1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3161, F.S.; redesignating the "Local Government
4 Comprehensive Planning and Land Development Regulation
5 Act" as the "Community Planning Act"; revising and
6 providing intent and purpose of act; amending s. 163.3164,
7 F.S.; revising definitions; amending s. 163.3167, F.S.;
8 revising scope of the act; revising and providing duties
9 of local governments and municipalities relating to
10 comprehensive plans; deleting retroactive effect; creating
11 s. 163.3168, F.S.; encouraging local governments to apply
12 for certain innovative planning tools; authorizing the
13 state land planning agency and other appropriate state and
14 regional agencies to use direct and indirect technical
15 assistance; amending s. 163.3171, F.S.; providing
16 legislative intent; amending s. 163.3174, F.S.; deleting
17 certain notice requirements relating to the establishment
18 of local planning agencies by a governing body; amending
19 s. 163.3175, F.S.; providing that certain comments,
20 underlying studies, and reports provided by a military
21 installation's commanding officer are not binding on local
22 governments; providing additional factors for local
23 government consideration in impacts to military
24 installations; clarifying requirements for adopting
25 criteria to address compatibility of lands relating to
26 military installations; amending s. 163.3177, F.S.;
27 revising and providing duties of local governments;
28 revising and providing required and optional elements of

29 comprehensive plans; revising requirements of schedules of
30 capital improvements; revising and providing provisions
31 relating to capital improvements elements; revising major
32 objectives of, and procedures relating to, the local
33 comprehensive planning process; revising and providing
34 required and optional elements of future land use plans;
35 providing required transportation elements; revising and
36 providing required conservation elements; revising and
37 providing required housing elements; revising and
38 providing required coastal management elements; revising
39 and providing required intergovernmental coordination
40 elements; amending s. 163.31777, F.S.; revising
41 requirements relating to public schools' interlocal
42 agreements; deleting duties of the Office of Educational
43 Facilities, the state land planning agency, and local
44 governments relating to such agreements; deleting an
45 exemption; amending s. 163.3178, F.S.; deleting a deadline
46 for local governments to amend coastal management elements
47 and future land use maps; amending s. 163.3180, F.S.;
48 revising and providing provisions relating to concurrency;
49 revising concurrency requirements; revising application
50 and findings; revising local government requirements;
51 revising and providing requirements relating to
52 transportation concurrency, transportation concurrency
53 exception areas, urban infill, urban redevelopment, urban
54 service, downtown revitalization areas, transportation
55 concurrency management areas, long-term transportation and
56 school concurrency management systems, development of

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

85 duties of the administration commission; revising
86 provisions relating to areas of critical state concern;
87 providing for concurrent zoning; amending s. 163.3187,
88 F.S.; deleting provisions relating to the amendment of
89 adopted comprehensive plan and providing the process for
90 adoption of small-scale comprehensive plan amendments;
91 repealing s. 163.3189, F.S., relating to process for
92 amendment of adopted comprehensive plan; amending s.
93 163.3191, F.S., relating to the evaluation and appraisal
94 of comprehensive plans; providing and revising local
95 government requirements including notice, amendments,
96 compliance, mediation, reports, and scoping meetings;
97 amending s. 163.3229, F.S.; revising limitations on
98 duration of development agreements; amending s. 163.3235,
99 F.S.; revising requirements for periodic reviews of a
100 development agreements; amending s. 163.3239, F.S.;
101 revising recording requirements; amending s. 163.3243,
102 F.S.; revising parties who may file an action for
103 injunctive relief; amending s. 163.3245, F.S.; revising
104 provisions relating to optional sector plans; authorizing
105 the adoption of sector plans under certain circumstances;
106 amending s. 163.3246, F.S.; revising provisions relating
107 to the local government comprehensive planning
108 certification program; conforming provisions to changes
109 made by the act; deleting reporting requirements of the
110 Office of Program Policy Analysis and Government
111 Accountability; repealing s. 163.32465, F.S., relating to
112 state review of local comprehensive plans in urban areas;

113 amending s. 163.3247, F.S.; providing for future repeal
114 and abolition of the Century Commission for a Sustainable
115 Florida; creating s. 163.3248, F.S.; providing for the
116 designation of rural land stewardship areas; providing
117 purposes and requirements for the establishