

5447 (c) Absent a showing of extraordinary circumstances, the
 5448 administrative law judge shall issue a recommended order, in a
 5449 case proceeding under subsection (5), within 30 days after
 5450 filing of the transcript, unless the parties agree in writing to
 5451 a longer time.

5452 (d) Absent a showing of extraordinary circumstances, the
 5453 Administration Commission shall issue a final order, in a case
 5454 proceeding under subsection (5), within 45 days after the
 5455 issuance of the recommended order, unless the parties agree in
 5456 writing to a longer time. ~~have 120 days to adopt or adopt with~~
 5457 ~~changes the proposed comprehensive plan or s. 163.3191 plan~~
 5458 ~~amendments. In the case of comprehensive plan amendments other~~
 5459 ~~than those proposed pursuant to s. 163.3191, the local~~
 5460 ~~government shall have 60 days to adopt the amendment, adopt the~~
 5461 ~~amendment with changes, or determine that it will not adopt the~~
 5462 ~~amendment. The adoption of the proposed plan or plan amendment~~
 5463 ~~or the determination not to adopt a plan amendment, other than a~~
 5464 ~~plan amendment proposed pursuant to s. 163.3191, shall be made~~



5465 ~~in the course of a public hearing pursuant to subsection (15).~~
 5466 ~~The local government shall transmit the complete adopted~~
 5467 ~~comprehensive plan or plan amendment, including the names and~~
 5468 ~~addresses of persons compiled pursuant to paragraph (15)(c), to~~
 5469 ~~the state land planning agency as specified in the agency's~~
 5470 ~~procedural rules within 10 working days after adoption. The~~
 5471 ~~local governing body shall also transmit a copy of the adopted~~
 5472 ~~comprehensive plan or plan amendment to the regional planning~~
 5473 ~~agency and to any other unit of local government or governmental~~
 5474 ~~agency in the state that has filed a written request with the~~
 5475 ~~governing body for a copy of the plan or plan amendment.~~

5476 ~~(b) If the adopted plan amendment is unchanged from the~~
 5477 ~~proposed plan amendment transmitted pursuant to subsection (3)~~
 5478 ~~and an affected person as defined in paragraph (1)(a) did not~~
 5479 ~~raise any objection, the state land planning agency did not~~
 5480 ~~review the proposed plan amendment, and the state land planning~~
 5481 ~~agency did not raise any objections during its review pursuant~~
 5482 ~~to subsection (6), the local government may state in the~~
 5483 ~~transmittal letter that the plan amendment is unchanged and was~~
 5484 ~~not the subject of objections.~~

5485 ~~(8) NOTICE OF INTENT.~~

5486 ~~(a) If the transmittal letter correctly states that the~~
 5487 ~~plan amendment is unchanged and was not the subject of review or~~
 5488 ~~objections pursuant to paragraph (7)(b), the state land planning~~
 5489 ~~agency has 20 days after receipt of the transmittal letter~~
 5490 ~~within which to issue a notice of intent that the plan amendment~~
 5491 ~~is in compliance.~~



5492 ~~(b) Except as provided in paragraph (a) or in s.~~
 5493 ~~163.3187(3), the state land planning agency, upon receipt of a~~
 5494 ~~local government's complete adopted comprehensive plan or plan~~
 5495 ~~amendment, shall have 45 days for review and to determine if the~~
 5496 ~~plan or plan amendment is in compliance with this act, unless~~
 5497 ~~the amendment is the result of a compliance agreement entered~~
 5498 ~~into under subsection (16), in which case the time period for~~
 5499 ~~review and determination shall be 30 days. If review was not~~
 5500 ~~conducted under subsection (6), the agency's determination must~~
 5501 ~~be based upon the plan amendment as adopted. If review was~~
 5502 ~~conducted under subsection (6), the agency's determination of~~
 5503 ~~compliance must be based only upon one or both of the following:~~
 5504 ~~1. The state land planning agency's written comments to~~
 5505 ~~the local government pursuant to subsection (6); or~~
 5506 ~~2. Any changes made by the local government to the~~
 5507 ~~comprehensive plan or plan amendment as adopted.~~
 5508 ~~(c)1. During the time period provided for in this~~
 5509 ~~subsection, the state land planning agency shall issue, through~~
 5510 ~~a senior administrator or the secretary, as specified in the~~
 5511 ~~agency's procedural rules, a notice of intent to find that the~~
 5512 ~~plan or plan amendment is in compliance or not in compliance. A~~
 5513 ~~notice of intent shall be issued by publication in the manner~~
 5514 ~~provided by this paragraph and by mailing a copy to the local~~
 5515 ~~government. The advertisement shall be placed in that portion of~~
 5516 ~~the newspaper where legal notices appear. The advertisement~~
 5517 ~~shall be published in a newspaper that meets the size and~~
 5518 ~~circulation requirements set forth in paragraph (15)(e) and that~~
 5519 ~~has been designated in writing by the affected local government~~



5520 ~~at the time of transmittal of the amendment. Publication by the~~
 5521 ~~state land planning agency of a notice of intent in the~~
 5522 ~~newspaper designated by the local government shall be prima~~
 5523 ~~facie evidence of compliance with the publication requirements~~
 5524 ~~of this section. The state land planning agency shall post a~~
 5525 ~~copy of the notice of intent on the agency's Internet site. The~~
 5526 ~~agency shall, no later than the date the notice of intent is~~
 5527 ~~transmitted to the newspaper, send by regular mail a courtesy~~
 5528 ~~informational statement to persons who provide their names and~~
 5529 ~~addresses to the local government at the transmittal hearing or~~
 5530 ~~at the adoption hearing where the local government has provided~~
 5531 ~~the names and addresses of such persons to the department at the~~
 5532 ~~time of transmittal of the adopted amendment. The informational~~
 5533 ~~statements shall include the name of the newspaper in which the~~
 5534 ~~notice of intent will appear, the approximate date of~~
 5535 ~~publication, the ordinance number of the plan or plan amendment,~~
 5536 ~~and a statement that affected persons have 21 days after the~~
 5537 ~~actual date of publication of the notice to file a petition.~~

5538 ~~2. A local government that has an Internet site shall post~~
 5539 ~~a copy of the state land planning agency's notice of intent on~~
 5540 ~~the site within 5 days after receipt of the mailed copy of the~~
 5541 ~~agency's notice of intent.~~

5542 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.~~

5543 ~~(a) If the state land planning agency issues a notice of~~
 5544 ~~intent to find that the comprehensive plan or plan amendment~~
 5545 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
 5546 ~~or s. 163.3191 is in compliance with this act, any affected~~
 5547 ~~person may file a petition with the agency pursuant to ss.~~



5548 ~~120.569 and 120.57 within 21 days after the publication of~~
 5549 ~~notice. In this proceeding, the local plan or plan amendment~~
 5550 ~~shall be determined to be in compliance if the local~~
 5551 ~~government's determination of compliance is fairly debatable.~~

5552 ~~(b) The hearing shall be conducted by an administrative~~
 5553 ~~law judge of the Division of Administrative Hearings of the~~
 5554 ~~Department of Management Services, who shall hold the hearing in~~
 5555 ~~the county of and convenient to the affected local jurisdiction~~
 5556 ~~and submit a recommended order to the state land planning~~
 5557 ~~agency. The state land planning agency shall allow for the~~
 5558 ~~filing of exceptions to the recommended order and shall issue a~~
 5559 ~~final order after receipt of the recommended order if the state~~
 5560 ~~land planning agency determines that the plan or plan amendment~~
 5561 ~~is in compliance. If the state land planning agency determines~~
 5562 ~~that the plan or plan amendment is not in compliance, the agency~~
 5563 ~~shall submit the recommended order to the Administration~~
 5564 ~~Commission for final agency action.~~

5565 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~
 5566 ~~COMPLIANCE.~~

5567 ~~(a) If the state land planning agency issues a notice of~~
 5568 ~~intent to find the comprehensive plan or plan amendment not in~~
 5569 ~~compliance with this act, the notice of intent shall be~~
 5570 ~~forwarded to the Division of Administrative Hearings of the~~
 5571 ~~Department of Management Services, which shall conduct a~~
 5572 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
 5573 ~~convenient to the affected local jurisdiction. The parties to~~
 5574 ~~the proceeding shall be the state land planning agency, the~~
 5575 ~~affected local government, and any affected person who~~



5603 ~~mediation or other alternative dispute resolution shall be borne~~
 5604 ~~equally by all of the parties to the proceeding.~~

5605 ~~(8)-(11)~~ ADMINISTRATION COMMISSION.-

5606 (a) If the Administration Commission, upon a hearing
 5607 pursuant to subsection ~~(5)-(9)~~ or ~~subsection (10)~~, finds that the
 5608 comprehensive plan or plan amendment is not in compliance with
 5609 this act, the commission shall specify remedial actions that
 5610 ~~which~~ would bring the comprehensive plan or plan amendment into
 5611 compliance.

5612 (b) The commission may specify the sanctions provided in
 5613 subparagraphs 1. and 2. to which the local government will be
 5614 subject if it elects to make the amendment effective
 5615 notwithstanding the determination of noncompliance.

5616 1. The commission may direct state agencies not to provide
 5617 funds to increase the capacity of roads, bridges, or water and
 5618 sewer systems within the boundaries of those local governmental
 5619 entities which have comprehensive plans or plan elements that
 5620 are determined not to be in compliance. The commission order may
 5621 also specify that the local government is ~~shall~~ not be eligible
 5622 for grants administered under the following programs:

5623 a.1. The Florida Small Cities Community Development Block
 5624 Grant Program, as authorized by ss. 290.0401-290.049.

5625 b.2. The Florida Recreation Development Assistance
 5626 Program, as authorized by chapter 375.

5627 c.3. Revenue sharing pursuant to ss. 206.60, 210.20, and
 5628 218.61 and chapter 212, to the extent not pledged to pay back
 5629 bonds.



5630 2.~~(b)~~ If the local government is one which is required to
 5631 include a coastal management element in its comprehensive plan
 5632 pursuant to s. 163.3177(6)(g), the commission order may also
 5633 specify that the local government is not eligible for funding
 5634 pursuant to s. 161.091. The commission order may also specify
 5635 that the fact that the coastal management element has been
 5636 determined to be not in compliance shall be a consideration when
 5637 the department considers permits under s. 161.053 and when the
 5638 Board of Trustees of the Internal Improvement Trust Fund
 5639 considers whether to sell, convey any interest in, or lease any
 5640 sovereignty lands or submerged lands until the element is
 5641 brought into compliance.

5642 3.~~(e)~~ The sanctions provided by subparagraphs 1. and 2. do
 5643 paragraphs (a) and (b) shall not apply to a local government
 5644 regarding any plan amendment, except for plan amendments that
 5645 amend plans that have not been finally determined to be in
 5646 compliance with this part, and except as provided in paragraph
 5647 (b) s. 163.3189(2) or s. 163.3191(11).

5648 (9)~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or
 5649 party constitutes a certificate that he or she has read the
 5650 pleading, motion, or other paper and that, to the best of his or
 5651 her knowledge, information, and belief formed after reasonable
 5652 inquiry, it is not interposed for any improper purpose, such as
 5653 to harass or to cause unnecessary delay, or for economic
 5654 advantage, competitive reasons, or frivolous purposes or
 5655 needless increase in the cost of litigation. If a pleading,
 5656 motion, or other paper is signed in violation of these
 5657 requirements, the administrative law judge, upon motion or his



5658 or her own initiative, shall impose upon the person who signed
 5659 it, a represented party, or both, an appropriate sanction, which
 5660 may include an order to pay to the other party or parties the
 5661 amount of reasonable expenses incurred because of the filing of
 5662 the pleading, motion, or other paper, including a reasonable
 5663 attorney's fee.

5664 (10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
 5665 section shall be the sole proceeding or action for a
 5666 determination of whether a local government's plan, element, or
 5667 amendment is in compliance with this act.

5668 ~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local~~
 5669 ~~government comprehensive plan or plan amendment which is~~
 5670 ~~applicable to a designated area of critical state concern shall~~
 5671 ~~be effective until a final order is issued finding the plan or~~
 5672 ~~amendment to be in compliance as defined in this section.~~

5673 (11)~~(15)~~ PUBLIC HEARINGS.—

5674 (a) The procedure for transmittal of a complete proposed
 5675 comprehensive plan or plan amendment pursuant to subparagraph
 5676 subsection (3)(b)1. and paragraph (4)(b) and for adoption of a
 5677 comprehensive plan or plan amendment pursuant to
 5678 subparagraphs(3)(c)1. and (4)(e)1. ~~subsection (7)~~ shall be by
 5679 affirmative vote of not less than a majority of the members of
 5680 the governing body present at the hearing. The adoption of a
 5681 comprehensive plan or plan amendment shall be by ordinance. For
 5682 the purposes of transmitting or adopting a comprehensive plan or
 5683 plan amendment, the notice requirements in chapters 125 and 166
 5684 are superseded by this subsection, except as provided in this
 5685 part.



5686 (b) The local governing body shall hold at least two
 5687 advertised public hearings on the proposed comprehensive plan or
 5688 plan amendment as follows:

5689 1. The first public hearing shall be held at the
 5690 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
 5691 on a weekday at least 7 days after the day that the first
 5692 advertisement is published pursuant to the requirements of
 5693 chapter 125 or chapter 166.

5694 2. The second public hearing shall be held at the adoption
 5695 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
 5696 at least 5 days after the day that the second advertisement is
 5697 published pursuant to the requirements of chapter 125 or chapter
 5698 166.

5699 (c) Nothing in this part is intended to prohibit or limit
 5700 the authority of local governments to require a person
 5701 requesting an amendment to pay some or all of the cost of the
 5702 public notice.

5703 (12) CONCURRENT ZONING.—At the request of an applicant, a
 5704 local government shall consider an application for zoning
 5705 changes that would be required to properly enact any proposed
 5706 plan amendment transmitted pursuant to this subsection. Zoning
 5707 changes approved by the local government are contingent upon the
 5708 comprehensive plan or plan amendment transmitted becoming
 5709 effective.

5710 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local
 5711 government comprehensive plan or plan amendment that is
 5712 applicable to a designated area of critical state concern shall



5713 be effective until a final order is issued finding the plan or
 5714 amendment to be in compliance as defined in paragraph (1)(b).

5715 ~~(c) The local government shall provide a sign in form at~~
 5716 ~~the transmittal hearing and at the adoption hearing for persons~~
 5717 ~~to provide their names and mailing addresses. The sign in form~~
 5718 ~~must advise that any person providing the requested information~~
 5719 ~~will receive a courtesy informational statement concerning~~
 5720 ~~publications of the state land planning agency's notice of~~
 5721 ~~intent. The local government shall add to the sign in form the~~
 5722 ~~name and address of any person who submits written comments~~
 5723 ~~concerning the proposed plan or plan amendment during the time~~
 5724 ~~period between the commencement of the transmittal hearing and~~
 5725 ~~the end of the adoption hearing. It is the responsibility of the~~
 5726 ~~person completing the form or providing written comments to~~
 27 ~~accurately, completely, and legibly provide all information~~
 5728 ~~needed in order to receive the courtesy informational statement.~~

5729 ~~(d) The agency shall provide a model sign in form for~~
 5730 ~~providing the list to the agency which may be used by the local~~
 5731 ~~government to satisfy the requirements of this subsection.~~

5732 ~~(e) If the proposed comprehensive plan or plan amendment~~
 5733 ~~changes the actual list of permitted, conditional, or prohibited~~
 5734 ~~uses within a future land use category or changes the actual~~
 5735 ~~future land use map designation of a parcel or parcels of land,~~
 5736 ~~the required advertisements shall be in the format prescribed by~~
 5737 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
 5738 ~~municipality.~~

5739 ~~(16) COMPLIANCE AGREEMENTS.~~



5740 ~~(a) At any time following the issuance of a notice of~~
 5741 ~~intent to find a comprehensive plan or plan amendment not in~~
 5742 ~~compliance with this part or after the initiation of a hearing~~
 5743 ~~pursuant to subsection (9), the state land planning agency and~~
 5744 ~~the local government may voluntarily enter into a compliance~~
 5745 ~~agreement to resolve one or more of the issues raised in the~~
 5746 ~~proceedings. Affected persons who have initiated a formal~~
 5747 ~~proceeding or have intervened in a formal proceeding may also~~
 5748 ~~enter into the compliance agreement. All parties granted~~
 5749 ~~intervenor status shall be provided reasonable notice of the~~
 5750 ~~commencement of a compliance agreement negotiation process and a~~
 5751 ~~reasonable opportunity to participate in such negotiation~~
 5752 ~~process. Negotiation meetings with local governments or~~
 5753 ~~intervenors shall be open to the public. The state land planning~~
 5754 ~~agency shall provide each party granted intervenor status with a~~
 5755 ~~copy of the compliance agreement within 10 days after the~~
 5756 ~~agreement is executed. The compliance agreement shall list each~~
 5757 ~~portion of the plan or plan amendment which is not in~~
 5758 ~~compliance, and shall specify remedial actions which the local~~
 5759 ~~government must complete within a specified time in order to~~
 5760 ~~bring the plan or plan amendment into compliance, including~~
 5761 ~~adoption of all necessary plan amendments. The compliance~~
 5762 ~~agreement may also establish monitoring requirements and~~
 5763 ~~incentives to ensure that the conditions of the compliance~~
 5764 ~~agreement are met.~~

5765 ~~(b) Upon filing by the state land planning agency of a~~
 5766 ~~compliance agreement executed by the agency and the local~~
 5767 ~~government with the Division of Administrative Hearings, any~~



HB 7207, Engrossed 2

2011

5768 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~
5769 ~~the plan or plan amendment covered by the compliance agreement~~
5770 ~~shall be stayed.~~

5771 ~~(c) Prior to its execution of a compliance agreement, the~~
5772 ~~local government must approve the compliance agreement at a~~
5773 ~~public hearing advertised at least 10 days before the public~~
5774 ~~hearing in a newspaper of general circulation in the area in~~
5775 ~~accordance with the advertisement requirements of subsection~~
5776 ~~(15).~~

5777 ~~(d) A local government may adopt a plan amendment pursuant~~
5778 ~~to a compliance agreement in accordance with the requirements of~~
5779 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~
5780 ~~requirements of subsections (2) - (7). The local government shall~~
5781 ~~hold a single adoption public hearing pursuant to the~~
5782 ~~requirements of subparagraph (15) (b)2. and paragraph (15) (e).~~
5783 ~~Within 10 working days after adoption of a plan amendment, the~~
5784 ~~local government shall transmit the amendment to the state land~~
5785 ~~planning agency as specified in the agency's procedural rules,~~
5786 ~~and shall submit one copy to the regional planning agency and to~~
5787 ~~any other unit of local government or government agency in the~~
5788 ~~state that has filed a written request with the governing body~~
5789 ~~for a copy of the plan amendment, and one copy to any party to~~
5790 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~
5791 ~~status.~~

5792 ~~(e) The state land planning agency, upon receipt of a plan~~
5793 ~~amendment adopted pursuant to a compliance agreement, shall~~
5794 ~~issue a cumulative notice of intent addressing both the~~
5795 ~~compliance agreement amendment and the plan or plan amendment~~



5796 ~~that was the subject of the agreement, in accordance with~~
 5797 ~~subsection (8).~~

5798 ~~(f)1. If the local government adopts a comprehensive plan~~
 5799 ~~amendment pursuant to a compliance agreement and a notice of~~
 5800 ~~intent to find the plan amendment in compliance is issued, the~~
 5801 ~~state land planning agency shall forward the notice of intent to~~
 5802 ~~the Division of Administrative Hearings and the administrative~~
 5803 ~~law judge shall realign the parties in the pending proceeding~~
 5804 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
 5805 ~~by the process contained in paragraphs (9) (a) and (b), including~~
 5806 ~~provisions relating to challenges by an affected person, burden~~
 5807 ~~of proof, and issues of a recommended order and a final order,~~
 5808 ~~except as provided in subparagraph 2. Parties to the original~~
 5809 ~~proceeding at the time of realignment may continue as parties~~
 5810 ~~without being required to file additional pleadings to initiate~~
 5811 ~~a proceeding, but may timely amend their pleadings to raise any~~
 5812 ~~challenge to the amendment which is the subject of the~~
 5813 ~~cumulative notice of intent, and must otherwise conform to the~~
 5814 ~~rules of procedure of the Division of Administrative Hearings.~~
 5815 ~~Any affected person not a party to the realigned proceeding may~~
 5816 ~~challenge the plan amendment which is the subject of the~~
 5817 ~~cumulative notice of intent by filing a petition with the agency~~
 5818 ~~as provided in subsection (9). The agency shall forward the~~
 5819 ~~petition filed by the affected person not a party to the~~
 5820 ~~realigned proceeding to the Division of Administrative Hearings~~
 5821 ~~for consolidation with the realigned proceeding.~~

5822 ~~2. If any of the issues raised by the state land planning~~
 5823 ~~agency in the original subsection (10) proceeding are not~~



5824 ~~resolved by the compliance agreement amendments, any intervenor~~
 5825 ~~in the original subsection (10) proceeding may require these~~
 5826 ~~issues to be addressed in the pending consolidated realigned~~
 5827 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
 5828 ~~issues, the burden of proof shall be governed by subsection~~
 5829 ~~(10).~~

5830 ~~3. If the local government adopts a comprehensive plan~~
 5831 ~~amendment pursuant to a compliance agreement and a notice of~~
 5832 ~~intent to find the plan amendment not in compliance is issued,~~
 5833 ~~the state land planning agency shall forward the notice of~~
 5834 ~~intent to the Division of Administrative Hearings, which shall~~
 5835 ~~consolidate the proceeding with the pending proceeding and~~
 5836 ~~immediately set a date for hearing in the pending proceeding~~
 5837 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~
 38 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
 5839 ~~may challenge the plan amendment adopted pursuant to the~~
 5840 ~~compliance agreement by filing a petition pursuant to subsection~~
 5841 ~~(10).~~

5842 ~~(g) If the local government fails to adopt a comprehensive~~
 5843 ~~plan amendment pursuant to a compliance agreement, the state~~
 5844 ~~land planning agency shall notify the Division of Administrative~~
 5845 ~~Hearings, which shall set the hearing in the pending proceeding~~
 5846 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5847 ~~(h) This subsection does not prohibit a local government~~
 5848 ~~from amending portions of its comprehensive plan other than~~
 5849 ~~those which are the subject of the compliance agreement.~~
 5850 ~~However, such amendments to the plan may not be inconsistent~~
 5851 ~~with the compliance agreement.~~



5880 ~~the goals, policies, or objectives of the local government's~~
 5881 ~~comprehensive plan. Amendments submitted under this subsection~~
 5882 ~~are exempt from the limitation on the frequency of plan~~
 5883 ~~amendments in s. 163.3187.~~

5884 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS. A~~
 5885 ~~municipality that has a designated urban infill and~~
 5886 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
 5887 ~~related to map amendments solely to property within a designated~~
 5888 ~~urban infill and redevelopment area in the manner described in~~
 5889 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
 5890 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
 5891 ~~regional agency review is eliminated. The department may not~~
 5892 ~~issue an objections, recommendations, and comments report on~~
 5893 ~~proposed plan amendments or a notice of intent on adopted plan~~
 5894 ~~amendments; however, affected persons, as defined by paragraph~~
 5895 ~~(1) (a), may file a petition for administrative review pursuant~~
 5896 ~~to the requirements of s. 163.3187(3) (a) to challenge the~~
 5897 ~~compliance of an adopted plan amendment. This subsection does~~
 5898 ~~not apply to any amendment within an area of critical state~~
 5899 ~~concern, to any amendment that increases residential densities~~
 5900 ~~allowable in high hazard coastal areas as defined in s.~~
 5901 ~~163.3178(2) (h), or to a text change to the goals, policies, or~~
 5902 ~~objectives of the local government's comprehensive plan.~~
 5903 ~~Amendments submitted under this subsection are exempt from the~~
 5904 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5905 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
 5906 ~~government that identifies in its comprehensive plan the types~~
 5907 ~~of housing developments and conditions for which it will~~



5908 ~~consider plan amendments that are consistent with the local~~
 5909 ~~housing incentive strategies identified in s. 420.9076 and~~
 5910 ~~authorized by the local government may expedite consideration of~~
 5911 ~~such plan amendments. At least 30 days prior to adopting a plan~~
 5912 ~~amendment pursuant to this subsection, the local government~~
 5913 ~~shall notify the state land planning agency of its intent to~~
 5914 ~~adopt such an amendment, and the notice shall include the local~~
 5915 ~~government's evaluation of site suitability and availability of~~
 5916 ~~facilities and services. A plan amendment considered under this~~
 5917 ~~subsection shall require only a single public hearing before the~~
 5918 ~~local governing body, which shall be a plan amendment adoption~~
 5919 ~~hearing as described in subsection (7). The public notice of the~~
 5920 ~~hearing required under subparagraph (15)(b)2. must include a~~
 5921 ~~statement that the local government intends to use the expedited~~
 22 ~~adoption process authorized under this subsection. The state~~
 5923 ~~land planning agency shall issue its notice of intent required~~
 5924 ~~under subsection (8) within 30 days after determining that the~~
 5925 ~~amendment package is complete. Any further proceedings shall be~~
 5926 ~~governed by subsections (9)-(16).~~

5927 Section 18. Section 163.3187, Florida Statutes, is amended
 5928 to read:

5929 163.3187 Process for adoption of small-scale comprehensive
 5930 plan amendment of adopted comprehensive plan.

5931 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
 5932 ~~this part may be made not more than two times during any~~
 5933 ~~calendar year, except:~~

5934 ~~(a) In the case of an emergency, comprehensive plan~~
 5935 ~~amendments may be made more often than twice during the calendar~~



5964 ~~local comprehensive plan for urban infill, urban redevelopment,~~
 5965 ~~or downtown revitalization as defined in s. 163.3164, urban~~
 5966 ~~infill and redevelopment areas designated under s. 163.2517,~~
 5967 ~~transportation concurrency exception areas approved pursuant to~~
 5968 ~~s. 163.3180(5), or regional activity centers and urban central~~
 5969 ~~business districts approved pursuant to s. 380.06(2)(e);~~
 5970 ~~however, amendments under this paragraph may be applied to no~~
 5971 ~~more than 60 acres annually of property outside the designated~~
 5972 ~~areas listed in this sub-sub-paragraph. Amendments adopted~~
 5973 ~~pursuant to paragraph (k) shall not be counted toward the~~
 5974 ~~acreage limitations for small scale amendments under this~~
 5975 ~~paragraph.~~

5976 ~~(II) A maximum of 80 acres in a local government that does~~
 5977 ~~not contain any of the designated areas set forth in sub-sub-~~
 5978 ~~paragraph (I).~~

5979 ~~(III) A maximum of 120 acres in a county established~~
 5980 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5981 ~~b. The proposed amendment does not involve the same~~
 5982 ~~property granted a change within the prior 12 months.~~

5983 ~~c. The proposed amendment does not involve the same~~
 5984 ~~owner's property within 200 feet of property granted a change~~
 5985 ~~within the prior 12 months.~~

5986 ~~(c)d.~~ The proposed amendment does not involve a text
 5987 change to the goals, policies, and objectives of the local
 5988 government's comprehensive plan, but only proposes a land use
 5989 change to the future land use map for a site-specific small
 5990 scale development activity. However, text changes that relate
 5991 directly to, and are adopted simultaneously with, the small



5992 scale future land use map amendment shall be permissible under
 5993 this section.

5994 (d)e. The property that is the subject of the proposed
 5995 amendment is not located within an area of critical state
 5996 concern, unless the project subject to the proposed amendment
 5997 involves the construction of affordable housing units meeting
 5998 the criteria of s. 420.0004(3), and is located within an area of
 5999 critical state concern designated by s. 380.0552 or by the
 6000 Administration Commission pursuant to s. 380.05(1). ~~Such~~
 6001 ~~amendment is not subject to the density limitations of sub-~~
 6002 ~~subparagraph f., and shall be reviewed by the state land~~
 6003 ~~planning agency for consistency with the principles for guiding~~
 6004 ~~development applicable to the area of critical state concern~~
 6005 ~~where the amendment is located and shall not become effective~~
 6006 ~~until a final order is issued under s. 380.05(6).~~

6007 ~~f.~~ If the proposed amendment involves a residential land
 6008 use, the residential land use has a density of 10 units or less
 6009 per acre or the proposed future land use category allows a
 6010 maximum residential density of the same or less than the maximum
 6011 residential density allowable under the existing future land use
 6012 category, except that this limitation does not apply to small
 6013 scale amendments involving the construction of affordable
 6014 housing units meeting the criteria of s. 420.0004(3) on property
 6015 which will be the subject of a land use restriction agreement,
 6016 or small scale amendments described in sub-sub-subparagraph
 6017 a.(I) that are designated in the local comprehensive plan for
 6018 urban infill, urban redevelopment, or downtown revitalization as
 6019 defined in s. 163.3164, urban infill and redevelopment areas



6020 ~~designated under s. 163.2517, transportation concurrency~~
 6021 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
 6022 ~~activity centers and urban central business districts approved~~
 6023 ~~pursuant to s. 380.06(2)(c).~~

6024 ~~2.a. A local government that proposes to consider a plan~~
 6025 ~~amendment pursuant to this paragraph is not required to comply~~
 6026 ~~with the procedures and public notice requirements of s.~~
 6027 ~~163.3184(15)(c) for such plan amendments if the local government~~
 6028 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
 6029 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
 6030 ~~amendment under this paragraph is initiated by other than the~~
 6031 ~~local government, public notice is required.~~

6032 ~~b. The local government shall send copies of the notice~~
 6033 ~~and amendment to the state land planning agency, the regional~~
 6034 ~~planning council, and any other person or entity requesting a~~
 6035 ~~copy. This information shall also include a statement~~
 6036 ~~identifying any property subject to the amendment that is~~
 6037 ~~located within a coastal high hazard area as identified in the~~
 6038 ~~local comprehensive plan.~~

6039 ~~(2)3. Small scale development amendments adopted pursuant~~
 6040 ~~to this section paragraph require only one public hearing before~~
 6041 ~~the governing board, which shall be an adoption hearing as~~
 6042 ~~described in s. 163.3184(11)(7), and are not subject to the~~
 6043 ~~requirements of s. 163.3184(3)(6) unless the local government~~
 6044 ~~elects to have them subject to those requirements.~~

6045 ~~(3)4. If the small scale development amendment involves a~~
 6046 ~~site within an area that is designated by the Governor as a~~
 6047 ~~rural area of critical economic concern as defined under s.~~



6048 288.0656(2) (d) ~~(7)~~ for the duration of such designation, the 10-
 6049 acre limit listed in subsection (1) subparagraph 1. shall be
 6050 increased by 100 percent to 20 acres. The local government
 6051 approving the small scale plan amendment shall certify to the
 6052 Office of Tourism, Trade, and Economic Development that the plan
 6053 amendment furthers the economic objectives set forth in the
 6054 executive order issued under s. 288.0656(7), and the property
 6055 subject to the plan amendment shall undergo public review to
 6056 ensure that all concurrency requirements and federal, state, and
 6057 local environmental permit requirements are met.

6058 ~~(d) Any comprehensive plan amendment required by a~~
 6059 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
 6060 ~~without regard to statutory limits on the frequency of adoption~~
 6061 ~~of amendments to the comprehensive plan.~~

6062 ~~(e) A comprehensive plan amendment for location of a state~~
 6063 ~~correctional facility. Such an amendment may be made at any time~~
 6064 ~~and does not count toward the limitation on the frequency of~~
 6065 ~~plan amendments.~~

6066 ~~(f) The capital improvements element annual update~~
 6067 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~
 6068 ~~related to the schedule.~~

6069 ~~(g) Any local government comprehensive plan amendments~~
 6070 ~~directly related to proposed redevelopment of brownfield areas~~
 6071 ~~designated under s. 376.80 may be approved without regard to~~
 6072 ~~statutory limits on the frequency of consideration of amendments~~
 6073 ~~to the local comprehensive plan.~~

6074 ~~(h) Any comprehensive plan amendments for port~~
 6075 ~~transportation facilities and projects that are eligible for~~



6076 ~~funding by the Florida Seaport Transportation and Economic~~
 6077 ~~Development Council pursuant to s. 311.07.~~

6078 ~~(i) A comprehensive plan amendment for the purpose of~~
 6079 ~~designating an urban infill and redevelopment area under s.~~
 6080 ~~163.2517 may be approved without regard to the statutory limits~~
 6081 ~~on the frequency of amendments to the comprehensive plan.~~

6082 ~~(j) Any comprehensive plan amendment to establish public~~
 6083 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
 6084 ~~not limited to, adoption of a public school facilities element~~
 6085 ~~and adoption of amendments to the capital improvements element~~
 6086 ~~and intergovernmental coordination element. In order to ensure~~
 6087 ~~the consistency of local government public school facilities~~
 6088 ~~elements within a county, such elements shall be prepared and~~
 6089 ~~adopted on a similar time schedule.~~

6090 ~~(k) A local comprehensive plan amendment directly related~~
 6091 ~~to providing transportation improvements to enhance life safety~~
 6092 ~~on Controlled Access Major Arterial Highways identified in the~~
 6093 ~~Florida Intrastate Highway System, in counties as defined in s.~~
 6094 ~~125.011, where such roadways have a high incidence of traffic~~
 6095 ~~accidents resulting in serious injury or death. Any such~~
 6096 ~~amendment shall not include any amendment modifying the~~
 6097 ~~designation on a comprehensive development plan land use map nor~~
 6098 ~~any amendment modifying the allowable densities or intensities~~
 6099 ~~of any land.~~

6100 ~~(l) A comprehensive plan amendment to adopt a public~~
 6101 ~~educational facilities element pursuant to s. 163.3177(12) and~~
 6102 ~~future land use map amendments for school siting may be approved~~



6103 ~~notwithstanding statutory limits on the frequency of adopting~~
 6104 ~~plan amendments.~~

6105 ~~(m) A comprehensive plan amendment that addresses criteria~~
 6106 ~~or compatibility of land uses adjacent to or in close proximity~~
 6107 ~~to military installations in a local government's future land~~
 6108 ~~use element does not count toward the limitation on the~~
 6109 ~~frequency of the plan amendments.~~

6110 ~~(n) Any local government comprehensive plan amendment~~
 6111 ~~establishing or implementing a rural land stewardship area~~
 6112 ~~pursuant to the provisions of s. 163.3177(11)(d).~~

6113 ~~(o) A comprehensive plan amendment that is submitted by an~~
 6114 ~~area designated by the Governor as a rural area of critical~~
 6115 ~~economic concern under s. 288.0656(7) and that meets the~~
 6116 ~~economic development objectives may be approved without regard~~
 6117 ~~to the statutory limits on the frequency of adoption of~~
 6118 ~~amendments to the comprehensive plan.~~

6119 ~~(p) Any local government comprehensive plan amendment that~~
 6120 ~~is consistent with the local housing incentive strategies~~
 6121 ~~identified in s. 420.9076 and authorized by the local~~
 6122 ~~government.~~

6123 ~~(q) Any local government plan amendment to designate an~~
 6124 ~~urban service area as a transportation concurrency exception~~
 6125 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
 6126 ~~development of regional impact process under s. 380.06(29).~~

6127 ~~(4)(2)~~ (4)(2) Comprehensive plans may only be amended in such a
 6128 way as to preserve the internal consistency of the plan pursuant
 6129 to s. 163.3177(2). Corrections, updates, or modifications of
 6130 current costs which were set out as part of the comprehensive



6158 (b)1. If the administrative law judge recommends that the
 6159 small scale development amendment be found not in compliance,
 6160 the administrative law judge shall submit the recommended order
 6161 to the Administration Commission for final agency action. If the
 6162 administrative law judge recommends that the small scale
 6163 development amendment be found in compliance, the administrative
 6164 law judge shall submit the recommended order to the state land
 6165 planning agency.

6166 2. If the state land planning agency determines that the
 6167 plan amendment is not in compliance, the agency shall submit,
 6168 within 30 days following its receipt, the recommended order to
 6169 the Administration Commission for final agency action. If the
 6170 state land planning agency determines that the plan amendment is
 6171 in compliance, the agency shall enter a final order within 30
 6172 days following its receipt of the recommended order.

6173 (c) Small scale development amendments may ~~shall~~ not
 6174 become effective until 31 days after adoption. If challenged
 6175 within 30 days after adoption, small scale development
 6176 amendments may ~~shall~~ not become effective until the state land
 6177 planning agency or the Administration Commission, respectively,
 6178 issues a final order determining that the adopted small scale
 6179 development amendment is in compliance.

6180 (d) In all challenges under this subsection, when a
 6181 determination of compliance as defined in s. 163.3184(1)(b) is
 6182 made, consideration shall be given to the plan amendment as a
 6183 whole and whether the plan amendment furthers the intent of this
 6184 part.



HB 7207, Engrossed 2

2011

6185 ~~(4) Each governing body shall transmit to the state land~~
6186 ~~planning agency a current copy of its comprehensive plan not~~
6187 ~~later than December 1, 1985. Each governing body shall also~~
6188 ~~transmit copies of any amendments it adopts to its comprehensive~~
6189 ~~plan so as to continually update the plans on file with the~~
6190 ~~state land planning agency.~~

6191 ~~(5) Nothing in this part is intended to prohibit or limit~~
6192 ~~the authority of local governments to require that a person~~
6193 ~~requesting an amendment pay some or all of the cost of public~~
6194 ~~notice.~~

6195 ~~(6) (a) No local government may amend its comprehensive~~
6196 ~~plan after the date established by the state land planning~~
6197 ~~agency for adoption of its evaluation and appraisal report~~
6198 ~~unless it has submitted its report or addendum to the state land~~
6199 ~~planning agency as prescribed by s. 163.3191, except for plan~~
6200 ~~amendments described in paragraph (1) (b) or paragraph (1) (h).~~

6201 ~~(b) A local government may amend its comprehensive plan~~
6202 ~~after it has submitted its adopted evaluation and appraisal~~
6203 ~~report and for a period of 1 year after the initial~~
6204 ~~determination of sufficiency regardless of whether the report~~
6205 ~~has been determined to be insufficient.~~

6206 ~~(c) A local government may not amend its comprehensive~~
6207 ~~plan, except for plan amendments described in paragraph (1) (b),~~
6208 ~~if the 1-year period after the initial sufficiency determination~~
6209 ~~of the report has expired and the report has not been determined~~
6210 ~~to be sufficient.~~

6211 ~~(d) When the state land planning agency has determined~~
6212 ~~that the report has sufficiently addressed all pertinent~~



HB 7207, Engrossed 2

2011

6213 ~~provisions of s. 163.3191, the local government may amend its~~
 6214 ~~comprehensive plan without the limitations imposed by paragraph~~
 6215 ~~(a) or paragraph (c).~~

6216 ~~(c) Any plan amendment which a local government attempts~~
 6217 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~
 6218 ~~invalid, but such invalidity may be overcome if the local~~
 6219 ~~government readopts the amendment and transmits the amendment to~~
 6220 ~~the state land planning agency pursuant to s. 163.3184(7) after~~
 6221 ~~the report is determined to be sufficient.~~

6222 Section 19. Section 163.3189, Florida Statutes, is
 6223 repealed.

6224 Section 20. Section 163.3191, Florida Statutes, is amended
 6225 to read:

6226 163.3191 Evaluation and appraisal of comprehensive plan.—

6227 (1) At least once every 7 years, each local government
 6228 shall evaluate its comprehensive plan to determine if plan
 6229 amendments are necessary to reflect changes in state
 6230 requirements in this part since the last update of the
 6231 comprehensive plan, and notify the state land planning agency as
 6232 to its determination.

6233 (2) If the local government determines amendments to its
 6234 comprehensive plan are necessary to reflect changes in state
 6235 requirements, the local government shall prepare and transmit
 6236 within 1 year such plan amendment or amendments for review
 6237 pursuant to s. 163.3184.

6238 (3) Local governments are encouraged to comprehensively
 6239 evaluate and, as necessary, update comprehensive plans to
 6240 reflect changes in local conditions. Plan amendments transmitted



6241 pursuant to this section shall be reviewed in accordance with s.
 6242 163.3184.

6243 (4) If a local government fails to submit its letter
 6244 prescribed by subsection (1) or update its plan pursuant to
 6245 subsection (2), it may not amend its comprehensive plan until
 6246 such time as it complies with this section.

6247 ~~(1) The planning program shall be a continuous and ongoing~~
 6248 ~~process. Each local government shall adopt an evaluation and~~
 6249 ~~appraisal report once every 7 years assessing the progress in~~
 6250 ~~implementing the local government's comprehensive plan.~~
 6251 ~~Furthermore, it is the intent of this section that:~~

6252 ~~(a) Adopted comprehensive plans be reviewed through such~~
 6253 ~~evaluation process to respond to changes in state, regional, and~~
 6254 ~~local policies on planning and growth management and changing~~
 6255 ~~conditions and trends, to ensure effective intergovernmental~~
 6256 ~~coordination, and to identify major issues regarding the~~
 6257 ~~community's achievement of its goals.~~

6258 ~~(b) After completion of the initial evaluation and~~
 6259 ~~appraisal report and any supporting plan amendments, each~~
 6260 ~~subsequent evaluation and appraisal report must evaluate the~~
 6261 ~~comprehensive plan in effect at the time of the initiation of~~
 6262 ~~the evaluation and appraisal report process.~~

6263 ~~(c) Local governments identify the major issues, if~~
 6264 ~~applicable, with input from state agencies, regional agencies,~~
 6265 ~~adjacent local governments, and the public in the evaluation and~~
 6266 ~~appraisal report process. It is also the intent of this section~~
 6267 ~~to establish minimum requirements for information to ensure~~
 6268 ~~predictability, certainty, and integrity in the growth~~



6269 ~~management process. The report is intended to serve as a summary~~
 6270 ~~audit of the actions that a local government has undertaken and~~
 6271 ~~identify changes that it may need to make. The report should be~~
 6272 ~~based on the local government's analysis of major issues to~~
 6273 ~~further the community's goals consistent with statewide minimum~~
 6274 ~~standards. The report is not intended to require a comprehensive~~
 6275 ~~rewrite of the elements within the local plan, unless a local~~
 6276 ~~government chooses to do so.~~

6277 ~~(2) The report shall present an evaluation and assessment~~
 6278 ~~of the comprehensive plan and shall contain appropriate~~
 6279 ~~statements to update the comprehensive plan, including, but not~~
 6280 ~~limited to, words, maps, illustrations, or other media, related~~
 6281 ~~to:~~

6282 ~~(a) Population growth and changes in land area, including~~
 6283 ~~annexation, since the adoption of the original plan or the most~~
 6284 ~~recent update amendments.~~

6285 ~~(b) The extent of vacant and developable land.~~

6286 ~~(c) The financial feasibility of implementing the~~
 6287 ~~comprehensive plan and of providing needed infrastructure to~~
 6288 ~~achieve and maintain adopted level of service standards and~~
 6289 ~~sustain concurrency management systems through the capital~~
 6290 ~~improvements element, as well as the ability to address~~
 6291 ~~infrastructure backlogs and meet the demands of growth on public~~
 6292 ~~services and facilities.~~

6293 ~~(d) The location of existing development in relation to~~
 6294 ~~the location of development as anticipated in the original plan,~~
 6295 ~~or in the plan as amended by the most recent evaluation and~~



HB 7207, Engrossed 2

2011

6296 ~~appraisal report update amendments, such as within areas~~
6297 ~~designated for urban growth.~~

6298 ~~(e) An identification of the major issues for the~~
6299 ~~jurisdiction and, where pertinent, the potential social,~~
6300 ~~economic, and environmental impacts.~~

6301 ~~(f) Relevant changes to the state comprehensive plan, the~~
6302 ~~requirements of this part, the minimum criteria contained in~~
6303 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
6304 ~~strategic regional policy plan since the adoption of the~~
6305 ~~original plan or the most recent evaluation and appraisal report~~
6306 ~~update amendments.~~

6307 ~~(g) An assessment of whether the plan objectives within~~
6308 ~~each element, as they relate to major issues, have been~~
6309 ~~achieved. The report shall include, as appropriate, an~~
6310 ~~identification as to whether unforeseen or unanticipated changes~~
6311 ~~in circumstances have resulted in problems or opportunities with~~
6312 ~~respect to major issues identified in each element and the~~
6313 ~~social, economic, and environmental impacts of the issue.~~

6314 ~~(h) A brief assessment of successes and shortcomings~~
6315 ~~related to each element of the plan.~~

6316 ~~(i) The identification of any actions or corrective~~
6317 ~~measures, including whether plan amendments are anticipated to~~
6318 ~~address the major issues identified and analyzed in the report.~~
6319 ~~Such identification shall include, as appropriate, new~~
6320 ~~population projections, new revised planning timeframes, a~~
6321 ~~revised future conditions map or map series, an updated capital~~
6322 ~~improvements element, and any new and revised goals, objectives,~~
6323 ~~and policies for major issues identified within each element.~~

Page 228 of 349

CODING: Words stricken are deletions; words underlined are additions.

hb7207-02-e2



6324 ~~This paragraph shall not require the submittal of the plan~~
 6325 ~~amendments with the evaluation and appraisal report.~~

6326 ~~(j) A summary of the public participation program and~~
 6327 ~~activities undertaken by the local government in preparing the~~
 6328 ~~report.~~

6329 ~~(k) The coordination of the comprehensive plan with~~
 6330 ~~existing public schools and those identified in the applicable~~
 6331 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
 6332 ~~assessment shall address, where relevant, the success or failure~~
 6333 ~~of the coordination of the future land use map and associated~~
 6334 ~~planned residential development with public schools and their~~
 6335 ~~capacities, as well as the joint decisionmaking processes~~
 6336 ~~engaged in by the local government and the school board in~~
 6337 ~~regard to establishing appropriate population projections and~~
 6338 ~~the planning and siting of public school facilities. For those~~
 6339 ~~counties or municipalities that do not have a public schools~~
 6340 ~~interlocal agreement or public school facilities element, the~~
 6341 ~~assessment shall determine whether the local government~~
 6342 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
 6343 ~~or municipality determines that it no longer meets the criteria,~~
 6344 ~~it must adopt appropriate school concurrency goals, objectives,~~
 6345 ~~and policies in its plan amendments pursuant to the requirements~~
 6346 ~~of the public school facilities element, and enter into the~~
 6347 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
 6348 ~~and 163.31777 in order to fully participate in the school~~
 6349 ~~concurrency system.~~

6350 ~~(l) The extent to which the local government has been~~
 6351 ~~successful in identifying alternative water supply projects and~~



HB 7207, Engrossed 2

2011

6352 ~~traditional water supply projects, including conservation and~~
6353 ~~reuse, necessary to meet the water needs identified in s.~~
6354 ~~373.709(2)(a) within the local government's jurisdiction. The~~
6355 ~~report must evaluate the degree to which the local government~~
6356 ~~has implemented the work plan for building public, private, and~~
6357 ~~regional water supply facilities, including development of~~
6358 ~~alternative water supplies, identified in the element as~~
6359 ~~necessary to serve existing and new development.~~

6360 ~~(m) If any of the jurisdiction of the local government is~~
6361 ~~located within the coastal high-hazard area, an evaluation of~~
6362 ~~whether any past reduction in land use density impairs the~~
6363 ~~property rights of current residents when redevelopment occurs,~~
6364 ~~including, but not limited to, redevelopment following a natural~~
6365 ~~disaster. The property rights of current residents shall be~~
6366 ~~balanced with public safety considerations. The local government~~
6367 ~~must identify strategies to address redevelopment feasibility~~
6368 ~~and the property rights of affected residents. These strategies~~
6369 ~~may include the authorization of redevelopment up to the actual~~
6370 ~~built density in existence on the property prior to the natural~~
6371 ~~disaster or redevelopment.~~

6372 ~~(n) An assessment of whether the criteria adopted pursuant~~
6373 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~
6374 ~~with military installations.~~

6375 ~~(o) The extent to which a concurrency exception area~~
6376 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
6377 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
6378 ~~transportation district designated pursuant to s. 163.3180(15)~~



6407 ~~evaluation and appraisal report by parties to which the report~~
 6408 ~~relates.~~

6409 ~~(4) The local planning agency shall prepare the evaluation~~
 6410 ~~and appraisal report and shall make recommendations to the~~
 6411 ~~governing body regarding adoption of the proposed report. The~~
 6412 ~~local planning agency shall prepare the report in conformity~~
 6413 ~~with its public participation procedures adopted as required by~~
 6414 ~~s. 163.3181. During the preparation of the proposed report and~~
 6415 ~~prior to making any recommendation to the governing body, the~~
 6416 ~~local planning agency shall hold at least one public hearing,~~
 6417 ~~with public notice, on the proposed report. At a minimum, the~~
 6418 ~~format and content of the proposed report shall include a table~~
 6419 ~~of contents; numbered pages; element headings; section headings~~
 6420 ~~within elements; a list of included tables, maps, and figures; a~~
 21 ~~title and sources for all included tables; a preparation date;~~
 6422 ~~and the name of the preparer. Where applicable, maps shall~~
 6423 ~~include major natural and artificial geographic features; city,~~
 6424 ~~county, and state lines; and a legend indicating a north arrow,~~
 6425 ~~map scale, and the date.~~

6426 ~~(5) Ninety days prior to the scheduled adoption date, the~~
 6427 ~~local government may provide a proposed evaluation and appraisal~~
 6428 ~~report to the state land planning agency and distribute copies~~
 6429 ~~to state and regional commenting agencies as prescribed by rule,~~
 6430 ~~adjacent jurisdictions, and interested citizens for review. All~~
 6431 ~~review comments, including comments by the state land planning~~
 6432 ~~agency, shall be transmitted to the local government and state~~
 6433 ~~land planning agency within 30 days after receipt of the~~
 6434 ~~proposed report.~~



6435 ~~(6) The governing body, after considering the review~~
 6436 ~~comments and recommended changes, if any, shall adopt the~~
 6437 ~~evaluation and appraisal report by resolution or ordinance at a~~
 6438 ~~public hearing with public notice. The governing body shall~~
 6439 ~~adopt the report in conformity with its public participation~~
 6440 ~~procedures adopted as required by s. 163.3181. The local~~
 6441 ~~government shall submit to the state land planning agency three~~
 6442 ~~copies of the report, a transmittal letter indicating the dates~~
 6443 ~~of public hearings, and a copy of the adoption resolution or~~
 6444 ~~ordinance. The local government shall provide a copy of the~~
 6445 ~~report to the reviewing agencies which provided comments for the~~
 6446 ~~proposed report, or to all the reviewing agencies if a proposed~~
 6447 ~~report was not provided pursuant to subsection (5), including~~
 6448 ~~the adjacent local governments. Within 60 days after receipt,~~
 6449 ~~the state land planning agency shall review the adopted report~~
 6450 ~~and make a preliminary sufficiency determination that shall be~~
 6451 ~~forwarded by the agency to the local government for its~~
 6452 ~~consideration. The state land planning agency shall issue a~~
 6453 ~~final sufficiency determination within 90 days after receipt of~~
 6454 ~~the adopted evaluation and appraisal report.~~

6455 ~~(7) The intent of the evaluation and appraisal process is~~
 6456 ~~the preparation of a plan update that clearly and concisely~~
 6457 ~~achieves the purpose of this section. Toward this end, the~~
 6458 ~~sufficiency review of the state land planning agency shall~~
 6459 ~~concentrate on whether the evaluation and appraisal report~~
 6460 ~~sufficiently fulfills the components of subsection (2). If the~~
 6461 ~~state land planning agency determines that the report is~~
 6462 ~~insufficient, the governing body shall adopt a revision of the~~



6490 ~~rescheduled to adopt their report together with the other~~
 6491 ~~municipalities in their county as provided in this subsection.~~
 6492 ~~(10) The governing body shall amend its comprehensive plan~~
 6493 ~~based on the recommendations in the report and shall update the~~
 6494 ~~comprehensive plan based on the components of subsection (2),~~
 6495 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
 6496 ~~163.3189. Amendments to update a comprehensive plan based on the~~
 6497 ~~evaluation and appraisal report shall be adopted during a single~~
 6498 ~~amendment cycle within 18 months after the report is determined~~
 6499 ~~to be sufficient by the state land planning agency, except the~~
 6500 ~~state land planning agency may grant an extension for adoption~~
 6501 ~~of a portion of such amendments. The state land planning agency~~
 6502 ~~may grant a 6 month extension for the adoption of such~~
 6503 ~~amendments if the request is justified by good and sufficient~~
 04 ~~cause as determined by the agency. An additional extension may~~
 6505 ~~also be granted if the request will result in greater~~
 6506 ~~coordination between transportation and land use, for the~~
 6507 ~~purposes of improving Florida's transportation system, as~~
 6508 ~~determined by the agency in coordination with the Metropolitan~~
 6509 ~~Planning Organization program. Beginning July 1, 2006, failure~~
 6510 ~~to timely adopt and transmit update amendments to the~~
 6511 ~~comprehensive plan based on the evaluation and appraisal report~~
 6512 ~~shall result in a local government being prohibited from~~
 6513 ~~adopting amendments to the comprehensive plan until the~~
 6514 ~~evaluation and appraisal report update amendments have been~~
 6515 ~~adopted and transmitted to the state land planning agency. The~~
 6516 ~~prohibition on plan amendments shall commence when the update~~
 6517 ~~amendments to the comprehensive plan are past due. The~~



6518 ~~comprehensive plan as amended shall be in compliance as defined~~
 6519 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
 6520 ~~of the update amendments to the comprehensive plan, the local~~
 6521 ~~government shall provide to the state land planning agency and~~
 6522 ~~to all agencies designated by rule a complete copy of the~~
 6523 ~~updated comprehensive plan.~~

6524 ~~(11) The Administration Commission may impose the~~
 6525 ~~sanctions provided by s. 163.3184(11) against any local~~
 6526 ~~government that fails to adopt and submit a report, or that~~
 6527 ~~fails to implement its report through timely and sufficient~~
 6528 ~~amendments to its local plan, except for reasons of excusable~~
 6529 ~~delay or valid planning reasons agreed to by the state land~~
 6530 ~~planning agency or found present by the Administration~~
 6531 ~~Commission. Sanctions for untimely or insufficient plan~~
 6532 ~~amendments shall be prospective only and shall begin after a~~
 6533 ~~final order has been issued by the Administration Commission and~~
 6534 ~~a reasonable period of time has been allowed for the local~~
 6535 ~~government to comply with an adverse determination by the~~
 6536 ~~Administration Commission through adoption of plan amendments~~
 6537 ~~that are in compliance. The state land planning agency may~~
 6538 ~~initiate, and an affected person may intervene in, such a~~
 6539 ~~proceeding by filing a petition with the Division of~~
 6540 ~~Administrative Hearings, which shall appoint an administrative~~
 6541 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~
 6542 ~~120.57(1) and shall submit a recommended order to the~~
 6543 ~~Administration Commission. The affected local government shall~~
 6544 ~~be a party to any such proceeding. The commission may implement~~
 6545 ~~this subsection by rule.~~



6546 (5) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt
 6547 rules to implement this section, other than procedural rules or
 6548 a schedule indicating when local governments must comply with
 6549 the requirements of this section.

6550 ~~(13)~~ The state land planning agency shall regularly review
 6551 the evaluation and appraisal report process and submit a report
 6552 to the Governor, the Administration Commission, the Speaker of
 6553 the House of Representatives, the President of the Senate, and
 6554 the respective community affairs committees of the Senate and
 6555 the House of Representatives. The first report shall be
 6556 submitted by December 31, 2004, and subsequent reports shall be
 6557 submitted every 5 years thereafter. At least 9 months before the
 6558 due date of each report, the Secretary of Community Affairs
 6559 shall appoint a technical committee of at least 15 members to
 6560 assist in the preparation of the report. The membership of the
 6561 technical committee shall consist of representatives of local
 6562 governments, regional planning councils, the private sector, and
 6563 environmental organizations. The report shall assess the
 6564 effectiveness of the evaluation and appraisal report process.

6565 ~~(14)~~ The requirement of subsection ~~(10)~~ prohibiting a
 6566 local government from adopting amendments to the local
 6567 comprehensive plan until the evaluation and appraisal report
 6568 update amendments have been adopted and transmitted to the state
 6569 land planning agency does not apply to a plan amendment proposed
 6570 for adoption by the appropriate local government as defined in
 6571 s. 163.3178(2)(k) in order to integrate a port comprehensive
 6572 master plan with the coastal management element of the local
 6573 comprehensive plan as required by s. 163.3178(2)(k) if the port



6574 ~~comprehensive master plan or the proposed plan amendment does~~
 6575 ~~not cause or contribute to the failure of the local government~~
 6576 ~~to comply with the requirements of the evaluation and appraisal~~
 6577 ~~report.~~

6578 Section 21. Paragraph (b) of subsection (2) of section
 6579 163.3217, Florida Statutes, is amended to read:

6580 163.3217 Municipal overlay for municipal incorporation.—

6581 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
 6582 OVERLAY.—

6583 (b)~~1~~. A municipal overlay shall be adopted as an amendment
 6584 to the local government comprehensive plan as prescribed by s.
 6585 163.3184.

6586 ~~2. A county may consider the adoption of a municipal~~
 6587 ~~overlay without regard to the provisions of s. 163.3187(1)~~
 6588 ~~regarding the frequency of adoption of amendments to the local~~
 6589 ~~comprehensive plan.~~

6590 Section 22. Subsection (3) of section 163.3220, Florida
 6591 Statutes, is amended to read:

6592 163.3220 Short title; legislative intent.—

6593 (3) In conformity with, in furtherance of, and to
 6594 implement the Community ~~Local Government Comprehensive~~ Planning
 6595 ~~and Land Development Regulation~~ Act and the Florida State
 6596 Comprehensive Planning Act of 1972, it is the intent of the
 6597 Legislature to encourage a stronger commitment to comprehensive
 6598 and capital facilities planning, ensure the provision of
 6599 adequate public facilities for development, encourage the
 6600 efficient use of resources, and reduce the economic cost of
 6601 development.



HB 7207, Engrossed 2

2011

6602 Section 23. Subsections (2) and (11) of section 163.3221,
 6603 Florida Statutes, are amended to read:

6604 163.3221 Florida Local Government Development Agreement
 6605 Act; definitions.—As used in ss. 163.3220-163.3243:

6606 (2) "Comprehensive plan" means a plan adopted pursuant to
 6607 the Community ~~"Local Government Comprehensive Planning and Land~~
 6608 ~~Development Regulation Act."~~

6609 (11) "Local planning agency" means the agency designated
 6610 to prepare a comprehensive plan or plan amendment pursuant to
 6611 the Community ~~"Florida Local Government Comprehensive Planning~~
 6612 ~~and Land Development Regulation Act."~~

6613 Section 24. Section 163.3229, Florida Statutes, is amended
 6614 to read:

6615 163.3229 Duration of a development agreement and
 6616 relationship to local comprehensive plan.—The duration of a
 6617 development agreement may shall not exceed 30 20 years, unless
 6618 it is. ~~It may be~~ extended by mutual consent of the governing
 6619 body and the developer, subject to a public hearing in
 6620 accordance with s. 163.3225. No development agreement shall be
 6621 effective or be implemented by a local government unless the
 6622 local government's comprehensive plan and plan amendments
 6623 implementing or related to the agreement are ~~found~~ in compliance
 6624 ~~by the state land planning agency in accordance with s.~~
 6625 ~~163.3184, s. 163.3187, or s. 163.3189.~~

6626 Section 25. Section 163.3235, Florida Statutes, is amended
 6627 to read:

6628 163.3235 Periodic review of a development agreement.—A
 6629 local government shall review land subject to a development



HB 7207, Engrossed 2

2011

6658 agreement shall be binding upon, and the benefits of the
 6659 agreement shall inure to, all successors in interest to the
 6660 parties to the agreement.

6661 Section 27. Section 163.3243, Florida Statutes, is amended
 6662 to read:

6663 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
 6664 adversely affected person as defined in s. 163.3215(2), ~~or the~~
 6665 ~~state land planning agency~~ may file an action for injunctive
 6666 relief in the circuit court where the local government is
 6667 located to enforce the terms of a development agreement or to
 6668 challenge compliance of the agreement with ~~the provisions of~~ ss.
 6669 163.3220- 163.3243.

6670 Section 28. Section 163.3245, Florida Statutes, is amended
 6671 to read:

6672 163.3245 ~~Optional~~ Sector plans.—

6673 (1) In recognition of the benefits of ~~conceptual~~ long-
 6674 range planning for ~~the buildout of an area, and detailed~~
 6675 ~~planning for specific areas, as a demonstration project, the~~
 6676 ~~requirements of s. 380.06 may be addressed as identified by this~~
 6677 ~~section for up to five~~ local governments or combinations of
 6678 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
 6679 plans a plan an optional sector plan in accordance with this
 6680 section. This section is intended to promote and encourage long-
 6681 term planning for conservation, development, and agriculture on
 6682 a landscape scale; to further the intent of s. 163.3177(11),
 6683 which supports innovative and flexible planning and development
 6684 strategies, and the purposes of this part, and part I of chapter
 6685 380; to facilitate protection of regionally significant



HB 7207, Engrossed 2

2011

6686 resources, including, but not limited to, regionally significant
6687 water courses and wildlife corridors; and to avoid duplication
6688 of effort in terms of the level of data and analysis required
6689 for a development of regional impact, while ensuring the
6690 adequate mitigation of impacts to applicable regional resources
6691 and facilities, including those within the jurisdiction of other
6692 local governments, as would otherwise be provided. ~~Optional~~
6693 Sector plans are intended for substantial geographic areas that
6694 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
6695 local governmental jurisdictions and are to emphasize urban form
6696 and protection of regionally significant resources and public
6697 facilities. ~~A The state land planning agency may approve~~
6698 ~~optional sector plans of less than 5,000 acres based on local~~
6699 ~~circumstances if it is determined that the plan would further~~
6700 ~~the purposes of this part and part I of chapter 380. Preparation~~
6701 ~~of an optional sector plan is authorized by agreement between~~
6702 ~~the state land planning agency and the applicable local~~
6703 ~~governments under s. 163.3171(4). An optional sector plan may be~~
6704 ~~adopted through one or more comprehensive plan amendments under~~
6705 ~~s. 163.3184. However, an optional sector plan may not be~~ adopted
6706 authorized in an area of critical state concern.

6707 (2) Upon the request of a local government having
6708 jurisdiction, ~~The state land planning agency may enter into an~~
6709 ~~agreement to authorize preparation of an optional sector plan~~
6710 ~~upon the request of one or more local governments based on~~
6711 ~~consideration of problems and opportunities presented by~~
6712 ~~existing development trends; the effectiveness of current~~
6713 ~~comprehensive plan provisions; the potential to further the~~



HB 7207, Engrossed 2

2011

6714 ~~state comprehensive plan, applicable strategic regional policy~~
6715 ~~plans, this part, and part I of chapter 380; and those factors~~
6716 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
6717 planning council shall conduct a scoping meeting with affected
6718 local governments and those agencies identified in s.
6719 163.3184(1)(c)(4) before preparation of the sector plan
6720 ~~execution of the agreement authorized by this section.~~ The
6721 purpose of this meeting is to assist the state land planning
6722 agency and the local government in the identification of the
6723 relevant planning issues to be addressed and the data and
6724 resources available to assist in the preparation of the sector
6725 plan subsequent plan amendments. If a scoping meeting is
6726 conducted, the regional planning council shall make written
6727 recommendations to the state land planning agency and affected
6728 local governments on the issues requested by the local
6729 government. The scoping meeting shall be noticed and open to the
6730 public. If the entire planning area proposed for the sector plan
6731 is within the jurisdiction of two or more local governments,
6732 some or all of them may enter into a joint planning agreement
6733 pursuant to s. 163.3171 with respect to, ~~including whether a~~
6734 ~~sustainable sector plan would be appropriate.~~ The agreement must
6735 ~~define~~ the geographic area to be subject to the sector plan, the
6736 planning issues that will be emphasized, procedures requirements
6737 for intergovernmental coordination to address
6738 extrajurisdictional impacts, supporting application materials
6739 including data and analysis, ~~and~~ procedures for public
6740 participation, or other issues. ~~An agreement may address~~
6741 ~~previously adopted sector plans that are consistent with the~~



6742 ~~standards in this section. Before executing an agreement under~~
 6743 ~~this subsection, the local government shall hold a duly noticed~~
 6744 ~~public workshop to review and explain to the public the optional~~
 6745 ~~sector planning process and the terms and conditions of the~~
 6746 ~~proposed agreement. The local government shall hold a duly~~
 6747 ~~noticed public hearing to execute the agreement. All meetings~~
 6748 ~~between the department and the local government must be open to~~
 6749 ~~the public.~~

6750 (3) ~~Optional~~ Sector planning encompasses two levels:
 6751 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
 6752 master plan for the entire planning area as part of the
 6753 comprehensive plan, and adoption by local development order of
 6754 two or more buildout overlay to the comprehensive plan, having
 6755 ~~no immediate effect on the issuance of development orders or the~~
 6756 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
 6757 detailed specific area plans that implement the ~~conceptual~~ long-
 6758 term master plan buildout overlay and ~~authorize issuance of~~
 6759 ~~development orders, and within which s. 380.06 is waived. Until~~
 6760 ~~such time as a detailed specific area plan is adopted, the~~
 6761 ~~underlying future land use designations apply.~~

6762 (a) In addition to the other requirements of this chapter,
 6763 a long-term master plan pursuant to this section ~~conceptual~~
 6764 long term buildout overlay must include maps, illustrations, and
 6765 text supported by data and analysis to address the following:

- 6766 1. A ~~long-range conceptual~~ framework map that, at a
 6767 minimum, generally depicts ~~identifies~~ anticipated areas of
 6768 urban, agricultural, rural, and conservation land use,
 6769 identifies allowed uses in various parts of the planning area,



6770 specifies maximum and minimum densities and intensities of use,
 6771 and provides the general framework for the development pattern
 6772 in developed areas with graphic illustrations based on a
 6773 hierarchy of places and functional place-making components.

6774 2. A general identification of the water supplies needed
 6775 and available sources of water, including water resource
 6776 development and water supply development projects, and water
 6777 conservation measures needed to meet the projected demand of the
 6778 future land uses in the long-term master plan.

6779 3. A general identification of the transportation
 6780 facilities to serve the future land uses in the long-term master
 6781 plan, including guidelines to be used to establish each modal
 6782 component intended to optimize mobility.

6783 4.2- A general identification of other regionally
 6784 significant public facilities consistent with chapter 9J-2,
 6785 Florida Administrative Code, irrespective of local governmental
 6786 jurisdiction necessary to support buildout of the anticipated
 6787 future land uses, which may include central utilities provided
 6788 onsite within the planning area, and policies setting forth the
 6789 procedures to be used to mitigate the impacts of future land
 6790 uses on public facilities.

6791 5.3- A general identification of regionally significant
 6792 natural resources within the planning area based on the best
 6793 available data and policies setting forth the procedures for
 6794 protection or conservation of specific resources consistent with
 6795 the overall conservation and development strategy for the
 6796 planning area consistent with chapter 9J-2, Florida
 6797 Administrative Code.



6798 6.4. General principles and guidelines addressing that
 6799 address the urban form and the interrelationships of anticipated
 6800 future land uses; the protection and, as appropriate,
 6801 restoration and management of lands identified for permanent
 6802 preservation through recordation of conservation easements
 6803 consistent with s. 704.06, which shall be phased or staged in
 6804 coordination with detailed specific area plans to reflect phased
 6805 or staged development within the planning area; and a
 6806 discussion, at the applicant's option, of the extent, if any, to
 6807 which the plan will address restoring key ecosystems, achieving
 6808 a more clean, healthy environment; limiting urban sprawl;
 6809 providing a range of housing types; protecting wildlife and
 6810 natural areas; advancing the efficient use of land and other
 6811 resources; and creating quality communities of a design that
 6812 promotes travel by multiple transportation modes; and enhancing
 6813 the prospects for the creation of jobs.

6814 7.5. Identification of general procedures and policies to
 6815 facilitate ensure intergovernmental coordination to address
 6816 extrajurisdictional impacts from the future land uses long-range
 6817 conceptual framework map.

6818
 6819 A long-term master plan adopted pursuant to this section may be
 6820 based upon a planning period longer than the generally
 6821 applicable planning period of the local comprehensive plan,
 6822 shall specify the projected population within the planning area
 6823 during the chosen planning period, and may include a phasing or
 6824 staging schedule that allocates a portion of the local
 6825 government's future growth to the planning area through the



6826 planning period. A long-term master plan adopted pursuant to
 6827 this section is not required to demonstrate need based upon
 6828 projected population growth or on any other basis.

6829 (b) In addition to the other requirements of this chapter,
 6830 ~~including those in paragraph (a),~~ the detailed specific area
 6831 plans shall be consistent with the long-term master plan and
 6832 must include conditions and commitments that provide for:

6833 1. Development or conservation of an area of adequate size
 6834 ~~to accommodate a level of development which achieves a~~
 6835 ~~functional relationship between a full range of land uses within~~
 6836 ~~the area and to encompass~~ at least 1,000 acres consistent with
 6837 the long-term master plan. The local government state land
 6838 ~~planning agency~~ may approve detailed specific area plans of less
 6839 than 1,000 acres based on local circumstances if it is
 6840 determined that the detailed specific area plan furthers the
 6841 purposes of this part and part I of chapter 380.

6842 2. Detailed identification and analysis of the maximum and
 6843 minimum densities and intensities of use and the distribution,
 6844 extent, and location of future land uses.

6845 3. Detailed identification of water resource development
 6846 and water supply development projects and related infrastructure
 6847 and water conservation measures to address water needs of
 6848 development in the detailed specific area plan.

6849 4. Detailed identification of the transportation
 6850 facilities to serve the future land uses in the detailed
 6851 specific area plan.

6852 5.3. Detailed identification of other regionally
 6853 significant public facilities, including public facilities



6854 outside the jurisdiction of the host local government,
 6855 ~~anticipated~~ impacts of future land uses on those facilities, and
 6856 required improvements consistent with the long-term master plan
 6857 ~~chapter 9J-2, Florida Administrative Code.~~

6858 6.4. Public facilities necessary to serve development in
 6859 the detailed specific area plan for the short term, including
 6860 developer contributions in a ~~financially feasible~~ 5-year capital
 6861 improvement schedule of the affected local government.

6862 7.5. Detailed analysis and identification of specific
 6863 measures to ensure assure the protection and, as appropriate,
 6864 restoration and management of lands within the boundary of the
 6865 detailed specific area plan identified for permanent
 6866 preservation through recordation of conservation easements
 6867 consistent with s. 704.06, which easements shall be effective
 6868 before or concurrent with the effective date of the detailed
 6869 specific area plan of regionally significant natural resources
 6870 and other important resources both within and outside the host
 6871 jurisdiction, ~~including those regionally significant resources~~
 6872 ~~identified in chapter 9J-2, Florida Administrative Code.~~

6873 8.6. Detailed principles and guidelines addressing that
 6874 address the urban form and the interrelationships of anticipated
 6875 future land uses; and a discussion, at the applicant's option,
 6876 of the extent, if any, to which the plan will address restoring
 6877 key ecosystems, achieving a more clean, healthy environment; ;
 6878 limiting urban sprawl; providing a range of housing types; ;
 6879 protecting wildlife and natural areas; ; advancing the efficient
 6880 use of land and other resources; ; and creating quality
 6881 communities of a design that promotes travel by multiple



6882 transportation modes; and enhancing the prospects for the
 6883 creation of jobs.

6884 9.7. Identification of specific procedures to facilitate
 6885 ensure intergovernmental coordination to address
 6886 extrajurisdictional impacts ~~from~~ of the detailed specific area
 6887 plan.

6888
 6889 A detailed specific area plan adopted by local development order
 6890 pursuant to this section may be based upon a planning period
 6891 longer than the generally applicable planning period of the
 6892 local comprehensive plan and shall specify the projected
 6893 population within the specific planning area during the chosen
 6894 planning period. A detailed specific area plan adopted pursuant
 6895 to this section is not required to demonstrate need based upon
 96 projected population growth or on any other basis. All lands
 6897 identified in the long-term master plan for permanent
 6898 preservation shall be subject to a recorded conservation
 6899 easement consistent with s. 704.06 before or concurrent with the
 6900 effective date of the final detailed specific area plan to be
 6901 approved within the planning area.

6902 (c) In its review of a long-term master plan, the state
 6903 land planning agency shall consult with the Department of
 6904 Agriculture and Consumer Services, the Department of
 6905 Environmental Protection, the Fish and Wildlife Conservation
 6906 Commission, and the applicable water management district
 6907 regarding the design of areas for protection and conservation of
 6908 regionally significant natural resources and for the protection



6909 and, as appropriate, restoration and management of lands
 6910 identified for permanent preservation.

6911 (d) In its review of a long-term master plan, the state
 6912 land planning agency shall consult with the Department of
 6913 Transportation, the applicable metropolitan planning
 6914 organization, and any urban transit agency regarding the
 6915 location, capacity, design, and phasing or staging of major
 6916 transportation facilities in the planning area.

6917 (e) Whenever a local government issues a development order
 6918 approving a detailed specific area plan, a copy of such order
 6919 shall be rendered to the state land planning agency and the
 6920 owner or developer of the property affected by such order, as
 6921 prescribed by rules of the state land planning agency for a
 6922 development order for a development of regional impact. Within
 6923 45 days after the order is rendered, the owner, the developer,
 6924 or the state land planning agency may appeal the order to the
 6925 Florida Land and Water Adjudicatory Commission by filing a
 6926 petition alleging that the detailed specific area plan is not
 6927 consistent with the comprehensive plan or with the long-term
 6928 master plan adopted pursuant to this section. The appellant
 6929 shall furnish a copy of the petition to the opposing party, as
 6930 the case may be, and to the local government that issued the
 6931 order. The filing of the petition stays the effectiveness of the
 6932 order until after completion of the appeal process. However, if
 6933 a development order approving a detailed specific area plan has
 6934 been challenged by an aggrieved or adversely affected party in a
 6935 judicial proceeding pursuant to s. 163.3215, and a party to such
 6936 proceeding serves notice to the state land planning agency, the



6937 state land planning agency shall dismiss its appeal to the
 6938 commission and shall have the right to intervene in the pending
 6939 judicial proceeding pursuant to s. 163.3215. Proceedings for
 6940 administrative review of an order approving a detailed specific
 6941 area plan shall be conducted consistent with s. 380.07(6). The
 6942 commission shall issue a decision granting or denying permission
 6943 to develop pursuant to the long-term master plan and the
 6944 standards of this part and may attach conditions or restrictions
 6945 to its decisions.

6946 (f)(e) This subsection does ~~may not be construed to~~
 6947 prevent preparation and approval of the ~~optional~~ sector plan and
 6948 detailed specific area plan concurrently or in the same
 6949 submission.

6950 (4) Upon the long-term master plan becoming legally
 6951 effective:

6952 (a) Any long-range transportation plan developed by a
 6953 metropolitan planning organization pursuant to s. 339.175(7)
 6954 must be consistent, to the maximum extent feasible, with the
 6955 long-term master plan, including, but not limited to, the
 6956 projected population and the approved uses and densities and
 6957 intensities of use and their distribution within the planning
 6958 area. The transportation facilities identified in adopted plans
 6959 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
 6960 in coordination with the adopted M.P.O. long-range
 6961 transportation plan.

6962 (b) The water needs, sources and water resource
 6963 development, and water supply development projects identified in
 6964 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall



6965 be incorporated into the applicable district and regional water
 6966 supply plans adopted in accordance with ss. 373.036 and 373.709.
 6967 Accordingly, and notwithstanding the permit durations stated in
 6968 s. 373.236, an applicant may request and the applicable district
 6969 may issue consumptive use permits for durations commensurate
 6970 with the long-term master plan or detailed specific area plan,
 6971 considering the ability of the master plan area to contribute to
 6972 regional water supply availability and the need to maximize
 6973 reasonable-beneficial use of the water resource. The permitting
 6974 criteria in s. 373.223 shall be applied based upon the projected
 6975 population and the approved densities and intensities of use and
 6976 their distribution in the long-term master plan; however, the
 6977 allocation of the water may be phased over the permit duration
 6978 to correspond to actual projected needs. This paragraph does not
 6979 supersede the public interest test set forth in s. 373.223. The
 6980 ~~host local government shall submit a monitoring report to the~~
 6981 ~~state land planning agency and applicable regional planning~~
 6982 ~~council on an annual basis after adoption of a detailed specific~~
 6983 ~~area plan. The annual monitoring report must provide summarized~~
 6984 ~~information on development orders issued, development that has~~
 6985 ~~occurred, public facility improvements made, and public facility~~
 6986 ~~improvements anticipated over the upcoming 5 years.~~

6987 (5) ~~When a plan amendment adopting a detailed specific~~
 6988 ~~area plan has become effective for a portion of the planning~~
 6989 ~~area governed by a long-term master plan adopted pursuant to~~
 6990 ~~this section under ss. 163.3184 and 163.3189(2), the provisions~~
 6991 ~~of s. 380.06 does not apply to development within the~~
 6992 ~~geographic area of the detailed specific area plan. However, any~~



6993 development-of-regional-impact development order that is vested
 6994 from the detailed specific area plan may be enforced pursuant to
 6995 ~~under~~ s. 380.11.

6996 (a) The local government adopting the detailed specific
 6997 area plan is primarily responsible for monitoring and enforcing
 6998 the detailed specific area plan. Local governments may ~~shall~~ not
 6999 issue any permits or approvals or provide any extensions of
 7000 services to development that are not consistent with the
 7001 detailed specific ~~sector~~ area plan.

7002 (b) If the state land planning agency has reason to
 7003 believe that a violation of any detailed specific area plan, ~~or~~
 7004 ~~of any agreement entered into under this section,~~ has occurred
 7005 or is about to occur, it may institute an administrative or
 7006 judicial proceeding to prevent, abate, or control the conditions
 7007 or activity creating the violation, using the procedures in s.
 7008 380.11.

7009 (c) In instituting an administrative or judicial
 7010 proceeding involving a ~~an optional~~ sector plan or detailed
 7011 specific area plan, including a proceeding pursuant to paragraph
 7012 (b), the complaining party shall comply with the requirements of
 7013 s. 163.3215(4), (5), (6), and (7), except as provided by
 7014 paragraph (3)(e).

7015 (d) The detailed specific area plan shall establish a
 7016 buildout date until which the approved development is not
 7017 subject to downzoning, unit density reduction, or intensity
 7018 reduction, unless the local government can demonstrate that
 7019 implementation of the plan is not continuing in good faith based
 7020 on standards established by plan policy, that substantial



7021 changes in the conditions underlying the approval of the
 7022 detailed specific area plan have occurred, that the detailed
 7023 specific area plan was based on substantially inaccurate
 7024 information provided by the applicant, or that the change is
 7025 clearly established to be essential to the public health,
 7026 safety, or welfare.

7027 (6) Concurrent with or subsequent to review and adoption
 7028 of a long-term master plan pursuant to paragraph (3)(a), an
 7029 applicant may apply for master development approval pursuant to
 7030 s. 380.06(21) for the entire planning area in order to establish
 7031 a buildout date until which the approved uses and densities and
 7032 intensities of use of the master plan are not subject to
 7033 downzoning, unit density reduction, or intensity reduction,
 7034 unless the local government can demonstrate that implementation
 35 of the master plan is not continuing in good faith based on
 7036 standards established by plan policy, that substantial changes
 7037 in the conditions underlying the approval of the master plan
 7038 have occurred, that the master plan was based on substantially
 7039 inaccurate information provided by the applicant, or that change
 7040 is clearly established to be essential to the public health,
 7041 safety, or welfare. Review of the application for master
 7042 development approval shall be at a level of detail appropriate
 7043 for the long-term and conceptual nature of the long-term master
 7044 plan and, to the maximum extent possible, may only consider
 7045 information provided in the application for a long-term master
 7046 plan. Notwithstanding s. 380.06, an increment of development in
 7047 such an approved master development plan must be approved by a



7048 detailed specific area plan pursuant to paragraph (3)(b) and is
 7049 exempt from review pursuant to s. 380.06.

7050 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
 7051 ~~the department shall provide a status report to the Legislative~~
 7052 ~~Committee on Intergovernmental Relations regarding each optional~~
 7053 ~~sector plan authorized under this section.~~

7054 (7) A developer within an area subject to a long-term
 7055 master plan that meets the requirements of paragraph (3)(a) and
 7056 subsection (6) or a detailed specific area plan that meets the
 7057 requirements of paragraph (3)(b) may enter into a development
 7058 agreement with a local government pursuant to ss. 163.3220-
 7059 163.3243. The duration of such a development agreement may be
 7060 through the planning period of the long-term master plan or the
 7061 detailed specific area plan, as the case may be, notwithstanding
 7062 the limit on the duration of a development agreement pursuant to
 7063 s. 163.3229.

7064 (8) Any owner of property within the planning area of a
 7065 proposed long-term master plan may withdraw his consent to the
 7066 master plan at any time prior to local government adoption, and
 7067 the local government shall exclude such parcels from the adopted
 7068 master plan. Thereafter, the long-term master plan, any detailed
 7069 specific area plan, and the exemption from development-of-
 7070 regional-impact review under this section do not apply to the
 7071 subject parcels. After adoption of a long-term master plan, an
 7072 owner may withdraw his or her property from the master plan only
 7073 with the approval of the local government by plan amendment
 7074 adopted and reviewed pursuant to s. 163.3184.



7075 (9) The adoption of a long-term master plan or a detailed
 7076 specific area plan pursuant to this section does not limit the
 7077 right to continue existing agricultural or silvicultural uses or
 7078 other natural resource-based operations or to establish similar
 7079 new uses that are consistent with the plans approved pursuant to
 7080 this section.

7081 (10) The state land planning agency may enter into an
 7082 agreement with a local government that, on or before July 1,
 7083 2011, adopted a large-area comprehensive plan amendment
 7084 consisting of at least 15,000 acres that meets the requirements
 7085 for a long-term master plan in paragraph (3)(a), after notice
 7086 and public hearing by the local government, and thereafter,
 7087 notwithstanding s. 380.06, this part, or any planning agreement
 7088 or plan policy, the large-area plan shall be implemented through
 89 detailed specific area plans that meet the requirements of
 7090 paragraph (3)(b) and shall otherwise be subject to this section.

7091 (11) Notwithstanding this section, a detailed specific
 7092 area plan to implement a conceptual long-term buildout overlay,
 7093 adopted by a local government and found in compliance before
 7094 July 1, 2011, shall be governed by this section.

7095 (12) Notwithstanding s. 380.06, this part, or any planning
 7096 agreement or plan policy, a landowner or developer who has
 7097 received approval of a master development-of-regional-impact
 7098 development order pursuant to s. 380.06(21) may apply to
 7099 implement this order by filing one or more applications to
 7100 approve a detailed specific area plan pursuant to paragraph
 7101 (3)(b).



7102 ~~(13)(7)~~ This section may not be construed to abrogate the
 7103 rights of any person under this chapter.

7104 Section 29. Subsections (9), (12), and (14) of section
 7105 163.3246, Florida Statutes, are amended to read:

7106 163.3246 Local government comprehensive planning
 7107 certification program.—

7108 (9) (a) Upon certification all comprehensive plan
 7109 amendments associated with the area certified must be adopted
 7110 and reviewed in the manner described in s. ~~ss.~~ 163.3184(5)-
 7111 (11)(1), (2), (7), (14), (15), and (16) and 163.3187, such that
 7112 state and regional agency review is eliminated. Plan amendments
 7113 that qualify as small scale development amendments may follow
 7114 the small scale review process in s. 163.3187. The department
 7115 may not issue any objections, recommendations, and comments
 7116 report on proposed plan amendments or a notice of intent on
 7117 adopted plan amendments; however, affected persons, as defined
 7118 by s. 163.3184(1) (a), may file a petition for administrative
 7119 review pursuant to the requirements of s. 163.3184(5)
 7120 ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan
 7121 amendment.

7122 (b) Plan amendments that change the boundaries of the
 7123 certification area; propose a rural land stewardship area
 7124 pursuant to s. 163.3248 ~~163.3177(11)(d)~~; propose a ~~an optional~~
 7125 sector plan pursuant to s. 163.3245; ~~propose a school facilities~~
 7126 ~~element~~; update a comprehensive plan based on an evaluation and
 7127 appraisal review report; impact lands outside the certification
 7128 boundary; implement new statutory requirements that require
 7129 specific comprehensive plan amendments; or increase hurricane



7130 evacuation times or the need for shelter capacity on lands
 7131 within the coastal high-hazard area shall be reviewed pursuant
 7132 to s. ss. 163.3184 and ~~163.3187~~.

7133 (12) A local government's certification shall be reviewed
 7134 by the local government and the department as part of the
 7135 evaluation and appraisal process pursuant to s. 163.3191. Within
 7136 1 year after the deadline for the local government to update its
 7137 comprehensive plan based on the evaluation and appraisal report,
 7138 the department shall renew or revoke the certification. The
 7139 local government's ~~failure to adopt a timely evaluation and~~
 7140 ~~appraisal report, failure to adopt an evaluation and appraisal~~
 7141 ~~report found to be sufficient, or failure to timely adopt~~
 7142 necessary amendments to update its comprehensive plan based on
 7143 an evaluation and appraisal, which are report found to be in
 7144 compliance by the department, shall be cause for revoking the
 7145 certification agreement. The department's decision to renew or
 7146 revoke shall be considered agency action subject to challenge
 7147 under s. 120.569.

7148 ~~(14) The Office of Program Policy Analysis and Government~~
 7149 ~~Accountability shall prepare a report evaluating the~~
 7150 ~~certification program, which shall be submitted to the Governor,~~
 7151 ~~the President of the Senate, and the Speaker of the House of~~
 7152 ~~Representatives by December 1, 2007.~~

7153 Section 30. Section 163.32465, Florida Statutes, is
 7154 repealed.

7155 Section 31. Subsection (6) is added to section 163.3247,
 7156 Florida Statutes, to read:

7157 163.3247 Century Commission for a Sustainable Florida.—



7158 (6) EXPIRATION.-This section is repealed and the
 7159 commission is abolished June 30, 2013.

7160 Section 32. Section 163.3248, Florida Statutes, is created
 7161 to read:

7162 163.3248 Rural land stewardship areas.-

7163 (1) Rural land stewardship areas are designed to establish
 7164 a long-term incentive based strategy to balance and guide the
 7165 allocation of land so as to accommodate future land uses in a
 7166 manner that protects the natural environment, stimulate economic
 7167 growth and diversification, and encourage the retention of land
 7168 for agriculture and other traditional rural land uses.

7169 (2) Upon written request by one or more landowners of the
 7170 subject lands to designate lands as a rural land stewardship
 7171 area, or pursuant to a private-sector-initiated comprehensive
 7172 plan amendment filed by, or with the consent of the owners of
 7173 the subject lands, local governments may adopt a future land use
 7174 overlay to designate all or portions of lands classified in the
 7175 future land use element as predominantly agricultural, rural,
 7176 open, open-rural, or a substantively equivalent land use, as a
 7177 rural land stewardship area within which planning and economic
 7178 incentives are applied to encourage the implementation of
 7179 innovative and flexible planning and development strategies and
 7180 creative land use planning techniques to support a diverse
 7181 economic and employment base. The future land use overlay may
 7182 not require a demonstration of need based on population
 7183 projections or any other factors.

7184 (3) Rural land stewardship areas may be used to further
 7185 the following broad principles of rural sustainability:



7186 restoration and maintenance of the economic value of rural land;
 7187 control of urban sprawl; identification and protection of
 7188 ecosystems, habitats, and natural resources; promotion and
 7189 diversification of economic activity and employment
 7190 opportunities within the rural areas; maintenance of the
 7191 viability of the state's agricultural economy; and protection of
 7192 private property rights in rural areas of the state. Rural land
 7193 stewardship areas may be multicounty in order to encourage
 7194 coordinated regional stewardship planning.

7195 (4) A local government or one or more property owners may
 7196 request assistance and participation in the development of a
 7197 plan for the rural land stewardship area from the state land
 7198 planning agency, the Department of Agriculture and Consumer
 7199 Services, the Fish and Wildlife Conservation Commission, the
 7200 Department of Environmental Protection, the appropriate water
 7201 management district, the Department of Transportation, the
 7202 regional planning council, private land owners, and
 7203 stakeholders.

7204 (5) A rural land stewardship area shall be not less than
 7205 10,000 acres, shall be located outside of municipalities and
 7206 established urban service areas, and shall be designated by plan
 7207 amendment by each local government with jurisdiction over the
 7208 rural land stewardship area. The plan amendment or amendments
 7209 designating a rural land stewardship area are subject to review
 7210 pursuant to s. 163.3184 and shall provide for the following:

7211 (a) Criteria for the designation of receiving areas which
 7212 shall, at a minimum, provide for the following: adequacy of
 7213 suitable land to accommodate development so as to avoid conflict



7214 with significant environmentally sensitive areas, resources, and
 7215 habitats; compatibility between and transition from higher
 7216 density uses to lower intensity rural uses; and the
 7217 establishment of receiving area service boundaries that provide
 7218 for a transition from receiving areas and other land uses within
 7219 the rural land stewardship area through limitations on the
 7220 extension of services.

7221 (b) Innovative planning and development strategies to be
 7222 applied within rural land stewardship areas pursuant to this
 7223 section.

7224 (c) A process for the implementation of innovative
 7225 planning and development strategies within the rural land
 7226 stewardship area, including those described in this subsection,
 7227 which provide for a functional mix of land uses through the
 28 adoption by the local government of zoning and land development
 7229 regulations applicable to the rural land stewardship area.

7230 (d) A mix of densities and intensities that would not be
 7231 characterized as urban sprawl through the use of innovative
 7232 strategies and creative land use techniques.

7233 (6) A receiving area may be designated only pursuant to
 7234 procedures established in the local government's land
 7235 development regulations. If receiving area designation requires
 7236 the approval of the county board of county commissioners, such
 7237 approval shall be by resolution with a simple majority vote.
 7238 Before the commencement of development within a stewardship
 7239 receiving area, a listed species survey must be performed for
 7240 the area proposed for development. If listed species occur on
 7241 the receiving area development site, the applicant must



7242 coordinate with each appropriate local, state, or federal agency
 7243 to determine if adequate provisions have been made to protect
 7244 those species in accordance with applicable regulations. In
 7245 determining the adequacy of provisions for the protection of
 7246 listed species and their habitats, the rural land stewardship
 7247 area shall be considered as a whole, and the potential impacts
 7248 and protective measures taken within areas to be developed as
 7249 receiving areas shall be considered in conjunction with and
 7250 compensated by lands set aside and protective measures taken
 7251 within the designated sending areas.

7252 (7) Upon the adoption of a plan amendment creating a rural
 7253 land stewardship area, the local government shall, by ordinance,
 7254 establish a rural land stewardship overlay zoning district,
 7255 which shall provide the methodology for the creation,
 56 conveyance, and use of transferable rural land use credits,
 7257 hereinafter referred to as stewardship credits, the assignment
 7258 and application of which does not constitute a right to develop
 7259 land or increase the density of land, except as provided by this
 7260 section. The total amount of stewardship credits within the
 7261 rural land stewardship area must enable the realization of the
 7262 long-term vision and goals for the rural land stewardship area,
 7263 which may take into consideration the anticipated effect of the
 7264 proposed receiving areas. The estimated amount of receiving area
 7265 shall be projected based on available data, and the development
 7266 potential represented by the stewardship credits created within
 7267 the rural land stewardship area must correlate to that amount.

7268 (8) Stewardship credits are subject to the following
 7269 limitations:



HB 7207, Engrossed 2

2011

7270 (a) Stewardship credits may exist only within a rural land
7271 stewardship area.

7272 (b) Stewardship credits may be created only from lands
7273 designated as stewardship sending areas and may be used only on
7274 lands designated as stewardship receiving areas and then solely
7275 for the purpose of implementing innovative planning and
7276 development strategies and creative land use planning techniques
7277 adopted by the local government pursuant to this section.

7278 (c) Stewardship credits assigned to a parcel of land
7279 within a rural land stewardship area shall cease to exist if the
7280 parcel of land is removed from the rural land stewardship area
7281 by plan amendment.

7282 (d) Neither the creation of the rural land stewardship
7283 area by plan amendment nor the adoption of the rural land
7284 stewardship zoning overlay district by the local government may
7285 displace the underlying permitted uses or the density or
7286 intensity of land uses assigned to a parcel of land within the
7287 rural land stewardship area that existed before adoption of the
7288 plan amendment or zoning overlay district; however, once
7289 stewardship credits have been transferred from a designated
7290 sending area for use within a designated receiving area, the
7291 underlying density assigned to the designated sending area
7292 ceases to exist.

7293 (e) The underlying permitted uses, density, or intensity
7294 on each parcel of land located within a rural land stewardship
7295 area may not be increased or decreased by the local government,
7296 except as a result of the conveyance or stewardship credits, as



7297 long as the parcel remains within the rural land stewardship
 7298 area.

7299 (f) Stewardship credits shall cease to exist on a parcel
 7300 of land where the underlying density assigned to the parcel of
 7301 land is used.

7302 (g) An increase in the density or intensity of use on a
 7303 parcel of land located within a designated receiving area may
 7304 occur only through the assignment or use of stewardship credits
 7305 and do not require a plan amendment. A change in the type of
 7306 agricultural use on property within a rural land stewardship
 7307 area is not considered a change in use or intensity of use and
 7308 does not require any transfer of stewardship credits.

7309 (h) A change in the density or intensity of land use on
 7310 parcels located within receiving areas shall be specified in a
 11 development order that reflects the total number of stewardship
 7312 credits assigned to the parcel of land and the infrastructure
 7313 and support services necessary to provide for a functional mix
 7314 of land uses corresponding to the plan of development.

7315 (i) Land within a rural land stewardship area may be
 7316 removed from the rural land stewardship area through a plan
 7317 amendment.

7318 (j) Stewardship credits may be assigned at different
 7319 ratios of credits per acre according to the natural resource or
 7320 other beneficial use characteristics of the land and according
 7321 to the land use remaining after the transfer of credits, with
 7322 the highest number of credits per acre assigned to the most
 7323 environmentally valuable land or, in locations where the



7324 retention of open space and agricultural land is a priority, to
 7325 such lands.

7326 (k) Stewardship credits may be transferred from a sending
 7327 area only after a stewardship easement is placed on the sending
 7328 area land with assigned stewardship credits. A stewardship
 7329 easement is a covenant or restrictive easement running with the
 7330 land which specifies the allowable uses and development
 7331 restrictions for the portion of a sending area from which
 7332 stewardship credits have been transferred. The stewardship
 7333 easement must be jointly held by the county and the Department
 7334 of Environmental Protection, the Department of Agriculture and
 7335 Consumer Services, a water management district, or a recognized
 7336 statewide land trust.

7337 (9) Owners of land within rural land stewardship sending
 7338 areas should be provided other incentives, in addition to the
 7339 use or conveyance of stewardship credits, to enter into rural
 7340 land stewardship agreements, pursuant to existing law and rules
 7341 adopted thereto, with state agencies, water management
 7342 districts, the Fish and Wildlife Conservation Commission, and
 7343 local governments to achieve mutually agreed upon objectives.
 7344 Such incentives may include, but are not limited to, the
 7345 following:

7346 (a) Opportunity to accumulate transferable wetland and
 7347 species habitat mitigation credits for use or sale.

7348 (b) Extended permit agreements.

7349 (c) Opportunities for recreational leases and ecotourism.

7350 (d) Compensation for the achievement of specified land
 7351 management activities of public benefit, including, but not



7352 limited to, facility siting and corridors, recreational leases,
 7353 water conservation and storage, water reuse, wastewater
 7354 recycling, water supply and water resource development, nutrient
 7355 reduction, environmental restoration and mitigation, public
 7356 recreation, listed species protection and recovery, and wildlife
 7357 corridor management and enhancement.

7358 (e) Option agreements for sale to public entities or
 7359 private land conservation entities, in either fee or easement,
 7360 upon achievement of specified conservation objectives.

7361 (10) This section constitutes an overlay of land use
 7362 options that provide economic and regulatory incentives for
 7363 landowners outside of established and planned urban service
 7364 areas to conserve and manage vast areas of land for the benefit
 7365 of the state's citizens and natural environment while
 7366 maintaining and enhancing the asset value of their landholdings.
 7367 It is the intent of the Legislature that this section be
 7368 implemented pursuant to law and rulemaking is not authorized.

7369 (11) It is the intent of the Legislature that the rural
 7370 land stewardship area located in Collier County, which was
 7371 established pursuant to the requirements of a final order by the
 7372 Governor and Cabinet, duly adopted as a growth management plan
 7373 amendment by Collier County, and found in compliance with this
 7374 chapter, be recognized as a statutory rural land stewardship
 7375 area and be afforded the incentives in this section.

7376 Section 33. Paragraph (a) of subsection (2) of section
 7377 163.360, Florida Statutes, is amended to read:

7378 163.360 Community redevelopment plans.—

7379 (2) The community redevelopment plan shall:



7380 (a) Conform to the comprehensive plan for the county or
 7381 municipality as prepared by the local planning agency under the
 7382 Community Local Government Comprehensive Planning and Land
 7383 Development Regulation Act.

7384 Section 34. Paragraph (a) of subsection (3) and subsection
 7385 (8) of section 163.516, Florida Statutes, are amended to read:

7386 163.516 Safe neighborhood improvement plans.—

7387 (3) The safe neighborhood improvement plan shall:

7388 (a) Be consistent with the adopted comprehensive plan for
 7389 the county or municipality pursuant to the Community Local
 7390 Government Comprehensive Planning and Land Development
 7391 Regulation Act. No district plan shall be implemented unless the
 7392 local governing body has determined said plan is consistent.

7393 (8) Pursuant to s. ss. 163.3184, 163.3187, and 163.3189,
 94 the governing body of a municipality or county shall hold two
 7395 public hearings to consider the board-adopted safe neighborhood
 7396 improvement plan as an amendment or modification to the
 7397 municipality's or county's adopted local comprehensive plan.

7398 Section 35. Paragraph (f) of subsection (6), subsection
 7399 (9), and paragraph (c) of subsection (11) of section 171.203,
 7400 Florida Statutes, are amended to read:

7401 171.203 Interlocal service boundary agreement.—The
 7402 governing body of a county and one or more municipalities or
 7403 independent special districts within the county may enter into
 7404 an interlocal service boundary agreement under this part. The
 7405 governing bodies of a county, a municipality, or an independent
 7406 special district may develop a process for reaching an
 7407 interlocal service boundary agreement which provides for public



7408 participation in a manner that meets or exceeds the requirements
 7409 of subsection (13), or the governing bodies may use the process
 7410 established in this section.

7411 (6) An interlocal service boundary agreement may address
 7412 any issue concerning service delivery, fiscal responsibilities,
 7413 or boundary adjustment. The agreement may include, but need not
 7414 be limited to, provisions that:

7415 (f) Establish a process for land use decisions consistent
 7416 with part II of chapter 163, including those made jointly by the
 7417 governing bodies of the county and the municipality, or allow a
 7418 municipality to adopt land use changes consistent with part II
 7419 of chapter 163 for areas that are scheduled to be annexed within
 7420 the term of the interlocal agreement; however, the county
 7421 comprehensive plan and land development regulations shall
 22 control until the municipality annexes the property and amends
 7423 its comprehensive plan accordingly. ~~Comprehensive plan~~
 7424 ~~amendments to incorporate the process established by this~~
 7425 ~~paragraph are exempt from the twice per year limitation under s.~~
 7426 ~~163.3187.~~

7427 (9) Each local government that is a party to the
 7428 interlocal service boundary agreement shall amend the
 7429 intergovernmental coordination element of its comprehensive
 7430 plan, as described in s. 163.3177(6)(h)1., no later than 6
 7431 months following entry of the interlocal service boundary
 7432 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~
 7433 ~~required by this subsection are exempt from the twice per year~~
 7434 ~~limitation under s. 163.3187.~~

7435 (11)



HB 7207, Engrossed 2

2011

7464 Section 38. Subsection (1) of section 189.415, Florida
 7465 Statutes, is amended to read:

7466 189.415 Special district public facilities report.-

7467 (1) It is declared to be the policy of this state to
 7468 foster coordination between special districts and local general-
 7469 purpose governments as those local general-purpose governments
 7470 develop comprehensive plans under the Community Local Government
 7471 ~~Comprehensive Planning and Land Development Regulation Act~~,
 7472 pursuant to part II of chapter 163.

7473 Section 39. Subsection (3) of section 190.004, Florida
 7474 Statutes, is amended to read:

7475 190.004 Preemption; sole authority.-

7476 (3) The establishment of an independent community
 7477 development district as provided in this act is not a
 7478 development order within the meaning of chapter 380. All
 7479 governmental planning, environmental, and land development laws,
 7480 regulations, and ordinances apply to all development of the land
 7481 within a community development district. Community development
 7482 districts do not have the power of a local government to adopt a
 7483 comprehensive plan, building code, or land development code, as
 7484 those terms are defined in the Community Local Government
 7485 ~~Comprehensive Planning and Land Development Regulation Act~~. A
 7486 district shall take no action which is inconsistent with
 7487 applicable comprehensive plans, ordinances, or regulations of
 7488 the applicable local general-purpose government.

7489 Section 40. Paragraph (a) of subsection (1) of section
 7490 190.005, Florida Statutes, is amended to read:

7491 190.005 Establishment of district.-



7492 (1) The exclusive and uniform method for the establishment
 7493 of a community development district with a size of 1,000 acres
 7494 or more shall be pursuant to a rule, adopted under chapter 120
 7495 by the Florida Land and Water Adjudicatory Commission, granting
 7496 a petition for the establishment of a community development
 7497 district.

7498 (a) A petition for the establishment of a community
 7499 development district shall be filed by the petitioner with the
 7500 Florida Land and Water Adjudicatory Commission. The petition
 7501 shall contain:

7502 1. A metes and bounds description of the external
 7503 boundaries of the district. Any real property within the
 7504 external boundaries of the district which is to be excluded from
 7505 the district shall be specifically described, and the last known
 7506 address of all owners of such real property shall be listed. The
 7507 petition shall also address the impact of the proposed district
 7508 on any real property within the external boundaries of the
 7509 district which is to be excluded from the district.

7510 2. The written consent to the establishment of the
 7511 district by all landowners whose real property is to be included
 7512 in the district or documentation demonstrating that the
 7513 petitioner has control by deed, trust agreement, contract, or
 7514 option of 100 percent of the real property to be included in the
 7515 district, and when real property to be included in the district
 7516 is owned by a governmental entity and subject to a ground lease
 7517 as described in s. 190.003(14), the written consent by such
 7518 governmental entity.



7546 rights have been conveyed or conservation restrictions have been
 7547 covenanted.—

7548 (6) The following terms whenever used as referred to in
 7549 this section have the following meanings unless a different
 7550 meaning is clearly indicated by the context:

7551 (i) "Qualified as environmentally endangered" means land
 7552 that has unique ecological characteristics, rare or limited
 7553 combinations of geological formations, or features of a rare or
 7554 limited nature constituting habitat suitable for fish, plants,
 7555 or wildlife, and which, if subject to a development moratorium
 7556 or one or more conservation easements or development
 7557 restrictions appropriate to retaining such land or water areas
 7558 predominantly in their natural state, would be consistent with
 7559 the conservation, recreation and open space, and, if applicable,
 7560 coastal protection elements of the comprehensive plan adopted by
 7561 formal action of the local governing body pursuant to s.
 7562 163.3161, the Community ~~Local Government Comprehensive~~ Planning
 7563 ~~and Land Development Regulation~~ Act; or surface waters and
 7564 wetlands, as determined by the methodology ratified in s.
 7565 373.4211.

7566 Section 42. Subsection (15) of section 287.042, Florida
 7567 Statutes, is amended to read:

7568 287.042 Powers, duties, and functions.—The department
 7569 shall have the following powers, duties, and functions:

7570 (15) To enter into joint agreements with governmental
 7571 agencies, as defined in s. 163.3164(10), for the purpose of
 7572 pooling funds for the purchase of commodities or information
 7573 technology that can be used by multiple agencies.



7574 (a) Each agency that has been appropriated or has existing
 7575 funds for such purchase, shall, upon contract award by the
 7576 department, transfer their portion of the funds into the
 7577 department's Operating Trust Fund for payment by the department.
 7578 The funds shall be transferred by the Executive Office of the
 7579 Governor pursuant to the agency budget amendment request
 7580 provisions in chapter 216.

7581 (b) Agencies that sign the joint agreements are
 7582 financially obligated for their portion of the agreed-upon
 7583 funds. If an agency becomes more than 90 days delinquent in
 7584 paying the funds, the department shall certify to the Chief
 7585 Financial Officer the amount due, and the Chief Financial
 7586 Officer shall transfer the amount due to the Operating Trust
 7587 Fund of the department from any of the agency's available funds.
 7588 The Chief Financial Officer shall report these transfers and the
 7589 reasons for the transfers to the Executive Office of the
 7590 Governor and the legislative appropriations committees.

7591 Section 43. Subsection (4) of section 288.063, Florida
 7592 Statutes, is amended to read:

7593 288.063 Contracts for transportation projects.—

7594 (4) The Office of Tourism, Trade, and Economic Development
 7595 may adopt criteria by which transportation projects are to be
 7596 reviewed and certified in accordance with s. 288.061. In
 7597 approving transportation projects for funding, the Office of
 7598 Tourism, Trade, and Economic Development shall consider factors
 7599 including, but not limited to, the cost per job created or
 7600 retained considering the amount of transportation funds
 7601 requested; the average hourly rate of wages for jobs created;



7602 the reliance on the program as an inducement for the project's
 7603 location decision; the amount of capital investment to be made
 7604 by the business; the demonstrated local commitment; the location
 7605 of the project in an enterprise zone designated pursuant to s.
 7606 290.0055; the location of the project in a spaceport territory
 7607 as defined in s. 331.304; the unemployment rate of the
 7608 surrounding area; and the poverty rate of the community; ~~and the~~
 7609 ~~adoption of an economic element as part of its local~~
 7610 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
 7611 Office of Tourism, Trade, and Economic Development may contact
 7612 any agency it deems appropriate for additional input regarding
 7613 the approval of projects.

7614 Section 44. Paragraph (a) of subsection (2), subsection
 7615 (10), and paragraph (d) of subsection (12) of section 288.975,
 7616 Florida Statutes, are amended to read:

7617 288.975 Military base reuse plans.—

7618 (2) As used in this section, the term:

7619 (a) "Affected local government" means a local government
 7620 adjoining the host local government and any other unit of local
 7621 government that is not a host local government but that is
 7622 identified in a proposed military base reuse plan as providing,
 7623 operating, or maintaining one or more public facilities as
 7624 defined in s. 163.3164(24) on lands within or serving a military
 7625 base designated for closure by the Federal Government.

7626 (10) Within 60 days after receipt of a proposed military
 7627 base reuse plan, these entities shall review and provide
 7628 comments to the host local government. The commencement of this
 7629 review period shall be advertised in newspapers of general



7630 circulation within the host local government and any affected
 7631 local government to allow for public comment. No later than 180
 7632 days after receipt and consideration of all comments, and the
 7633 holding of at least two public hearings, the host local
 7634 government shall adopt the military base reuse plan. The host
 7635 local government shall comply with the notice requirements set
 7636 forth in s. 163.3184 (11) ~~(15)~~ to ensure full public participation
 7637 in this planning process.

7638 (12) Following receipt of a petition, the petitioning
 7639 party or parties and the host local government shall seek
 7640 resolution of the issues in dispute. The issues in dispute shall
 7641 be resolved as follows:

7642 (d) Within 45 days after receiving the report from the
 7643 state land planning agency, the Administration Commission shall
 7644 take action to resolve the issues in dispute. In deciding upon a
 7645 proper resolution, the Administration Commission shall consider
 7646 the nature of the issues in dispute, any requests for a formal
 7647 administrative hearing pursuant to chapter 120, the compliance
 7648 of the parties with this section, the extent of the conflict
 7649 between the parties, the comparative hardships and the public
 7650 interest involved. If the Administration Commission incorporates
 7651 in its final order a term or condition that requires any local
 7652 government to amend its local government comprehensive plan, the
 7653 local government shall amend its plan within 60 days after the
 7654 issuance of the order. ~~Such amendment or amendments shall be~~
 7655 ~~exempt from the limitation of the frequency of plan amendments~~
 7656 ~~contained in s. 163.3187(1), and A public hearing on such~~
 7657 amendment or amendments pursuant to s. 163.3184 (11) ~~(15)~~ (b)1. is



7658 shall not be required. The final order of the Administration
 7659 Commission is subject to appeal pursuant to s. 120.68. If the
 7660 order of the Administration Commission is appealed, the time for
 7661 the local government to amend its plan shall be tolled during
 7662 the pendency of any local, state, or federal administrative or
 7663 judicial proceeding relating to the military base reuse plan.

7664 Section 45. Subsection (4) of section 290.0475, Florida
 7665 Statutes, is amended to read:

7666 290.0475 Rejection of grant applications; penalties for
 7667 failure to meet application conditions.—Applications received
 7668 for funding under all program categories shall be rejected
 7669 without scoring only in the event that any of the following
 7670 circumstances arise:

7671 (4) The application is not consistent with the local
 7672 government's comprehensive plan adopted pursuant to s.
 7673 163.3184(7).

7674 Section 46. Paragraph (c) of subsection (3) of section
 7675 311.07, Florida Statutes, is amended to read:

7676 311.07 Florida seaport transportation and economic
 7677 development funding.—

7678 (3)

7679 (c) To be eligible for consideration by the council
 7680 pursuant to this section, a project must be consistent with the
 7681 port comprehensive master plan which is incorporated as part of
 7682 the approved local government comprehensive plan as required by
 7683 s. 163.3178(2)(k) or other provisions of the Community Local
 7684 ~~Government Comprehensive Planning and Land Development~~
 7685 ~~Regulation Act~~, part II of chapter 163.



7686 Section 47. Subsection (1) of section 331.319, Florida
 7687 Statutes, is amended to read:

7688 331.319 Comprehensive planning; building and safety
 7689 codes.—The board of directors may:

7690 (1) Adopt, and from time to time review, amend,
 7691 supplement, or repeal, a comprehensive general plan for the
 7692 physical development of the area within the spaceport territory
 7693 in accordance with the objectives and purposes of this act and
 7694 consistent with the comprehensive plans of the applicable county
 7695 or counties and municipality or municipalities adopted pursuant
 7696 to the Community Local Government Comprehensive Planning and
 7697 Land Development Regulation Act, part II of chapter 163.

7698 Section 48. Paragraph (e) of subsection (5) of section
 7699 339.155, Florida Statutes, is amended to read:

7700 339.155 Transportation planning.—

7701 (5) ADDITIONAL TRANSPORTATION PLANS.—

7702 (e) The regional transportation plan developed pursuant to
 7703 this section must, at a minimum, identify regionally significant
 7704 transportation facilities located within a regional
 7705 transportation area and contain a prioritized list of regionally
 7706 significant projects. ~~The level of service standards for~~
 7707 ~~facilities to be funded under this subsection shall be adopted~~
 7708 ~~by the appropriate local government in accordance with s.~~
 7709 ~~163.3180(10).~~ The projects shall be adopted into the capital
 7710 improvements schedule of the local government comprehensive plan
 7711 pursuant to s. 163.3177(3).

7712 Section 49. Paragraph (a) of subsection (4) of section
 7713 339.2819, Florida Statutes, is amended to read:



7714 | 339.2819 Transportation Regional Incentive Program.—

7715 | (4)(a) Projects to be funded with Transportation Regional
7716 | Incentive Program funds shall, at a minimum:

7717 | 1. Support those transportation facilities that serve
7718 | national, statewide, or regional functions and function as an
7719 | integrated regional transportation system.

7720 | 2. Be identified in the capital improvements element of a
7721 | comprehensive plan that has been determined to be in compliance
7722 | with part II of chapter 163, after July 1, 2005, ~~or to implement~~
7723 | ~~a long-term concurrency management system adopted by a local~~
7724 | ~~government in accordance with s. 163.3180(9).~~ Further, the
7725 | project shall be in compliance with local government
7726 | comprehensive plan policies relative to corridor management.

7727 | 3. Be consistent with the Strategic Intermodal System Plan
7728 | developed under s. 339.64.

7729 | 4. Have a commitment for local, regional, or private
7730 | financial matching funds as a percentage of the overall project
7731 | cost.

7732 | Section 50. Subsection (5) of section 369.303, Florida
7733 | Statutes, is amended to read:

7734 | 369.303 Definitions.—As used in this part:

7735 | (5) "Land development regulation" means a regulation
7736 | covered by the definition in s. 163.3164~~(23)~~ and any of the
7737 | types of regulations described in s. 163.3202.

7738 | Section 51. Subsections (5) and (7) of section 369.321,
7739 | Florida Statutes, are amended to read:

7740 | 369.321 Comprehensive plan amendments.—Except as otherwise
7741 | expressly provided, by January 1, 2006, each local government



7742 within the Wekiva Study Area shall amend its local government
 7743 comprehensive plan to include the following:

7744 (5) Comprehensive plans and comprehensive plan amendments
 7745 adopted by the local governments to implement this section shall
 7746 be reviewed by the Department of Community Affairs pursuant to
 7747 s. 163.3184, ~~and shall be exempt from the provisions of s.~~
 7748 ~~163.3187(1).~~

7749 (7) During the period prior to the adoption of the
 7750 comprehensive plan amendments required by this act, any local
 7751 comprehensive plan amendment adopted by a city or county that
 7752 applies to land located within the Wekiva Study Area shall
 7753 protect surface and groundwater resources and be reviewed by the
 7754 Department of Community Affairs, ~~pursuant to chapter 163 and~~
 7755 ~~chapter 9J 5, Florida Administrative Code,~~ using best available
 7756 data, including the information presented to the Wekiva River
 7757 Basin Coordinating Committee.

7758 Section 52. Subsection (1) of section 378.021, Florida
 7759 Statutes, is amended to read:

7760 378.021 Master reclamation plan.—

7761 (1) The Department of Environmental Protection shall amend
 7762 the master reclamation plan that provides guidelines for the
 7763 reclamation of lands mined or disturbed by the severance of
 7764 phosphate rock prior to July 1, 1975, which lands are not
 7765 subject to mandatory reclamation under part II of chapter 211.
 7766 In amending the master reclamation plan, the Department of
 7767 Environmental Protection shall continue to conduct an onsite
 7768 evaluation of all lands mined or disturbed by the severance of
 7769 phosphate rock prior to July 1, 1975, which lands are not



7770 subject to mandatory reclamation under part II of chapter 211.
 7771 The master reclamation plan when amended by the Department of
 7772 Environmental Protection shall be consistent with local
 7773 government plans prepared pursuant to the Community Local
 7774 ~~Government Comprehensive Planning and Land Development~~
 7775 ~~Regulation Act.~~

7776 Section 53. Subsection (10) of section 380.031, Florida
 7777 Statutes, is amended to read:

7778 380.031 Definitions.—As used in this chapter:

7779 (10) "Local comprehensive plan" means any or all local
 7780 comprehensive plans or elements or portions thereof prepared,
 7781 adopted, or amended pursuant to the Community Local Government
 7782 ~~Comprehensive Planning and Land Development Regulation Act~~, as
 7783 amended.

7784 Section 54. Paragraph (d) of subsection (2), paragraph (b)
 7785 of subsection (6), paragraph (g) of subsection (15), paragraphs
 7786 (b), (c), (e), and (f) of subsection (19), subsection (24),
 7787 paragraph (e) of subsection (28), and paragraphs (a), (d), and
 7788 (e) of subsection (29) of section 380.06, Florida Statutes, are
 7789 amended to read:

7790 (2) STATEWIDE GUIDELINES AND STANDARDS.—

7791 (d) The guidelines and standards shall be applied as
 7792 follows:

7793 1. Fixed thresholds.—

7794 a. A development that is below 100 percent of all
 7795 numerical thresholds in the guidelines and standards shall not
 7796 be required to undergo development-of-regional-impact review.



7797 | b. A development that is at or above 120 percent of any
 7798 | numerical threshold shall be required to undergo development-of-
 7799 | regional-impact review.

7800 | c. Projects certified under s. 403.973 which create at
 7801 | least 100 jobs and meet the criteria of the Office of Tourism,
 7802 | Trade, and Economic Development as to their impact on an area's
 7803 | economy, employment, and prevailing wage and skill levels that
 7804 | are at or below 100 percent of the numerical thresholds for
 7805 | industrial plants, industrial parks, distribution, warehousing
 7806 | or wholesaling facilities, office development or multiuse
 7807 | projects other than residential, as described in s.
 7808 | 380.0651(3) (c), ~~(d)~~, and (f) ~~(h)~~, are not required to undergo
 7809 | development-of-regional-impact review.

7810 | 2. Rebuttable presumption.—It shall be presumed that a
 7811 | development that is at 100 percent or between 100 and 120
 7812 | percent of a numerical threshold shall be required to undergo
 7813 | development-of-regional-impact review.

7814 | (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
 7815 | PLAN AMENDMENTS.—

7816 | (b) Any local government comprehensive plan amendments
 7817 | related to a proposed development of regional impact, including
 7818 | any changes proposed under subsection (19), may be initiated by
 7819 | a local planning agency or the developer and must be considered
 7820 | by the local governing body at the same time as the application
 7821 | for development approval using the procedures provided for local
 7822 | plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable
 7823 | local ordinances, without regard to ~~statutory or local ordinance~~
 7824 | limits on the frequency of consideration of amendments to the



7825 local comprehensive plan. ~~Nothing in~~ This paragraph does not
 7826 ~~shall be deemed to~~ require favorable consideration of a plan
 7827 amendment solely because it is related to a development of
 7828 regional impact. The procedure for processing such comprehensive
 7829 plan amendments is as follows:

7830 1. If a developer seeks a comprehensive plan amendment
 7831 related to a development of regional impact, the developer must
 7832 so notify in writing the regional planning agency, the
 7833 applicable local government, and the state land planning agency
 7834 no later than the date of preapplication conference or the
 7835 submission of the proposed change under subsection (19).

7836 2. When filing the application for development approval or
 7837 the proposed change, the developer must include a written
 7838 request for comprehensive plan amendments that would be
 7839 necessitated by the development-of-regional-impact approvals
 7840 sought. That request must include data and analysis upon which
 7841 the applicable local government can determine whether to
 7842 transmit the comprehensive plan amendment pursuant to s.
 7843 163.3184.

7844 3. The local government must advertise a public hearing on
 7845 the transmittal within 30 days after filing the application for
 7846 development approval or the proposed change and must make a
 7847 determination on the transmittal within 60 days after the
 7848 initial filing unless that time is extended by the developer.

7849 4. If the local government approves the transmittal,
 7850 procedures set forth in s. 163.3184 (4) (b) - (d) (3) - (6) must be
 7851 followed.



7852 5. Notwithstanding subsection (11) or subsection (19), the
 7853 local government may not hold a public hearing on the
 7854 application for development approval or the proposed change or
 7855 on the comprehensive plan amendments sooner than 30 days from
 7856 receipt of the response from the state land planning agency
 7857 pursuant to s. 163.3184(4)(d)(6). ~~The 60-day time period for~~
 7858 ~~local governments to adopt, adopt with changes, or not adopt~~
 7859 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~
 7860 ~~concurrent plan amendments provided for in this subsection.~~

7861 6. The local government must hear both the application for
 7862 development approval or the proposed change and the
 7863 comprehensive plan amendments at the same hearing. However, the
 7864 local government must take action separately on the application
 7865 for development approval or the proposed change and on the
 7866 comprehensive plan amendments.

7867 7. Thereafter, the appeal process for the local government
 7868 development order must follow the provisions of s. 380.07, and
 7869 the compliance process for the comprehensive plan amendments
 7870 must follow the provisions of s. 163.3184.

7871 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

7872 (g) A local government shall not issue permits for
 7873 development subsequent to the buildout date contained in the
 7874 development order unless:

7875 1. The proposed development has been evaluated
 7876 cumulatively with existing development under the substantial
 7877 deviation provisions of subsection (19) subsequent to the
 7878 termination or expiration date;



7879 2. The proposed development is consistent with an
 7880 abandonment of development order that has been issued in
 7881 accordance with the provisions of subsection (26);

7882 3. The development of regional impact is essentially built
 7883 out, in that all the mitigation requirements in the development
 7884 order have been satisfied, all developers are in compliance with
 7885 all applicable terms and conditions of the development order
 7886 except the buildout date, and the amount of proposed development
 7887 that remains to be built is less than 40 ~~20~~ percent of any
 7888 applicable development-of-regional-impact threshold; or

7889 4. The project has been determined to be an essentially
 7890 built-out development of regional impact through an agreement
 7891 executed by the developer, the state land planning agency, and
 7892 the local government, in accordance with s. 380.032, which will
 7893 establish the terms and conditions under which the development
 7894 may be continued. If the project is determined to be essentially
 7895 built out, development may proceed pursuant to the s. 380.032
 7896 agreement after the termination or expiration date contained in
 7897 the development order without further development-of-regional-
 7898 impact review subject to the local government comprehensive plan
 7899 and land development regulations or subject to a modified
 7900 development-of-regional-impact analysis. As used in this
 7901 paragraph, an "essentially built-out" development of regional
 7902 impact means:

7903 a. The developers are in compliance with all applicable
 7904 terms and conditions of the development order except the
 7905 buildout date; and



7906 b.(I) The amount of development that remains to be built
 7907 is less than the substantial deviation threshold specified in
 7908 paragraph (19)(b) for each individual land use category, or, for
 7909 a multiuse development, the sum total of all unbuilt land uses
 7910 as a percentage of the applicable substantial deviation
 7911 threshold is equal to or less than 100 percent; or

7912 (II) The state land planning agency and the local
 7913 government have agreed in writing that the amount of development
 7914 to be built does not create the likelihood of any additional
 7915 regional impact not previously reviewed.

7916
 7917 The single-family residential portions of a development may be
 7918 considered "essentially built out" if all of the workforce
 7919 housing obligations and all of the infrastructure and horizontal
 7920 development have been completed, at least 50 percent of the
 7921 dwelling units have been completed, and more than 80 percent of
 7922 the lots have been conveyed to third-party individual lot owners
 7923 or to individual builders who own no more than 40 lots at the
 7924 time of the determination. The mobile home park portions of a
 7925 development may be considered "essentially built out" if all the
 7926 infrastructure and horizontal development has been completed,
 7927 and at least 50 percent of the lots are leased to individual
 7928 mobile home owners.

7929 (19) SUBSTANTIAL DEVIATIONS.—

7930 (b) Any proposed change to a previously approved
 7931 development of regional impact or development order condition
 7932 which, either individually or cumulatively with other changes,
 7933 exceeds any of the following criteria shall constitute a



7934 substantial deviation and shall cause the development to be
 7935 subject to further development-of-regional-impact review without
 7936 the necessity for a finding of same by the local government:

7937 1. An increase in the number of parking spaces at an
 7938 attraction or recreational facility by 15 ~~10~~ percent or 500 ~~330~~
 7939 spaces, whichever is greater, or an increase in the number of
 7940 spectators that may be accommodated at such a facility by 15 ~~10~~
 7941 percent or 1,500 ~~1,100~~ spectators, whichever is greater.

7942 2. A new runway, a new terminal facility, a 25-percent
 7943 lengthening of an existing runway, or a 25-percent increase in
 7944 the number of gates of an existing terminal, but only if the
 7945 increase adds at least three additional gates.

7946 ~~3. An increase in industrial development area by 10~~
 7947 ~~percent or 35 acres, whichever is greater.~~

7948 ~~4. An increase in the average annual acreage mined by 10~~
 7949 ~~percent or 11 acres, whichever is greater, or an increase in the~~
 7950 ~~average daily water consumption by a mining operation by 10~~
 7951 ~~percent or 330,000 gallons, whichever is greater. A net increase~~
 7952 ~~in the size of the mine by 10 percent or 825 acres, whichever is~~
 7953 ~~less. For purposes of calculating any net increases in size,~~
 7954 ~~only additions and deletions of lands that have not been mined~~
 7955 ~~shall be considered. An increase in the size of a heavy mineral~~
 7956 ~~mine as defined in s. 378.403(7) will only constitute a~~
 7957 ~~substantial deviation if the average annual acreage mined is~~
 7958 ~~more than 550 acres and consumes more than 3.3 million gallons~~
 7959 ~~of water per day.~~

7960 3.5. An increase in land area for office development by 15
 7961 ~~10~~ percent or an increase of gross floor area of office



HB 7207, Engrossed 2

2011

7962 development by 15 ~~10~~ percent or 100,000 ~~66,000~~ gross square
7963 feet, whichever is greater.

7964 4.6. An increase in the number of dwelling units by 10
7965 percent or 55 dwelling units, whichever is greater.

7966 5.7. An increase in the number of dwelling units by 50
7967 percent or 200 units, whichever is greater, provided that 15
7968 percent of the proposed additional dwelling units are dedicated
7969 to affordable workforce housing, subject to a recorded land use
7970 restriction that shall be for a period of not less than 20 years
7971 and that includes resale provisions to ensure long-term
7972 affordability for income-eligible homeowners and renters and
7973 provisions for the workforce housing to be commenced prior to
7974 the completion of 50 percent of the market rate dwelling. For
7975 purposes of this subparagraph, the term "affordable workforce
7976 housing" means housing that is affordable to a person who earns
7977 less than 120 percent of the area median income, or less than
7978 140 percent of the area median income if located in a county in
7979 which the median purchase price for a single-family existing
7980 home exceeds the statewide median purchase price of a single-
7981 family existing home. For purposes of this subparagraph, the
7982 term "statewide median purchase price of a single-family
7983 existing home" means the statewide purchase price as determined
7984 in the Florida Sales Report, Single-Family Existing Homes,
7985 released each January by the Florida Association of Realtors and
7986 the University of Florida Real Estate Research Center.

7987 6.8. An increase in commercial development by 60,000
7988 ~~55,000~~ square feet of gross floor area or of parking spaces



7989 provided for customers for 425 ~~330~~ cars or a 10-percent increase
 7990 ~~of either of these, whichever is greater.~~

7991 ~~9. An increase in hotel or motel rooms by 10 percent or 83~~
 7992 ~~rooms, whichever is greater.~~

7993 ~~7.10.~~ An increase in a recreational vehicle park area by
 7994 10 percent or 110 vehicle spaces, whichever is less.

7995 ~~8.11.~~ A decrease in the area set aside for open space of 5
 7996 percent or 20 acres, whichever is less.

7997 ~~9.12.~~ A proposed increase to an approved multiuse
 7998 development of regional impact where the sum of the increases of
 7999 each land use as a percentage of the applicable substantial
 8000 deviation criteria is equal to or exceeds 110 percent. The
 8001 percentage of any decrease in the amount of open space shall be
 8002 treated as an increase for purposes of determining when 110
 8003 percent has been reached or exceeded.

8004 ~~10.13.~~ A 15-percent increase in the number of external
 8005 vehicle trips generated by the development above that which was
 8006 projected during the original development-of-regional-impact
 8007 review.

8008 ~~11.14.~~ Any change which would result in development of any
 8009 area which was specifically set aside in the application for
 8010 development approval or in the development order for
 8011 preservation or special protection of endangered or threatened
 8012 plants or animals designated as endangered, threatened, or
 8013 species of special concern and their habitat, any species
 8014 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 8015 archaeological and historical sites designated as significant by
 8016 the Division of Historical Resources of the Department of State.



8017 The refinement of the boundaries and configuration of such areas
 8018 shall be considered under sub-subparagraph (e)2.j.

8019
 8020 The substantial deviation numerical standards in subparagraphs
 8021 3., 6., and 5., ~~8.~~, 9., and ~~12.~~, excluding residential uses, and
 8022 in subparagraph 10. ~~13.~~, are increased by 100 percent for a
 8023 project certified under s. 403.973 which creates jobs and meets
 8024 criteria established by the Office of Tourism, Trade, and
 8025 Economic Development as to its impact on an area's economy,
 8026 employment, and prevailing wage and skill levels. The
 8027 substantial deviation numerical standards in subparagraphs 3.,
 8028 4. 5., 6., ~~7.~~, ~~8.~~, 9., ~~12.~~, and 10. ~~13.~~ are increased by 50
 8029 percent for a project located wholly within an urban infill and
 8030 redevelopment area designated on the applicable adopted local
 8031 comprehensive plan future land use map and not located within
 8032 the coastal high hazard area.

8033 (c) An extension of the date of buildout of a development,
 8034 or any phase thereof, by more than 7 years is presumed to create
 8035 a substantial deviation subject to further development-of-
 8036 regional-impact review.

8037 1. An extension of the date of buildout, or any phase
 8038 thereof, of more than 5 years but not more than 7 years is
 8039 presumed not to create a substantial deviation. The extension of
 8040 the date of buildout of an areawide development of regional
 8041 impact by more than 5 years but less than 10 years is presumed
 8042 not to create a substantial deviation. These presumptions may be
 8043 rebutted by clear and convincing evidence at the public hearing



8044 held by the local government. An extension of 5 years or less is
 8045 not a substantial deviation.

8046 2. In recognition of the 2011 real estate market
 8047 conditions, at the option of the developer, all commencement,
 8048 phase, buildout, and expiration dates for projects that are
 8049 currently valid developments of regional impact are extended for
 8050 4 years regardless of any previous extension. Associated
 8051 mitigation requirements are extended for the same period unless,
 8052 before December 1, 2011, a governmental entity notifies a
 8053 developer that has commenced any construction within the phase
 8054 for which the mitigation is required that the local government
 8055 has entered into a contract for construction of a facility with
 8056 funds to be provided from the development's mitigation funds for
 8057 that phase as specified in the development order or written
 8058 agreement with the developer. The 4-year extension is not a
 8059 substantial deviation, is not subject to further development-of-
 8060 regional-impact review, and may not be considered when
 8061 determining whether a subsequent extension is a substantial
 8062 deviation under this subsection. The developer must notify the
 8063 local government in writing by December 31, 2011, in order to
 8064 receive the 4-year extension.

8065
 8066 For the purpose of calculating when a buildout or phase date has
 8067 been exceeded, the time shall be tolled during the pendency of
 8068 administrative or judicial proceedings relating to development
 8069 permits. Any extension of the buildout date of a project or a
 8070 phase thereof shall automatically extend the commencement date
 8071 of the project, the termination date of the development order,



8072 the expiration date of the development of regional impact, and
 8073 the phases thereof if applicable by a like period of time. ~~In~~
 8074 ~~recognition of the 2007 real estate market conditions, all~~
 8075 ~~phase, buildout, and expiration dates for projects that are~~
 8076 ~~developments of regional impact and under active construction on~~
 8077 ~~July 1, 2007, are extended for 3 years regardless of any prior~~
 8078 ~~extension. The 3 year extension is not a substantial deviation,~~
 8079 ~~is not subject to further development of regional impact review,~~
 8080 ~~and may not be considered when determining whether a subsequent~~
 8081 ~~extension is a substantial deviation under this subsection.~~

8082 (e)1. Except for a development order rendered pursuant to
 8083 subsection (22) or subsection (25), a proposed change to a
 8084 development order that individually or cumulatively with any
 8085 previous change is less than any numerical criterion contained
 8086 in subparagraphs (b)1.-10.1.-13. and does not exceed any other
 8087 criterion, or that involves an extension of the buildout date of
 8088 a development, or any phase thereof, of less than 5 years is not
 8089 subject to the public hearing requirements of subparagraph
 8090 (f)3., and is not subject to a determination pursuant to
 8091 subparagraph (f)5. Notice of the proposed change shall be made
 8092 to the regional planning council and the state land planning
 8093 agency. Such notice shall include a description of previous
 8094 individual changes made to the development, including changes
 8095 previously approved by the local government, and shall include
 8096 appropriate amendments to the development order.

8097 2. The following changes, individually or cumulatively
 8098 with any previous changes, are not substantial deviations:



- 8099 | a. Changes in the name of the project, developer, owner,
8100 | or monitoring official.
- 8101 | b. Changes to a setback that do not affect noise buffers,
8102 | environmental protection or mitigation areas, or archaeological
8103 | or historical resources.
- 8104 | c. Changes to minimum lot sizes.
- 8105 | d. Changes in the configuration of internal roads that do
8106 | not affect external access points.
- 8107 | e. Changes to the building design or orientation that stay
8108 | approximately within the approved area designated for such
8109 | building and parking lot, and which do not affect historical
8110 | buildings designated as significant by the Division of
8111 | Historical Resources of the Department of State.
- 8112 | f. Changes to increase the acreage in the development,
8113 | provided that no development is proposed on the acreage to be
8114 | added.
- 8115 | g. Changes to eliminate an approved land use, provided
8116 | that there are no additional regional impacts.
- 8117 | h. Changes required to conform to permits approved by any
8118 | federal, state, or regional permitting agency, provided that
8119 | these changes do not create additional regional impacts.
- 8120 | i. Any renovation or redevelopment of development within a
8121 | previously approved development of regional impact which does
8122 | not change land use or increase density or intensity of use.
- 8123 | j. Changes that modify boundaries and configuration of
8124 | areas described in subparagraph (b)11.14. due to science-based
8125 | refinement of such areas by survey, by habitat evaluation, by
8126 | other recognized assessment methodology, or by an environmental



HB 7207, Engrossed 2

2011

8127 assessment. In order for changes to qualify under this sub-
 8128 subparagraph, the survey, habitat evaluation, or assessment must
 8129 occur prior to the time a conservation easement protecting such
 8130 lands is recorded and must not result in any net decrease in the
 8131 total acreage of the lands specifically set aside for permanent
 8132 preservation in the final development order.

8133 k. Any other change which the state land planning agency,
 8134 in consultation with the regional planning council, agrees in
 8135 writing is similar in nature, impact, or character to the
 8136 changes enumerated in sub-subparagraphs a.-j. and which does not
 8137 create the likelihood of any additional regional impact.

8138
 8139 This subsection does not require the filing of a notice of
 8140 proposed change but shall require an application to the local
 8141 government to amend the development order in accordance with the
 8142 local government's procedures for amendment of a development
 8143 order. In accordance with the local government's procedures,
 8144 including requirements for notice to the applicant and the
 8145 public, the local government shall either deny the application
 8146 for amendment or adopt an amendment to the development order
 8147 which approves the application with or without conditions.
 8148 Following adoption, the local government shall render to the
 8149 state land planning agency the amendment to the development
 8150 order. The state land planning agency may appeal, pursuant to s.
 8151 380.07(3), the amendment to the development order if the
 8152 amendment involves sub-subparagraph g., sub-subparagraph h.,
 8153 sub-subparagraph j., or sub-subparagraph k., and it believes the



8154 change creates a reasonable likelihood of new or additional
 8155 regional impacts.

8156 3. Except for the change authorized by sub-subparagraph
 8157 2.f., any addition of land not previously reviewed or any change
 8158 not specified in paragraph (b) or paragraph (c) shall be
 8159 presumed to create a substantial deviation. This presumption may
 8160 be rebutted by clear and convincing evidence.

8161 4. Any submittal of a proposed change to a previously
 8162 approved development shall include a description of individual
 8163 changes previously made to the development, including changes
 8164 previously approved by the local government. The local
 8165 government shall consider the previous and current proposed
 8166 changes in deciding whether such changes cumulatively constitute
 8167 a substantial deviation requiring further development-of-
 8168 regional-impact review.

8169 5. The following changes to an approved development of
 8170 regional impact shall be presumed to create a substantial
 8171 deviation. Such presumption may be rebutted by clear and
 8172 convincing evidence.

8173 a. A change proposed for 15 percent or more of the acreage
 8174 to a land use not previously approved in the development order.
 8175 Changes of less than 15 percent shall be presumed not to create
 8176 a substantial deviation.

8177 b. Notwithstanding any provision of paragraph (b) to the
 8178 contrary, a proposed change consisting of simultaneous increases
 8179 and decreases of at least two of the uses within an authorized
 8180 multiuse development of regional impact which was originally



8209 public hearing shall be held within 60 days after submittal of
 8210 the proposed changes, unless that time is extended by the
 8211 developer.

8212 4. The appropriate regional planning agency or the state
 8213 land planning agency shall review the proposed change and, no
 8214 later than 45 days after submittal by the developer of the
 8215 proposed change, unless that time is extended by the developer,
 8216 and prior to the public hearing at which the proposed change is
 8217 to be considered, shall advise the local government in writing
 8218 whether it objects to the proposed change, shall specify the
 8219 reasons for its objection, if any, and shall provide a copy to
 8220 the developer.

8221 5. At the public hearing, the local government shall
 8222 determine whether the proposed change requires further
 8223 development-of-regional-impact review. The provisions of
 8224 paragraphs (a) and (e), the thresholds set forth in paragraph
 8225 (b), and the presumptions set forth in paragraphs (c) and (d)
 8226 and subparagraph (e)3. shall be applicable in determining
 8227 whether further development-of-regional-impact review is
 8228 required. The local government may also deny the proposed change
 8229 based on matters relating to local issues, such as if the land
 8230 on which the change is sought is plat restricted in a way that
 8231 would be incompatible with the proposed change, and the local
 8232 government does not wish to change the plat restriction as part
 8233 of the proposed change.

8234 6. If the local government determines that the proposed
 8235 change does not require further development-of-regional-impact
 8236 review and is otherwise approved, or if the proposed change is



8237 not subject to a hearing and determination pursuant to
 8238 subparagraphs 3. and 5. and is otherwise approved, the local
 8239 government shall issue an amendment to the development order
 8240 incorporating the approved change and conditions of approval
 8241 relating to the change. The requirement that a change be
 8242 otherwise approved shall not be construed to require additional
 8243 local review or approval if the change is allowed by applicable
 8244 local ordinances without further local review or approval. The
 8245 decision of the local government to approve, with or without
 8246 conditions, or to deny the proposed change that the developer
 8247 asserts does not require further review shall be subject to the
 8248 appeal provisions of s. 380.07. However, the state land planning
 8249 agency may not appeal the local government decision if it did
 8250 not comply with subparagraph 4. The state land planning agency
 8251 may not appeal a change to a development order made pursuant to
 8252 subparagraph (e)1. or subparagraph (e)2. for developments of
 8253 regional impact approved after January 1, 1980, unless the
 8254 change would result in a significant impact to a regionally
 8255 significant archaeological, historical, or natural resource not
 8256 previously identified in the original development-of-regional-
 8257 impact review.

8258 (24) STATUTORY EXEMPTIONS.—

8259 (a) Any proposed hospital is exempt from ~~the provisions of~~
 8260 this section.

8261 (b) Any proposed electrical transmission line or
 8262 electrical power plant is exempt from ~~the provisions of~~ this
 8263 section.



8264 (c) Any proposed addition to an existing sports facility
 8265 complex is exempt from ~~the provisions of~~ this section if the
 8266 addition meets the following characteristics:

8267 1. It would not operate concurrently with the scheduled
 8268 hours of operation of the existing facility.

8269 2. Its seating capacity would be no more than 75 percent
 8270 of the capacity of the existing facility.

8271 3. The sports facility complex property is owned by a
 8272 public body prior to July 1, 1983.

8273
 8274 This exemption does not apply to any pari-mutuel facility.

8275 (d) Any proposed addition or cumulative additions
 8276 subsequent to July 1, 1988, to an existing sports facility
 8277 complex owned by a state university is exempt if the increased
 8278 seating capacity of the complex is no more than 30 percent of
 8279 the capacity of the existing facility.

8280 (e) Any addition of permanent seats or parking spaces for
 8281 an existing sports facility located on property owned by a
 8282 public body prior to July 1, 1973, is exempt from ~~the provisions~~
 8283 ~~of~~ this section if future additions do not expand existing
 8284 permanent seating or parking capacity more than 15 percent
 8285 annually in excess of the prior year's capacity.

8286 (f) Any increase in the seating capacity of an existing
 8287 sports facility having a permanent seating capacity of at least
 8288 50,000 spectators is exempt from ~~the provisions of~~ this section,
 8289 provided that such an increase does not increase permanent
 8290 seating capacity by more than 5 percent per year and not to
 8291 exceed a total of 10 percent in any 5-year period, and provided



8292 that the sports facility notifies the appropriate local
 8293 government within which the facility is located of the increase
 8294 at least 6 months prior to the initial use of the increased
 8295 seating, in order to permit the appropriate local government to
 8296 develop a traffic management plan for the traffic generated by
 8297 the increase. Any traffic management plan shall be consistent
 8298 with the local comprehensive plan, the regional policy plan, and
 8299 the state comprehensive plan.

8300 (g) Any expansion in the permanent seating capacity or
 8301 additional improved parking facilities of an existing sports
 8302 facility is exempt from ~~the provisions of~~ this section, if the
 8303 following conditions exist:

8304 1.a. The sports facility had a permanent seating capacity
 8305 on January 1, 1991, of at least 41,000 spectator seats;

8306 b. The sum of such expansions in permanent seating
 8307 capacity does not exceed a total of 10 percent in any 5-year
 8308 period and does not exceed a cumulative total of 20 percent for
 8309 any such expansions; or

8310 c. The increase in additional improved parking facilities
 8311 is a one-time addition and does not exceed 3,500 parking spaces
 8312 serving the sports facility; and

8313 2. The local government having jurisdiction of the sports
 8314 facility includes in the development order or development permit
 8315 approving such expansion under this paragraph a finding of fact
 8316 that the proposed expansion is consistent with the
 8317 transportation, water, sewer and stormwater drainage provisions
 8318 of the approved local comprehensive plan and local land
 8319 development regulations relating to those provisions.



8320
 8321 Any owner or developer who intends to rely on this statutory
 8322 exemption shall provide to the department a copy of the local
 8323 government application for a development permit. Within 45 days
 8324 of receipt of the application, the department shall render to
 8325 the local government an advisory and nonbinding opinion, in
 8326 writing, stating whether, in the department's opinion, the
 8327 prescribed conditions exist for an exemption under this
 8328 paragraph. The local government shall render the development
 8329 order approving each such expansion to the department. The
 8330 owner, developer, or department may appeal the local government
 8331 development order pursuant to s. 380.07, within 45 days after
 8332 the order is rendered. The scope of review shall be limited to
 8333 the determination of whether the conditions prescribed in this
 8334 paragraph exist. If any sports facility expansion undergoes
 8335 development-of-regional-impact review, all previous expansions
 8336 which were exempt under this paragraph shall be included in the
 8337 development-of-regional-impact review.

8338 (h) Expansion to port harbors, spoil disposal sites,
 8339 navigation channels, turning basins, harbor berths, and other
 8340 related inwater harbor facilities of ports listed in s.
 8341 403.021(9)(b), port transportation facilities and projects
 8342 listed in s. 311.07(3)(b), and intermodal transportation
 8343 facilities identified pursuant to s. 311.09(3) are exempt from
 8344 ~~the provisions of~~ this section when such expansions, projects,
 8345 or facilities are consistent with comprehensive master plans
 8346 that are in compliance with ~~the provisions of~~ s. 163.3178.



8347 (i) Any proposed facility for the storage of any petroleum
 8348 product or any expansion of an existing facility is exempt from
 8349 ~~the provisions of this section.~~

8350 (j) Any renovation or redevelopment within the same land
 8351 parcel which does not change land use or increase density or
 8352 intensity of use.

8353 (k) Waterport and marina development, including dry
 8354 storage facilities, are exempt from ~~the provisions of this~~
 8355 section.

8356 (l) Any proposed development within an urban service
 8357 boundary established under s. 163.3177(14), which is not
 8358 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
 8359 ~~provisions of this section~~ if the local government having
 8360 jurisdiction over the area where the development is proposed has
 8361 adopted the urban service boundary, has entered into a binding
 8362 agreement with jurisdictions that would be impacted and with the
 8363 Department of Transportation regarding the mitigation of impacts
 8364 on state and regional transportation facilities, ~~and has adopted~~
 8365 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

8366 (m) Any proposed development within a rural land
 8367 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ is
 8368 ~~exempt from the provisions of this section if the local~~
 8369 ~~government that has adopted the rural land stewardship area has~~
 8370 ~~entered into a binding agreement with jurisdictions that would~~
 8371 ~~be impacted and the Department of Transportation regarding the~~
 8372 ~~mitigation of impacts on state and regional transportation~~
 8373 ~~facilities, and has adopted a proportionate share methodology~~
 8374 ~~pursuant to s. 163.3180(16).~~



8375 (n) The establishment, relocation, or expansion of any
 8376 military installation as defined in s. 163.3175, is exempt from
 8377 this section.

8378 (o) Any self-storage warehousing that does not allow
 8379 retail or other services is exempt from this section.

8380 (p) Any proposed nursing home or assisted living facility
 8381 is exempt from this section.

8382 (q) Any development identified in an airport master plan
 8383 and adopted into the comprehensive plan pursuant to s.
 8384 163.3177(6)(k) is exempt from this section.

8385 (r) Any development identified in a campus master plan and
 8386 adopted pursuant to s. 1013.30 is exempt from this section.

8387 (s) Any development in a detailed specific area plan which
 8388 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
 8389 ~~the comprehensive plan~~ is exempt from this section.

8390 (t) Any proposed solid mineral mine and any proposed
 8391 addition to, expansion of, or change to an existing solid
 8392 mineral mine is exempt from this section. A mine owner will
 8393 enter into a binding agreement with the Department of
 8394 Transportation to mitigate impacts to strategic intermodal
 8395 system facilities pursuant to the transportation thresholds in
 8396 380.06(19) or rule 9J-2.045(6), Florida Administrative Code.
 8397 Proposed changes to any previously approved solid mineral mine
 8398 development-of-regional-impact development orders having vested
 8399 rights is not subject to further review or approval as a
 8400 development-of-regional-impact or notice-of-proposed-change
 8401 review or approval pursuant to subsection (19), except for those
 8402 applications pending as of July 1, 2011, which shall be governed



8403 by s. 380.115(2). Notwithstanding the foregoing, however,
 8404 pursuant to s. 380.115(1), previously approved solid mineral
 8405 mine development-of-regional-impact development orders shall
 8406 continue to enjoy vested rights and continue to be effective
 8407 unless rescinded by the developer. All local government
 8408 regulations of proposed solid mineral mines shall be applicable
 8409 to any new solid mineral mine or to any proposed addition to,
 8410 expansion of, or change to an existing solid mineral mine.

8411 (u) Notwithstanding any provisions in an agreement with or
 8412 among a local government, regional agency, or the state land
 8413 planning agency or in a local government's comprehensive plan to
 8414 the contrary, a project no longer subject to development-of-
 8415 regional-impact review under revised thresholds is not required
 8416 to undergo such review.

8417 (v) ~~(t)~~ Any development within a county with a research and
 8418 education authority created by special act and that is also
 8419 within a research and development park that is operated or
 8420 managed by a research and development authority pursuant to part
 8421 V of chapter 159 is exempt from this section.

8422
 8423 If a use is exempt from review as a development of regional
 8424 impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a
 8425 larger project that is subject to review as a development of
 8426 regional impact, the impact of the exempt use must be included
 8427 in the review of the larger project, unless such exempt use
 8428 involves a development of regional impact that includes a
 8429 landowner, tenant, or user that has entered into a funding
 8430 agreement with the Office of Tourism, Trade, and Economic



8431 Development under the Innovation Incentive Program and the
 8432 agreement contemplates a state award of at least \$50 million.

8433 (28) PARTIAL STATUTORY EXEMPTIONS.—

8434 (e) The vesting provision of s. 163.3167(5)(~~8~~) relating to
 8435 an authorized development of regional impact does ~~shall~~ not
 8436 apply to those projects partially exempt from the development-
 8437 of-regional-impact review process under paragraphs (a)-(d).

8438 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

8439 (a) The following are exempt from this section:

8440 1. Any proposed development in a municipality that has an
 8441 average of at least 1,000 people per square mile of land area
 8442 and a minimum total population of at least 5,000 ~~qualifies as a~~
 8443 ~~dense urban land area as defined in s. 163.3164;~~

8444 2. Any proposed development within a county, including the
 8445 municipalities located in the county, that has an average of at
 8446 least 1,000 people per square mile of land area ~~qualifies as a~~
 8447 ~~dense urban land area as defined in s. 163.3164~~ and that is
 8448 located within an urban service area as defined in s. 163.3164
 8449 which has been adopted into the comprehensive plan; ~~or~~

8450 3. Any proposed development within a county, including the
 8451 municipalities located therein, which has a population of at
 8452 least 900,000; that has an average of at least 1,000 people per
 8453 square mile of land area ~~which qualifies as a dense urban land~~
 8454 ~~area under s. 163.3164~~, but which does not have an urban service
 8455 area designated in the comprehensive plan; or

8456 4. Any proposed development within a county, including the
 8457 municipalities located therein, which has a population of at
 8458 least 1 million and is located within an urban service area as



8459 defined in s. 163.3164 which has been adopted into the
 8460 comprehensive plan.

8461
 8462 The Office of Economic and Demographic Research within the
 8463 Legislature shall annually calculate the population and density
 8464 criteria needed to determine which jurisdictions meet the
 8465 density criteria in subparagraphs 1.-4. by using the most recent
 8466 land area data from the decennial census conducted by the Bureau
 8467 of the Census of the United States Department of Commerce and
 8468 the latest available population estimates determined pursuant to
 8469 s. 186.901. If any local government has had an annexation,
 8470 contraction, or new incorporation, the Office of Economic and
 8471 Demographic Research shall determine the population density
 8472 using the new jurisdictional boundaries as recorded in
 8473 accordance with s. 171.091. The Office of Economic and
 8474 Demographic Research shall annually submit to the state land
 8475 planning agency by July 1 a list of jurisdictions that meet the
 8476 total population and density criteria. The state land planning
 8477 agency shall publish the list of jurisdictions on its Internet
 8478 website within 7 days after the list is received. The
 8479 designation of jurisdictions that meet the criteria of
 8480 subparagraphs 1.-4. is effective upon publication on the state
 8481 land planning agency's Internet website. If a municipality that
 8482 has previously met the criteria no longer meets the criteria,
 8483 the state land planning agency shall maintain the municipality
 8484 on the list and indicate the year the jurisdiction last met the
 8485 criteria. However, any proposed development of regional impact
 8486 not within the established boundaries of a municipality at the



8487 time the municipality last met the criteria must meet the
 8488 requirements of this section until such time as the municipality
 8489 as a whole meets the criteria. Any county that meets the
 8490 criteria shall remain on the list in accordance with the
 8491 provisions of this paragraph. Any jurisdiction that was placed
 8492 on the dense urban land area list before the effective date of
 8493 this act shall remain on the list in accordance with the
 8494 provisions of this paragraph.

8495 (d) A development that is located partially outside an
 8496 area that is exempt from the development-of-regional-impact
 8497 program must undergo development-of-regional-impact review
 8498 pursuant to this section. However, if the total acreage that is
 8499 included within the area exempt from development-of-regional-
 8500 impact review exceeds 85 percent of the total acreage and square
 8501 footage of the approved development of regional impact, the
 8502 development-of-regional-impact development order may be
 8503 rescinded in both local governments pursuant to s. 380.115(1),
 8504 unless the portion of the development outside the exempt area
 8505 meets the threshold criteria of a development-of-regional-
 8506 impact.

8507 (e) In an area that is exempt under paragraphs (a)-(c),
 8508 any previously approved development-of-regional-impact
 8509 development orders shall continue to be effective, but the
 8510 developer has the option to be governed by s. 380.115(1). A
 8511 pending application for development approval shall be governed
 8512 by s. 380.115(2). ~~A development that has a pending application~~
 8513 ~~for a comprehensive plan amendment and that elects not to~~
 8514 ~~continue development of regional-impact review is exempt from~~



8515 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~
 8516 ~~for the year following the effective date of the exemption.~~

8517 Section 55. Subsection (3) and paragraph (a) of subsection
 8518 (4) of section 380.0651, Florida Statutes, are amended to read:
 8519 380.0651 Statewide guidelines and standards.—

8520 (3) The following statewide guidelines and standards shall
 8521 be applied in the manner described in s. 380.06(2) to determine
 8522 whether the following developments shall be required to undergo
 8523 development-of-regional-impact review:

8524 (a) *Airports.*—

8525 1. Any of the following airport construction projects
 8526 shall be a development of regional impact:

8527 a. A new commercial service or general aviation airport
 8528 with paved runways.

8529 b. A new commercial service or general aviation paved
 8530 runway.

8531 c. A new passenger terminal facility.

8532 2. Lengthening of an existing runway by 25 percent or an
 8533 increase in the number of gates by 25 percent or three gates,
 8534 whichever is greater, on a commercial service airport or a
 8535 general aviation airport with regularly scheduled flights is a
 8536 development of regional impact. However, expansion of existing
 8537 terminal facilities at a nonhub or small hub commercial service
 8538 airport shall not be a development of regional impact.

8539 3. Any airport development project which is proposed for
 8540 safety, repair, or maintenance reasons alone and would not have
 8541 the potential to increase or change existing types of aircraft
 8542 activity is not a development of regional impact.



8543 Notwithstanding subparagraphs 1. and 2., renovation,
 8544 modernization, or replacement of airport airside or terminal
 8545 facilities that may include increases in square footage of such
 8546 facilities but does not increase the number of gates or change
 8547 the existing types of aircraft activity is not a development of
 8548 regional impact.

8549 (b) *Attractions and recreation facilities.*—Any sports,
 8550 entertainment, amusement, or recreation facility, including, but
 8551 not limited to, a sports arena, stadium, racetrack, tourist
 8552 attraction, amusement park, or pari-mutuel facility, the
 8553 construction or expansion of which:

8554 1. For single performance facilities:

8555 a. Provides parking spaces for more than 2,500 cars; or

8556 b. Provides more than 10,000 permanent seats for
 8557 spectators.

8558 2. For serial performance facilities:

8559 a. Provides parking spaces for more than 1,000 cars; or

8560 b. Provides more than 4,000 permanent seats for
 8561 spectators.

8562
 8563 For purposes of this subsection, "serial performance facilities"
 8564 means those using their parking areas or permanent seating more
 8565 than one time per day on a regular or continuous basis.

8566 ~~3. For multiscreen movie theaters of at least 8 screens~~
 8567 ~~and 2,500 seats:~~

8568 ~~a. Provides parking spaces for more than 1,500 cars; or~~

8569 ~~b. Provides more than 6,000 permanent seats for~~
 8570 ~~spectators.~~



8571 ~~(c) Industrial plants, industrial parks, and distribution,~~
 8572 ~~warehousing or wholesaling facilities. Any proposed industrial,~~
 8573 ~~manufacturing, or processing plant, or distribution,~~
 8574 ~~warehousing, or wholesaling facility, excluding wholesaling~~
 8575 ~~developments which deal primarily with the general public~~
 8576 ~~onsite, under common ownership, or any proposed industrial,~~
 8577 ~~manufacturing, or processing activity or distribution,~~
 8578 ~~warehousing, or wholesaling activity, excluding wholesaling~~
 8579 ~~activities which deal primarily with the general public onsite,~~
 8580 ~~which:~~

- 8581 1. ~~Provides parking for more than 2,500 motor vehicles; or~~
- 8582 2. ~~Occupies a site greater than 320 acres.~~

8583 ~~(c)(d) Office development.~~—Any proposed office building or
 8584 park operated under common ownership, development plan, or
 8585 management that:

- 8586 1. Encompasses 300,000 or more square feet of gross floor
 8587 area; or
- 8588 2. Encompasses more than 600,000 square feet of gross
 8589 floor area in a county with a population greater than 500,000
 8590 and only in a geographic area specifically designated as highly
 8591 suitable for increased threshold intensity in the approved local
 8592 comprehensive plan.

8593 ~~(d)(e) Retail and service development.~~—Any proposed
 8594 retail, service, or wholesale business establishment or group of
 8595 establishments which deals primarily with the general public
 8596 onsite, operated under one common property ownership,
 8597 development plan, or management that:



8598 1. Encompasses more than 400,000 square feet of gross
 8599 area; or
 8600 2. Provides parking spaces for more than 2,500 cars.
 8601 ~~(f) Hotel or motel development.~~
 8602 1. ~~Any proposed hotel or motel development that is planned~~
 8603 ~~to create or accommodate 350 or more units; or~~
 8604 2. ~~Any proposed hotel or motel development that is planned~~
 8605 ~~to create or accommodate 750 or more units, in a county with a~~
 8606 ~~population greater than 500,000.~~
 8607 (e)(g) *Recreational vehicle development.*-Any proposed
 8608 recreational vehicle development planned to create or
 8609 accommodate 500 or more spaces.
 8610 (f)(h) *Multiuse development.*-Any proposed development with
 8611 two or more land uses where the sum of the percentages of the
 8612 appropriate thresholds identified in chapter 28-24, Florida
 8613 Administrative Code, or this section for each land use in the
 8614 development is equal to or greater than 145 percent. Any
 8615 proposed development with three or more land uses, one of which
 8616 is residential and contains at least 100 dwelling units or 15
 8617 percent of the applicable residential threshold, whichever is
 8618 greater, where the sum of the percentages of the appropriate
 8619 thresholds identified in chapter 28-24, Florida Administrative
 8620 Code, or this section for each land use in the development is
 8621 equal to or greater than 160 percent. This threshold is in
 8622 addition to, and does not preclude, a development from being
 8623 required to undergo development-of-regional-impact review under
 8624 any other threshold.



HB 7207, Engrossed 2

2011

8625 (g)~~(i)~~ *Residential development.*—No rule may be adopted
8626 concerning residential developments which treats a residential
8627 development in one county as being located in a less populated
8628 adjacent county unless more than 25 percent of the development
8629 is located within 2 or less miles of the less populated adjacent
8630 county. The residential thresholds of adjacent counties with
8631 less population and a lower threshold shall not be controlling
8632 on any development wholly located within areas designated as
8633 rural areas of critical economic concern.

8634 (h)~~(j)~~ *Workforce housing.*—The applicable guidelines for
8635 residential development and the residential component for
8636 multiuse development shall be increased by 50 percent where the
8637 developer demonstrates that at least 15 percent of the total
8638 residential dwelling units authorized within the development of
8639 regional impact will be dedicated to affordable workforce
8640 housing, subject to a recorded land use restriction that shall
8641 be for a period of not less than 20 years and that includes
8642 resale provisions to ensure long-term affordability for income-
8643 eligible homeowners and renters and provisions for the workforce
8644 housing to be commenced prior to the completion of 50 percent of
8645 the market rate dwelling. For purposes of this paragraph, the
8646 term "affordable workforce housing" means housing that is
8647 affordable to a person who earns less than 120 percent of the
8648 area median income, or less than 140 percent of the area median
8649 income if located in a county in which the median purchase price
8650 for a single-family existing home exceeds the statewide median
8651 purchase price of a single-family existing home. For the
8652 purposes of this paragraph, the term "statewide median purchase



8653 price of a single-family existing home" means the statewide
 8654 purchase price as determined in the Florida Sales Report,
 8655 Single-Family Existing Homes, released each January by the
 8656 Florida Association of Realtors and the University of Florida
 8657 Real Estate Research Center.

8658 (i) ~~(k)~~ Schools.—

8659 1. The proposed construction of any public, private, or
 8660 proprietary postsecondary educational campus which provides for
 8661 a design population of more than 5,000 full-time equivalent
 8662 students, or the proposed physical expansion of any public,
 8663 private, or proprietary postsecondary educational campus having
 8664 such a design population that would increase the population by
 8665 at least 20 percent of the design population.

8666 2. As used in this paragraph, "full-time equivalent
 8667 student" means enrollment for 15 or more quarter hours during a
 8668 single academic semester. In career centers or other
 8669 institutions which do not employ semester hours or quarter hours
 8670 in accounting for student participation, enrollment for 18
 8671 contact hours shall be considered equivalent to one quarter
 8672 hour, and enrollment for 27 contact hours shall be considered
 8673 equivalent to one semester hour.

8674 3. This paragraph does not apply to institutions which are
 8675 the subject of a campus master plan adopted by the university
 8676 board of trustees pursuant to s. 1013.30.

8677 (4) Two or more developments, represented by their owners
 8678 or developers to be separate developments, shall be aggregated
 8679 and treated as a single development under this chapter when they



8680 are determined to be part of a unified plan of development and
 8681 are physically proximate to one other.

8682 (a) The criteria of three ~~two~~ of the following
 8683 subparagraphs must be met in order for the state land planning
 8684 agency to determine that there is a unified plan of development:

8685 1.a. The same person has retained or shared control of the
 8686 developments;

8687 b. The same person has ownership or a significant legal or
 8688 equitable interest in the developments; or

8689 c. There is common management of the developments
 8690 controlling the form of physical development or disposition of
 8691 parcels of the development.

8692 2. There is a reasonable closeness in time between the
 8693 completion of 80 percent or less of one development and the
 8694 submission to a governmental agency of a master plan or series
 8695 of plans or drawings for the other development which is
 8696 indicative of a common development effort.

8697 3. A master plan or series of plans or drawings exists
 8698 covering the developments sought to be aggregated which have
 8699 been submitted to a local general-purpose government, water
 8700 management district, the Florida Department of Environmental
 8701 Protection, or the Division of Florida Condominiums, Timeshares,
 8702 and Mobile Homes for authorization to commence development. The
 8703 existence or implementation of a utility's master utility plan
 8704 required by the Public Service Commission or general-purpose
 8705 local government or a master drainage plan shall not be the sole
 8706 determinant of the existence of a master plan.



8707 ~~4. The voluntary sharing of infrastructure that is~~
 8708 ~~indicative of a common development effort or is designated~~
 8709 ~~specifically to accommodate the developments sought to be~~
 8710 ~~aggregated, except that which was implemented because it was~~
 8711 ~~required by a local general-purpose government; water management~~
 8712 ~~district; the Department of Environmental Protection; the~~
 8713 ~~Division of Florida Condominiums, Timeshares, and Mobile Homes;~~
 8714 ~~or the Public Service Commission.~~

8715 ~~4.5.~~ There is a common advertising scheme or promotional
 8716 plan in effect for the developments sought to be aggregated.

8717 Section 56. Subsection (17) of section 331.303, Florida
 8718 Statutes, is amended to read:

8719 331.303 Definitions.—

8720 (17) "Spaceport launch facilities" means industrial
 8721 facilities as described in s. 380.0651(3)(c), Florida Statutes
 8722 2010, and include any launch pad, launch control center, and
 8723 fixed launch-support equipment.

8724 Section 57. Subsection (1) of section 380.115, Florida
 8725 Statutes, is amended to read:

8726 380.115 Vested rights and duties; effect of size
 8727 reduction, changes in guidelines and standards.—

8728 (1) A change in a development-of-regional-impact guideline
 8729 and standard does not abridge or modify any vested or other
 8730 right or any duty or obligation pursuant to any development
 8731 order or agreement that is applicable to a development of
 8732 regional impact. A development that has received a development-
 8733 of-regional-impact development order pursuant to s. 380.06, but
 8734 is no longer required to undergo development-of-regional-impact



8735 review by operation of a change in the guidelines and standards
 8736 or has reduced its size below the thresholds in s. 380.0651, or
 8737 a development that is exempt pursuant to s. 380.06(29) shall be
 8738 governed by the following procedures:

8739 (a) The development shall continue to be governed by the
 8740 development-of-regional-impact development order and may be
 8741 completed in reliance upon and pursuant to the development order
 8742 unless the developer or landowner has followed the procedures
 8743 for rescission in paragraph (b). Any proposed changes to those
 8744 developments which continue to be governed by a development
 8745 order shall be approved pursuant to s. 380.06(19) as it existed
 8746 prior to a change in the development-of-regional-impact
 8747 guidelines and standards, except that all percentage criteria
 8748 shall be doubled and all other criteria shall be increased by 10
 8749 percent. The development-of-regional-impact development order
 8750 may be enforced by the local government as provided by ss.
 8751 380.06(17) and 380.11.

8752 (b) If requested by the developer or landowner, the
 8753 development-of-regional-impact development order shall be
 8754 rescinded by the local government having jurisdiction upon a
 8755 showing that all required mitigation related to the amount of
 8756 development that existed on the date of rescission has been
 8757 completed.

8758 Section 58. Paragraph (a) of subsection (8) of section
 8759 380.061, Florida Statutes, is amended to read:

8760 380.061 The Florida Quality Developments program.—

8761 (8)(a) Any local government comprehensive plan amendments
 8762 related to a Florida Quality Development may be initiated by a



HB 7207, Engrossed 2

2011

8763 local planning agency and considered by the local governing body
 8764 at the same time as the application for development approval,
 8765 ~~using the procedures provided for local plan amendment in s.~~
 8766 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
 8767 ~~regard to statutory or local ordinance limits on the frequency~~
 8768 ~~of consideration of amendments to the local comprehensive plan.~~
 8769 Nothing in this subsection shall be construed to require
 8770 favorable consideration of a Florida Quality Development solely
 8771 because it is related to a development of regional impact.

8772 Section 59. Paragraph (a) of subsection (2) and subsection
 8773 (10) of section 380.065, Florida Statutes, are amended to read:

8774 380.065 Certification of local government review of
 8775 development.—

8776 (2) When a petition is filed, the state land planning
 8777 agency shall have no more than 90 days to prepare and submit to
 8778 the Administration Commission a report and recommendations on
 8779 the proposed certification. In deciding whether to grant
 8780 certification, the Administration Commission shall determine
 8781 whether the following criteria are being met:

8782 (a) The petitioning local government has adopted and
 8783 effectively implemented a local comprehensive plan and
 8784 development regulations which comply with ss. 163.3161-163.3215,
 8785 the Community Local Government Comprehensive Planning and Land
 8786 Development Regulation Act.

8787 ~~(10) The department shall submit an annual progress report~~
 8788 ~~to the President of the Senate and the Speaker of the House of~~
 8789 ~~Representatives by March 1 on the certification of local~~
 8790 ~~governments, stating which local governments have been~~



8791 ~~certified. For those local governments which have applied for~~
 8792 ~~certification but for which certification has been denied, the~~
 8793 ~~department shall specify the reasons certification was denied.~~

8794 Section 60. Section 380.0685, Florida Statutes, is amended
 8795 to read:

8796 380.0685 State park in area of critical state concern in
 8797 county which creates land authority; surcharge on admission and
 8798 overnight occupancy.—The Department of Environmental Protection
 8799 shall impose and collect a surcharge of 50 cents per person per
 8800 day, or \$5 per annual family auto entrance permit, on admission
 8801 to all state parks in areas of critical state concern located in
 8802 a county which creates a land authority pursuant to s.

8803 380.0663(1), and a surcharge of \$2.50 per night per campsite,
 8804 cabin, or other overnight recreational occupancy unit in state
 8805 parks in areas of critical state concern located in a county
 8806 which creates a land authority pursuant to s. 380.0663(1);
 8807 however, no surcharge shall be imposed or collected under this
 8808 section for overnight use by nonprofit groups of organized group
 8809 camps, primitive camping areas, or other facilities intended
 8810 primarily for organized group use. Such surcharges shall be
 8811 imposed within 90 days after any county creating a land
 8812 authority notifies the Department of Environmental Protection
 8813 that the land authority has been created. The proceeds from such
 8814 surcharges, less a collection fee that shall be kept by the
 8815 Department of Environmental Protection for the actual cost of
 8816 collection, not to exceed 2 percent, shall be transmitted to the
 8817 land authority of the county from which the revenue was
 8818 generated. Such funds shall be used to purchase property in the



8819 area or areas of critical state concern in the county from which
 8820 the revenue was generated. An amount not to exceed 10 percent
 8821 may be used for administration and other costs incident to such
 8822 purchases. However, the proceeds of the surcharges imposed and
 8823 collected pursuant to this section in a state park or parks
 8824 located wholly within a municipality, less the costs of
 8825 collection as provided herein, shall be transmitted to that
 8826 municipality for use by the municipality for land acquisition or
 8827 for beach renourishment or restoration, including, but not
 8828 limited to, costs associated with any design, permitting,
 8829 monitoring, and mitigation of such work, as well as the work
 8830 itself. However, these funds may not be included in any
 8831 calculation used for providing state matching funds for local
 8832 contributions for beach renourishment or restoration. The
 8833 surcharges levied under this section shall remain imposed as
 8834 long as the land authority is in existence.

8835 Section 61. Subsection (3) of section 380.115, Florida
 8836 Statutes, is amended to read:

8837 380.115 Vested rights and duties; effect of size
 8838 reduction, changes in guidelines and standards.--

8839 (3) A landowner that has filed an application for a
 8840 development-of-regional-impact review prior to the adoption of a
 8841 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
 8842 have the application reviewed pursuant to s. 380.06,
 8843 comprehensive plan provisions in force prior to adoption of the
 8844 sector plan, and any requested comprehensive plan amendments
 8845 that accompany the application.



8846 Section 62. Subsection (1) of section 403.50665, Florida
 8847 Statutes, is amended to read:

8848 403.50665 Land use consistency.—

8849 (1) The applicant shall include in the application a
 8850 statement on the consistency of the site and any associated
 8851 facilities that constitute a "development," as defined in s.
 8852 380.04, with existing land use plans and zoning ordinances that
 8853 were in effect on the date the application was filed and a full
 8854 description of such consistency. This information shall include
 8855 an identification of those associated facilities that the
 8856 applicant believes are exempt from the requirements of land use
 8857 plans and zoning ordinances under ~~the provisions of the~~
 8858 Community Local Government Comprehensive Planning and Land
 8859 Development Regulation Act provisions of chapter 163 and s.
 8860 380.04(3).

8861 Section 63. Subsection (13) and paragraph (a) of
 8862 subsection (14) of section 403.973, Florida Statutes, are
 8863 amended to read:

8864 403.973 Expedited permitting; amendments to comprehensive
 8865 plans.—

8866 (13) Notwithstanding any other provisions of law:

8867 ~~(a) Local comprehensive plan amendments for projects~~
 8868 ~~qualified under this section are exempt from the twice-a-year~~
 8869 ~~limits provision in s. 163.3187; and~~

8870 ~~(b)~~ Projects qualified under this section are not subject
 8871 to interstate highway level-of-service standards adopted by the
 8872 Department of Transportation for concurrency purposes. The
 8873 memorandum of agreement specified in subsection (5) must include



8874 a process by which the applicant will be assessed a fair share
 8875 of the cost of mitigating the project's significant traffic
 8876 impacts, as defined in chapter 380 and related rules. The
 8877 agreement must also specify whether the significant traffic
 8878 impacts on the interstate system will be mitigated through the
 8879 implementation of a project or payment of funds to the
 8880 Department of Transportation. Where funds are paid, the
 8881 Department of Transportation must include in the 5-year work
 8882 program transportation projects or project phases, in an amount
 8883 equal to the funds received, to mitigate the traffic impacts
 8884 associated with the proposed project.

8885 (14) (a) Challenges to state agency action in the expedited
 8886 permitting process for projects processed under this section are
 8887 subject to the summary hearing provisions of s. 120.574, except
 8888 that the administrative law judge's decision, as provided in s.
 8889 120.574(2) (f), shall be in the form of a recommended order and
 8890 do shall not constitute the final action of the state agency. In
 8891 those proceedings where the action of only one agency of the
 8892 state other than the Department of Environmental Protection is
 8893 challenged, the agency of the state shall issue the final order
 8894 within 45 working days after receipt of the administrative law
 8895 judge's recommended order, and the recommended order shall
 8896 inform the parties of their right to file exceptions or
 8897 responses to the recommended order in accordance with the
 8898 uniform rules of procedure pursuant to s. 120.54. In those
 8899 proceedings where the actions of more than one agency of the
 8900 state are challenged, the Governor shall issue the final order
 8901 within 45 working days after receipt of the administrative law



8902 judge's recommended order, and the recommended order shall
 8903 inform the parties of their right to file exceptions or
 8904 responses to the recommended order in accordance with the
 8905 uniform rules of procedure pursuant to s. 120.54. This paragraph
 8906 does not apply to the issuance of department licenses required
 8907 under any federally delegated or approved permit program. In
 8908 such instances, the department shall enter the final order. The
 8909 participating agencies of the state may opt at the preliminary
 8910 hearing conference to allow the administrative law judge's
 8911 decision to constitute the final agency action. ~~If a~~
 8912 ~~participating local government agrees to participate in the~~
 8913 ~~summary hearing provisions of s. 120.574 for purposes of review~~
 8914 ~~of local government comprehensive plan amendments, s.~~
 8915 ~~163.3184(9) and (10) apply.~~

8916 Section 64. Subsections (9) and (10) of section 420.5095,
 8917 Florida Statutes, are amended to read:

8918 420.5095 Community Workforce Housing Innovation Pilot
 8919 Program.—

8920 (9) Notwithstanding s. 163.3184 (4) (b) - (d) (3) - (6), any
 8921 local government comprehensive plan amendment to implement a
 8922 Community Workforce Housing Innovation Pilot Program project
 8923 found consistent with ~~the provisions of~~ this section shall be
 8924 expedited as provided in this subsection. At least 30 days prior
 8925 to adopting a plan amendment under this subsection, the local
 8926 government shall notify the state land planning agency of its
 8927 intent to adopt such an amendment, and the notice shall include
 8928 its evaluation related to site suitability and availability of
 8929 facilities and services. The public notice of the hearing



8930 required by s. 163.3184 (11) ~~(15)~~ (b)2. shall include a statement
 8931 that the local government intends to use the expedited adoption
 8932 process authorized by this subsection. Such amendments shall
 8933 require only a single public hearing before the governing board,
 8934 which shall be an adoption hearing as described in s.
 8935 163.3184 (4) (e) ~~(7)~~. ~~The state land planning agency shall issue~~
 8936 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~
 8937 ~~after determining that the amendment package is complete. Any~~
 8938 further proceedings shall be governed by s. ~~ss.~~ 163.3184(5)-
 8939 (13) ~~(9)~~ ~~(16)~~. ~~Amendments proposed under this section are not~~
 8940 ~~subject to s. 163.3187(1), which limits the adoption of a~~
 8941 ~~comprehensive plan amendment to no more than two times during~~
 8942 ~~any calendar year.~~

8943 (10) The processing of approvals of development orders or
 8944 development permits, as defined in s. 163.3164 ~~(7)~~ and ~~(8)~~, for
 8945 innovative community workforce housing projects shall be
 8946 expedited.

8947 Section 65. Subsection (5) of section 420.615, Florida
 8948 Statutes, is amended to read:

8949 420.615 Affordable housing land donation density bonus
 8950 incentives.—

8951 (5) The local government, as part of the approval process,
 8952 shall adopt a comprehensive plan amendment, pursuant to part II
 8953 of chapter 163, for the receiving land that incorporates the
 8954 density bonus. Such amendment shall be adopted in the manner as
 8955 required for small-scale amendments pursuant to s. 163.3187, is
 8956 not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3)~~ ~~(6)~~,



HB 7207, Engrossed 2

2011

8957 ~~and is exempt from the limitation on the frequency of plan~~
 8958 ~~amendments as provided in s. 163.3187.~~

8959 Section 66. Subsection (16) of section 420.9071, Florida
 8960 Statutes, is amended to read:

8961 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
 8962 term:

8963 (16) "Local housing incentive strategies" means local
 8964 regulatory reform or incentive programs to encourage or
 8965 facilitate affordable housing production, which include at a
 8966 minimum, assurance that permits as defined in s. 163.3164(7) and
 8967 (8) for affordable housing projects are expedited to a greater
 8968 degree than other projects; an ongoing process for review of
 8969 local policies, ordinances, regulations, and plan provisions
 8970 that increase the cost of housing prior to their adoption; and a
 8971 schedule for implementing the incentive strategies. Local
 8972 housing incentive strategies may also include other regulatory
 8973 reforms, such as those enumerated in s. 420.9076 or those
 8974 recommended by the affordable housing advisory committee in its
 8975 triennial evaluation of the implementation of affordable housing
 8976 incentives, and adopted by the local governing body.

8977 Section 67. Paragraph (a) of subsection (4) of section
 8978 420.9076, Florida Statutes, is amended to read:

8979 420.9076 Adoption of affordable housing incentive
 8980 strategies; committees.—

8981 (4) Triennially, the advisory committee shall review the
 8982 established policies and procedures, ordinances, land
 8983 development regulations, and adopted local government
 8984 comprehensive plan of the appointing local government and shall



8985 recommend specific actions or initiatives to encourage or
 8986 facilitate affordable housing while protecting the ability of
 8987 the property to appreciate in value. The recommendations may
 8988 include the modification or repeal of existing policies,
 8989 procedures, ordinances, regulations, or plan provisions; the
 8990 creation of exceptions applicable to affordable housing; or the
 8991 adoption of new policies, procedures, regulations, ordinances,
 8992 or plan provisions, including recommendations to amend the local
 8993 government comprehensive plan and corresponding regulations,
 8994 ordinances, and other policies. At a minimum, each advisory
 8995 committee shall submit a report to the local governing body that
 8996 includes recommendations on, and triennially thereafter
 8997 evaluates the implementation of, affordable housing incentives
 8998 in the following areas:

8999 (a) The processing of approvals of development orders or
 9000 permits, as defined in s. 163.3164(7) and (8), for affordable
 9001 housing projects is expedited to a greater degree than other
 9002 projects.

9003
 9004 The advisory committee recommendations may also include other
 9005 affordable housing incentives identified by the advisory
 9006 committee. Local governments that receive the minimum allocation
 9007 under the State Housing Initiatives Partnership Program shall
 9008 perform the initial review but may elect to not perform the
 9009 triennial review.

9010 Section 68. Subsection (1) of section 720.403, Florida
 9011 Statutes, is amended to read:



9012 720.403 Preservation of residential communities; revival
 9013 of declaration of covenants.—

9014 (1) Consistent with required and optional elements of
 9015 local comprehensive plans and other applicable provisions of the
 9016 Community Local Government Comprehensive Planning and Land
 9017 ~~Development Regulation~~ Act, homeowners are encouraged to
 9018 preserve existing residential communities, promote available and
 9019 affordable housing, protect structural and aesthetic elements of
 9020 their residential community, and, as applicable, maintain roads
 9021 and streets, easements, water and sewer systems, utilities,
 9022 drainage improvements, conservation and open areas, recreational
 9023 amenities, and other infrastructure and common areas that serve
 9024 and support the residential community by the revival of a
 9025 previous declaration of covenants and other governing documents
 9026 that may have ceased to govern some or all parcels in the
 9027 community.

9028 Section 69. Subsection (6) of section 1013.30, Florida
 9029 Statutes, is amended to read:

9030 1013.30 University campus master plans and campus
 9031 development agreements.—

9032 (6) Before a campus master plan is adopted, a copy of the
 9033 draft master plan must be sent for review or made available
 9034 electronically to the host and any affected local governments,
 9035 the state land planning agency, the Department of Environmental
 9036 Protection, the Department of Transportation, the Department of
 9037 State, the Fish and Wildlife Conservation Commission, and the
 9038 applicable water management district and regional planning
 9039 council. At the request of a governmental entity, a hard copy of



9040 the draft master plan shall be submitted within 7 business days
 9041 of an electronic copy being made available. These agencies must
 9042 be given 90 days after receipt of the campus master plans in
 9043 which to conduct their review and provide comments to the
 9044 university board of trustees. The commencement of this review
 9045 period must be advertised in newspapers of general circulation
 9046 within the host local government and any affected local
 9047 government to allow for public comment. Following receipt and
 9048 consideration of all comments and the holding of an informal
 9049 information session and at least two public hearings within the
 9050 host jurisdiction, the university board of trustees shall adopt
 9051 the campus master plan. It is the intent of the Legislature that
 9052 the university board of trustees comply with the notice
 9053 requirements set forth in s. 163.3184 (11) ~~(15)~~ to ensure full
 9054 public participation in this planning process. The informal
 9055 public information session must be held before the first public
 9056 hearing. The first public hearing shall be held before the draft
 9057 master plan is sent to the agencies specified in this
 9058 subsection. The second public hearing shall be held in
 9059 conjunction with the adoption of the draft master plan by the
 9060 university board of trustees. Campus master plans developed
 9061 under this section are not rules and are not subject to chapter
 9062 120 except as otherwise provided in this section.

9063 Section 70. Section 1013.33, Florida Statutes, is amended
 9064 to read:

9065 1013.33 Coordination of planning with local governing
 9066 bodies.—



9067 (1) It is the policy of this state to require the
 9068 coordination of planning between boards and local governing
 9069 bodies to ensure that plans for the construction and opening of
 9070 public educational facilities are facilitated and coordinated in
 9071 time and place with plans for residential development,
 9072 concurrently with other necessary services. Such planning shall
 9073 include the integration of the educational facilities plan and
 9074 applicable policies and procedures of a board with the local
 9075 comprehensive plan and land development regulations of local
 9076 governments. The planning must include the consideration of
 9077 allowing students to attend the school located nearest their
 9078 homes when a new housing development is constructed near a
 9079 county boundary and it is more feasible to transport the
 9080 students a short distance to an existing facility in an adjacent
 9081 county than to construct a new facility or transport students
 9082 longer distances in their county of residence. The planning must
 9083 also consider the effects of the location of public education
 9084 facilities, including the feasibility of keeping central city
 9085 facilities viable, in order to encourage central city
 9086 redevelopment and the efficient use of infrastructure and to
 9087 discourage uncontrolled urban sprawl. In addition, all parties
 9088 to the planning process must consult with state and local road
 9089 departments to assist in implementing the Safe Paths to Schools
 9090 program administered by the Department of Transportation.

9091 (2) (a) The school board, county, and nonexempt
 9092 municipalities located within the geographic area of a school
 9093 district shall enter into an interlocal agreement that jointly
 9094 establishes the specific ways in which the plans and processes



9095 of the district school board and the local governments are to be
 9096 coordinated. The interlocal agreements shall be submitted to the
 9097 state land planning agency and the Office of Educational
 9098 Facilities in accordance with a schedule published by the state
 9099 land planning agency.

9100 (b) The schedule must establish staggered due dates for
 9101 submission of interlocal agreements that are executed by both
 9102 the local government and district school board, commencing on
 9103 March 1, 2003, and concluding by December 1, 2004, and must set
 9104 the same date for all governmental entities within a school
 9105 district. However, if the county where the school district is
 9106 located contains more than 20 municipalities, the state land
 9107 planning agency may establish staggered due dates for the
 9108 submission of interlocal agreements by these municipalities. The
 9109 schedule must begin with those areas where both the number of
 9110 districtwide capital-outlay full-time-equivalent students equals
 9111 80 percent or more of the current year's school capacity and the
 9112 projected 5-year student growth rate is 1,000 or greater, or
 9113 where the projected 5-year student growth rate is 10 percent or
 9114 greater.

9115 (c) If the student population has declined over the 5-year
 9116 period preceding the due date for submittal of an interlocal
 9117 agreement by the local government and the district school board,
 9118 the local government and district school board may petition the
 9119 state land planning agency for a waiver of one or more of the
 9120 requirements of subsection (3). The waiver must be granted if
 9121 the procedures called for in subsection (3) are unnecessary
 9122 because of the school district's declining school age



9123 population, considering the district's 5-year work program
 9124 prepared pursuant to s. 1013.35. The state land planning agency
 9125 may modify or revoke the waiver upon a finding that the
 9126 conditions upon which the waiver was granted no longer exist.
 9127 The district school board and local governments must submit an
 9128 interlocal agreement within 1 year after notification by the
 9129 state land planning agency that the conditions for a waiver no
 9130 longer exist.

9131 (d) Interlocal agreements between local governments and
 9132 district school boards adopted pursuant to s. 163.3177 before
 9133 the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be
 9134 updated and executed pursuant to the requirements of subsections
 9135 (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal
 9136 agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must
 9137 be submitted to the state land planning agency within 30 days
 9138 after execution by the parties for review consistent with
 9139 subsections (3) and (4). Local governments and the district
 9140 school board in each school district are encouraged to adopt a
 9141 single interlocal agreement in which all join as parties. The
 9142 state land planning agency shall assemble and make available
 9143 model interlocal agreements meeting the requirements of
 9144 subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments
 9145 and, jointly with the Department of Education, the district
 9146 school boards of the requirements of subsections (2)-(7) ~~(2)-~~
 9147 ~~(9)~~, the dates for compliance, and the sanctions for
 9148 noncompliance. The state land planning agency shall be available
 9149 to informally review proposed interlocal agreements. If the
 9150 state land planning agency has not received a proposed



9151 interlocal agreement for informal review, the state land
 9152 planning agency shall, at least 60 days before the deadline for
 9153 submission of the executed agreement, renotify the local
 9154 government and the district school board of the upcoming
 9155 deadline and the potential for sanctions.

9156 (3) At a minimum, the interlocal agreement must address
 9157 interlocal agreement requirements in s. 163.31777 and, if
 9158 applicable, s. 163.3180(6)-(13)(g), ~~except for exempt local~~
 9159 ~~governments as provided in s. 163.3177(12)~~, and must address the
 9160 following issues:

9161 (a) A process by which each local government and the
 9162 district school board agree and base their plans on consistent
 9163 projections of the amount, type, and distribution of population
 9164 growth and student enrollment. The geographic distribution of
 9165 jurisdiction-wide growth forecasts is a major objective of the
 9166 process.

9167 (b) A process to coordinate and share information relating
 9168 to existing and planned public school facilities, including
 9169 school renovations and closures, and local government plans for
 9170 development and redevelopment.

9171 (c) Participation by affected local governments with the
 9172 district school board in the process of evaluating potential
 9173 school closures, significant renovations to existing schools,
 9174 and new school site selection before land acquisition. Local
 9175 governments shall advise the district school board as to the
 9176 consistency of the proposed closure, renovation, or new site
 9177 with the local comprehensive plan, including appropriate
 9178 circumstances and criteria under which a district school board



HB 7207, Engrossed 2

2011

9179 may request an amendment to the comprehensive plan for school
9180 siting.

9181 (d) A process for determining the need for and timing of
9182 onsite and offsite improvements to support new construction,
9183 proposed expansion, or redevelopment of existing schools. The
9184 process shall address identification of the party or parties
9185 responsible for the improvements.

9186 (e) A process for the school board to inform the local
9187 government regarding the effect of comprehensive plan amendments
9188 on school capacity. The capacity reporting must be consistent
9189 with laws and rules regarding measurement of school facility
9190 capacity and must also identify how the district school board
9191 will meet the public school demand based on the facilities work
9192 program adopted pursuant to s. 1013.35.

9193 (f) Participation of the local governments in the
9194 preparation of the annual update to the school board's 5-year
9195 district facilities work program and educational plant survey
9196 prepared pursuant to s. 1013.35.

9197 (g) A process for determining where and how joint use of
9198 either school board or local government facilities can be shared
9199 for mutual benefit and efficiency.

9200 (h) A procedure for the resolution of disputes between the
9201 district school board and local governments, which may include
9202 the dispute resolution processes contained in chapters 164 and
9203 186.

9204 (i) An oversight process, including an opportunity for
9205 public participation, for the implementation of the interlocal
9206 agreement.



9207 (4) (a) The Office of Educational Facilities shall submit
 9208 any comments or concerns regarding the executed interlocal
 9209 agreement to the state land planning agency within 30 days after
 9210 receipt of the executed interlocal agreement. The state land
 9211 planning agency shall review the executed interlocal agreement
 9212 to determine whether it is consistent with the requirements of
 9213 subsection (3), the adopted local government comprehensive plan,
 9214 and other requirements of law. Within 60 days after receipt of
 9215 an executed interlocal agreement, the state land planning agency
 9216 shall publish a notice of intent in the Florida Administrative
 9217 Weekly and shall post a copy of the notice on the agency's
 9218 Internet site. The notice of intent must state that the
 9219 interlocal agreement is consistent or inconsistent with the
 9220 requirements of subsection (3) and this subsection as
 9221 appropriate.

9222 (b) The state land planning agency's notice is subject to
 9223 challenge under chapter 120; however, an affected person, as
 9224 defined in s. 163.3184(1)(a), has standing to initiate the
 9225 administrative proceeding, and this proceeding is the sole means
 9226 available to challenge the consistency of an interlocal
 9227 agreement required by this section with the criteria contained
 9228 in subsection (3) and this subsection. In order to have
 9229 standing, each person must have submitted oral or written
 9230 comments, recommendations, or objections to the local government
 9231 or the school board before the adoption of the interlocal
 9232 agreement by the district school board and local government. The
 9233 district school board and local governments are parties to any
 9234 such proceeding. In this proceeding, when the state land



9235 planning agency finds the interlocal agreement to be consistent
 9236 with the criteria in subsection (3) and this subsection, the
 9237 interlocal agreement must be determined to be consistent with
 9238 subsection (3) and this subsection if the local government's and
 9239 school board's determination of consistency is fairly debatable.
 9240 When the state land planning agency finds the interlocal
 9241 agreement to be inconsistent with the requirements of subsection
 9242 (3) and this subsection, the local government's and school
 9243 board's determination of consistency shall be sustained unless
 9244 it is shown by a preponderance of the evidence that the
 9245 interlocal agreement is inconsistent.

9246 (c) If the state land planning agency enters a final order
 9247 that finds that the interlocal agreement is inconsistent with
 9248 the requirements of subsection (3) or this subsection, the state
 9249 land planning agency shall forward it to the Administration
 9250 Commission, which may impose sanctions against the local
 9251 government pursuant to s. 163.3184(11) and may impose sanctions
 9252 against the district school board by directing the Department of
 9253 Education to withhold an equivalent amount of funds for school
 9254 construction available pursuant to ss. 1013.65, 1013.68,
 9255 1013.70, and 1013.72.

9256 (5) If an executed interlocal agreement is not timely
 9257 submitted to the state land planning agency for review, the
 9258 state land planning agency shall, within 15 working days after
 9259 the deadline for submittal, issue to the local government and
 9260 the district school board a notice to show cause why sanctions
 9261 should not be imposed for failure to submit an executed
 9262 interlocal agreement by the deadline established by the agency.



9263 The agency shall forward the notice and the responses to the
 9264 Administration Commission, which may enter a final order citing
 9265 the failure to comply and imposing sanctions against the local
 9266 government and district school board by directing the
 9267 appropriate agencies to withhold at least 5 percent of state
 9268 funds pursuant to s. 163.3184(11) and by directing the
 9269 Department of Education to withhold from the district school
 9270 board at least 5 percent of funds for school construction
 9271 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
 9272 1013.72.

9273 (6). Any local government transmitting a public school
 9274 element to implement school concurrency pursuant to the
 9275 requirements of s. 163.3180 before the effective date of this
 9276 section is not required to amend the element or any interlocal
 9277 agreement to conform with the provisions of subsections (2)-(6)
 9278 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year
 9279 after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and
 9280 remains in effect.

9281 ~~(7) Except as provided in subsection (8), municipalities~~
 9282 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 9283 ~~from the requirements of subsections (2), (3), and (4).~~

9284 ~~(8) At the time of the evaluation and appraisal report,~~
 9285 ~~each exempt municipality shall assess the extent to which it~~
 9286 ~~continues to meet the criteria for exemption under s.~~
 9287 ~~163.3177(12). If the municipality continues to meet these~~
 9288 ~~criteria, the municipality shall continue to be exempt from the~~
 9289 ~~interlocal agreement requirement. Each municipality exempt under~~
 9290 ~~s. 163.3177(12) must comply with the provisions of subsections~~



9291 ~~(2) (8) within 1 year after the district school board proposes,~~
 9292 ~~in its 5 year district facilities work program, a new school~~
 9293 ~~within the municipality's jurisdiction.~~

9294 (7)~~(9)~~ A board and the local governing body must share and
 9295 coordinate information related to existing and planned school
 9296 facilities; proposals for development, redevelopment, or
 9297 additional development; and infrastructure required to support
 9298 the school facilities, concurrent with proposed development. A
 9299 school board shall use information produced by the demographic,
 9300 revenue, and education estimating conferences pursuant to s.
 9301 216.136 when preparing the district educational facilities plan
 9302 pursuant to s. 1013.35, as modified and agreed to by the local
 9303 governments, when provided by interlocal agreement, and the
 9304 Office of Educational Facilities, in consideration of local
 9305 governments' population projections, to ensure that the district
 9306 educational facilities plan not only reflects enrollment
 9307 projections but also considers applicable municipal and county
 9308 growth and development projections. The projections must be
 9309 apportioned geographically with assistance from the local
 9310 governments using local government trend data and the school
 9311 district student enrollment data. A school board is precluded
 9312 from siting a new school in a jurisdiction where the school
 9313 board has failed to provide the annual educational facilities
 9314 plan for the prior year required pursuant to s. 1013.35 unless
 9315 the failure is corrected.

9316 (8)~~(10)~~ The location of educational facilities shall be
 9317 consistent with the comprehensive plan of the appropriate local
 9318 governing body developed under part II of chapter 163 and



9319 consistent with the plan's implementing land development
 9320 regulations.

9321 (9)~~(11)~~ To improve coordination relative to potential
 9322 educational facility sites, a board shall provide written notice
 9323 to the local government that has regulatory authority over the
 9324 use of the land consistent with an interlocal agreement entered
 9325 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior
 9326 to acquiring or leasing property that may be used for a new
 9327 public educational facility. The local government, upon receipt
 9328 of this notice, shall notify the board within 45 days if the
 9329 site proposed for acquisition or lease is consistent with the
 9330 land use categories and policies of the local government's
 9331 comprehensive plan. This preliminary notice does not constitute
 9332 the local government's determination of consistency pursuant to
 9333 subsection (10) ~~(12)~~.

9334 (10)~~(12)~~ As early in the design phase as feasible and
 9335 consistent with an interlocal agreement entered pursuant to
 9336 subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before
 9337 commencing construction, the district school board shall in
 9338 writing request a determination of consistency with the local
 9339 government's comprehensive plan. The local governing body that
 9340 regulates the use of land shall determine, in writing within 45
 9341 days after receiving the necessary information and a school
 9342 board's request for a determination, whether a proposed
 9343 educational facility is consistent with the local comprehensive
 9344 plan and consistent with local land development regulations. If
 9345 the determination is affirmative, school construction may
 9346 commence and further local government approvals are not



9347 required, except as provided in this section. Failure of the
 9348 local governing body to make a determination in writing within
 9349 90 days after a district school board's request for a
 9350 determination of consistency shall be considered an approval of
 9351 the district school board's application. Campus master plans and
 9352 development agreements must comply with the provisions of ss.
 9353 1013.30 and 1013.63.

9354 (11)~~(13)~~ A local governing body may not deny the site
 9355 applicant based on adequacy of the site plan as it relates
 9356 solely to the needs of the school. If the site is consistent
 9357 with the comprehensive plan's land use policies and categories
 9358 in which public schools are identified as allowable uses, the
 9359 local government may not deny the application but it may impose
 9360 reasonable development standards and conditions in accordance
 9361 with s. 1013.51(1) and consider the site plan and its adequacy
 9362 as it relates to environmental concerns, health, safety and
 9363 welfare, and effects on adjacent property. Standards and
 9364 conditions may not be imposed which conflict with those
 9365 established in this chapter or the Florida Building Code, unless
 9366 mutually agreed and consistent with the interlocal agreement
 9367 required by subsections (2)-(6) ~~(2)-(8)~~.

9368 (12)~~(14)~~ This section does not prohibit a local governing
 9369 body and district school board from agreeing and establishing an
 9370 alternative process for reviewing a proposed educational
 9371 facility and site plan, and offsite impacts, pursuant to an
 9372 interlocal agreement adopted in accordance with subsections (2)-
 9373 (6) ~~(2)-(8)~~.



9374 (13)~~(15)~~ Existing schools shall be considered consistent
 9375 with the applicable local government comprehensive plan adopted
 9376 under part II of chapter 163. If a board submits an application
 9377 to expand an existing school site, the local governing body may
 9378 impose reasonable development standards and conditions on the
 9379 expansion only, and in a manner consistent with s. 1013.51(1).
 9380 Standards and conditions may not be imposed which conflict with
 9381 those established in this chapter or the Florida Building Code,
 9382 unless mutually agreed. Local government review or approval is
 9383 not required for:

9384 (a) The placement of temporary or portable classroom
 9385 facilities; or

9386 (b) Proposed renovation or construction on existing school
 9387 sites, with the exception of construction that changes the
 9388 primary use of a facility, includes stadiums, or results in a
 9389 greater than 5 percent increase in student capacity, or as
 9390 mutually agreed upon, pursuant to an interlocal agreement
 9391 adopted in accordance with subsections (2)~~(6)~~~~(8)~~.

9392 Section 71. Paragraph (b) of subsection (2) of section
 9393 1013.35, Florida Statutes, is amended to read:

9394 1013.35 School district educational facilities plan;
 9395 definitions; preparation, adoption, and amendment; long-term
 9396 work programs.—

9397 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 9398 FACILITIES PLAN.—

9399 (b) The plan must also include a financially feasible
 9400 district facilities work program for a 5-year period. The work
 9401 program must include:



HB 7207, Engrossed 2

2011

9402 1. A schedule of major repair and renovation projects
9403 necessary to maintain the educational facilities and ancillary
9404 facilities of the district.

9405 2. A schedule of capital outlay projects necessary to
9406 ensure the availability of satisfactory student stations for the
9407 projected student enrollment in K-12 programs. This schedule
9408 shall consider:

9409 a. The locations, capacities, and planned utilization
9410 rates of current educational facilities of the district. The
9411 capacity of existing satisfactory facilities, as reported in the
9412 Florida Inventory of School Houses must be compared to the
9413 capital outlay full-time-equivalent student enrollment as
9414 determined by the department, including all enrollment used in
9415 the calculation of the distribution formula in s. 1013.64.

9416 b. The proposed locations of planned facilities, whether
9417 those locations are consistent with the comprehensive plans of
9418 all affected local governments, and recommendations for
9419 infrastructure and other improvements to land adjacent to
9420 existing facilities. The provisions of ss. 1013.33(10), (11),
9421 and (12), ~~(13), and (14)~~ and 1013.36 must be addressed for new
9422 facilities planned within the first 3 years of the work plan, as
9423 appropriate.

9424 c. Plans for the use and location of relocatable
9425 facilities, leased facilities, and charter school facilities.

9426 d. Plans for multitrack scheduling, grade level
9427 organization, block scheduling, or other alternatives that
9428 reduce the need for additional permanent student stations.



9429 e. Information concerning average class size and
 9430 utilization rate by grade level within the district which will
 9431 result if the tentative district facilities work program is
 9432 fully implemented.

9433 f. The number and percentage of district students planned
 9434 to be educated in relocatable facilities during each year of the
 9435 tentative district facilities work program. For determining
 9436 future needs, student capacity may not be assigned to any
 9437 relocatable classroom that is scheduled for elimination or
 9438 replacement with a permanent educational facility in the current
 9439 year of the adopted district educational facilities plan and in
 9440 the district facilities work program adopted under this section.
 9441 Those relocatable classrooms clearly identified and scheduled
 9442 for replacement in a school-board-adopted, financially feasible,
 9443 5-year district facilities work program shall be counted at zero
 9444 capacity at the time the work program is adopted and approved by
 9445 the school board. However, if the district facilities work
 9446 program is changed and the relocatable classrooms are not
 9447 replaced as scheduled in the work program, the classrooms must
 9448 be reentered into the system and be counted at actual capacity.
 9449 Relocatable classrooms may not be perpetually added to the work
 9450 program or continually extended for purposes of circumventing
 9451 this section. All relocatable classrooms not identified and
 9452 scheduled for replacement, including those owned, lease-
 9453 purchased, or leased by the school district, must be counted at
 9454 actual student capacity. The district educational facilities
 9455 plan must identify the number of relocatable student stations



9456 | scheduled for replacement during the 5-year survey period and
 9457 | the total dollar amount needed for that replacement.

9458 | g. Plans for the closure of any school, including plans
 9459 | for disposition of the facility or usage of facility space, and
 9460 | anticipated revenues.

9461 | h. Projects for which capital outlay and debt service
 9462 | funds accruing under s. 9(d), Art. XII of the State Constitution
 9463 | are to be used shall be identified separately in priority order
 9464 | on a project priority list within the district facilities work
 9465 | program.

9466 | 3. The projected cost for each project identified in the
 9467 | district facilities work program. For proposed projects for new
 9468 | student stations, a schedule shall be prepared comparing the
 9469 | planned cost and square footage for each new student station, by
 9470 | elementary, middle, and high school levels, to the low, average,
 9471 | and high cost of facilities constructed throughout the state
 9472 | during the most recent fiscal year for which data is available
 9473 | from the Department of Education.

9474 | 4. A schedule of estimated capital outlay revenues from
 9475 | each currently approved source which is estimated to be
 9476 | available for expenditure on the projects included in the
 9477 | district facilities work program.

9478 | 5. A schedule indicating which projects included in the
 9479 | district facilities work program will be funded from current
 9480 | revenues projected in subparagraph 4.

9481 | 6. A schedule of options for the generation of additional
 9482 | revenues by the district for expenditure on projects identified
 9483 | in the district facilities work program which are not funded



HB 7207, Engrossed 2

2011

9484 under subparagraph 5. Additional anticipated revenues may
9485 include effort index grants, SIT Program awards, and Classrooms
9486 First funds.

9487 Section 72. Rules 9J-5 and 9J-11.023, Florida
9488 Administrative Code, are repealed, and the Department of State
9489 is directed to remove those rules from the Florida
9490 Administrative Code.

9491 Section 73. (1) Any permit or any other authorization
9492 that was extended under section 14 of chapter 2009-96, Laws of
9493 Florida, as reauthorized by section 47 of chapter 2010-147, Laws
9494 of Florida, is extended and renewed for an additional period of
9495 2 years after its previously scheduled expiration date. This
9496 extension is in addition to the 2-year permit extension provided
9497 under section 14 of chapter 2009-96, Laws of Florida, as
9498 reauthorized by section 47 of chapter 2010-147, Laws of Florida.
9499 This section does not prohibit conversion from the construction
9500 phase to the operation phase upon completion of construction.
9501 Permits that were extended by a total of 4 years pursuant to
9502 section 14 of chapter 2009-96, Laws of Florida, as reauthorized
9503 by section 47 of chapter 2010-147, Laws of Florida, and by
9504 section 46 of chapter 2010-147, Laws of Florida, cannot be
9505 further extended under this provision.

9506 (2) The commencement and completion dates for any required
9507 mitigation associated with a phased construction project shall
9508 be extended such that mitigation takes place in the same
9509 timeframe relative to the phase as originally permitted.

9510 (3) The holder of a valid permit or other authorization
9511 that is eligible for the 2-year extension shall notify the



HB 7207, Engrossed 2

2011

9512 authorizing agency in writing by December 31, 2011, identifying
9513 the specific authorization for which the holder intends to use
9514 the extension and the anticipated timeframe for acting on the
9515 authorization.

9516 (4) The extension provided for in subsection (1) does not
9517 apply to:

9518 (a) A permit or other authorization under any programmatic
9519 or regional general permit issued by the Army Corps of
9520 Engineers.

9521 (b) A permit or other authorization held by an owner or
9522 operator determined to be in significant noncompliance with the
9523 conditions of the permit or authorization as established through
9524 the issuance of a warning letter or notice of violation, the
9525 initiation of formal enforcement, or other equivalent action by
9526 the authorizing agency.

9527 (c) A permit or other authorization, if granted an
9528 extension, that would delay or prevent compliance with a court
9529 order.

9530 (5) Permits extended under this section shall continue to
9531 be governed by rules in effect at the time the permit was
9532 issued, except if it is demonstrated that the rules in effect at
9533 the time the permit was issued would create an immediate threat
9534 to public safety or health. This subsection applies to any
9535 modification of the plans, terms, and conditions of the permit
9536 that lessens the environmental impact, except that any such
9537 modification may not extend the time limit beyond 2 additional
9538 years.



9539 (6) This section does not impair the authority of a county
 9540 or municipality to require the owner of a property that has
 9541 notified the county or municipality of the owner's intention to
 9542 receive the extension of time granted pursuant to this section
 9543 to maintain and secure the property in a safe and sanitary
 9544 condition in compliance with applicable laws and ordinances.

9545 Section 74. (1) The state land planning agency, within 60
 9546 days after the effective date of this act, shall review any
 9547 administrative or judicial proceeding filed by the agency and
 9548 pending on the effective date of this act to determine whether
 9549 the issues raised by the state land planning agency are
 9550 consistent with the revised provisions of part II of chapter
 9551 163, Florida Statutes. For each proceeding, if the agency
 9552 determines that issues have been raised that are not consistent
 9553 with the revised provisions of part II of chapter 163, Florida
 9554 Statutes, the agency shall dismiss the proceeding. If the state
 9555 land planning agency determines that one or more issues have
 9556 been raised that are consistent with the revised provisions of
 9557 part II of chapter 163, Florida Statutes, the agency shall amend
 9558 its petition within 30 days after the determination to plead
 9559 with particularity as to the manner in which the plan or plan
 9560 amendment fails to meet the revised provisions of part II of
 9561 chapter 163, Florida Statutes. If the agency fails to timely
 9562 file such amended petition, the proceeding shall be dismissed.

9563 (2) In all proceedings that were initiated by the state
 9564 land planning agency before the effective date of this act, and
 9565 continue after that date, the local government's determination
 9566 that the comprehensive plan or plan amendment is in compliance



HB 7207, Engrossed 2

2011

9567 is presumed to be correct, and the local government's
9568 determination shall be sustained unless it is shown by a
9569 preponderance of the evidence that the comprehensive plan or
9570 plan amendment is not in compliance.

9571 Section 75. All local governments shall be governed by the
9572 revised provisions of s. 163.3191, Florida Statutes,
9573 notwithstanding a local government's previous failure to timely
9574 adopt its evaluation and appraisal report or evaluation and
9575 appraisal report-based amendments by the due dates previously
9576 established by the state land planning agency.

9577 Section 76. A comprehensive plan amendment adopted
9578 pursuant to s. 163.32465, Florida Statutes, subject to voter
9579 referendum by local charter, and found in compliance before the
9580 effective date of this act, may be readopted by ordinance, shall
9581 become effective upon approval by the local government, and is
9582 not subject to review or challenge pursuant to the provisions of
9583 s. 163.32465 or s. 163.3184, Florida Statutes.

9584 Section 77. The Department of Transportation shall develop
9585 and submit to the President of the Senate and the Speaker of the
9586 House of Representatives, no later than December 15, 2011, a
9587 report on recommended changes to or alternatives to the
9588 calculation of the proportionate share contribution in s.
9589 163.3180(5)(h)3., Florida Statutes. The department's
9590 recommendations, if any, shall be designed to ensure development
9591 contributions to mitigate impacts on the transportation system
9592 are assessed in predictable, equitable and fair manner and shall
9593 be developed in consultation with developers and representatives
9594 of local governments.



9595 Section 78. If any provision of this act or its
 9596 application to any person or circumstance is held invalid, the
 9597 invalidity does not affect other provisions or applications of
 9598 this act which can be given effect without the invalid provision
 9599 or application, and to this end the provisions of this act are
 9600 severable.

9601 Section 79. (1) Except as provided in subsection (4), and
 9602 in recognition of 2011 real estate market conditions, any
 9603 building permit, and any permit issued by the Department of
 9604 Environmental Protection or by a water management district
 9605 pursuant to part IV of chapter 373, Florida Statutes, which has
 9606 an expiration date from January 1, 2012, through January 1,
 9607 2014, is extended and renewed for a period of 2 years after its
 9608 previously scheduled date of expiration. This extension includes
 9609 any local government-issued development order or building permit
 9610 including certificates of levels of service. This section does
 9611 not prohibit conversion from the construction phase to the
 9612 operation phase upon completion of construction. This extension
 9613 is in addition to any existing permit extension. Extensions
 9614 granted pursuant to this section; section 14 of chapter 2009-96,
 9615 Laws of Florida, as reauthorized by section 47 of chapter 2010-
 9616 147, Laws of Florida; section 46 of chapter 2010-147, Laws of
 9617 Florida; or section 74 of this act shall not exceed 4 years in
 9618 total. Further, specific development order extensions granted
 9619 pursuant to s. 380.06(19)(c)2., Florida Statutes, cannot be
 9620 further extended by this section.

9621 (2) The commencement and completion dates for any required
 9622 mitigation associated with a phased construction project are



HB 7207, Engrossed 2

2011

9623 extended so that mitigation takes place in the same timeframe
9624 relative to the phase as originally permitted.

9625 (3) The holder of a valid permit or other authorization
9626 that is eligible for the 2-year extension must notify the
9627 authorizing agency in writing by December 31, 2011, identifying
9628 the specific authorization for which the holder intends to use
9629 the extension and the anticipated timeframe for acting on the
9630 authorization.

9631 (4) The extension provided for in subsection (1) does not
9632 apply to:

9633 (a) A permit or other authorization under any programmatic
9634 or regional general permit issued by the Army Corps of
9635 Engineers.

9636 (b) A permit or other authorization held by an owner or
9637 operator determined to be in significant noncompliance with the
9638 conditions of the permit or authorization as established through
9639 the issuance of a warning letter or notice of violation, the
9640 initiation of formal enforcement, or other equivalent action by
9641 the authorizing agency.

9642 (c) A permit or other authorization, if granted an
9643 extension that would delay or prevent compliance with a court
9644 order.

9645 (5) Permits extended under this section shall continue to
9646 be governed by the rules in effect at the time the permit was
9647 issued, except if it is demonstrated that the rules in effect at
9648 the time the permit was issued would create an immediate threat
9649 to public safety or health. This provision applies to any
9650 modification of the plans, terms, and conditions of the permit

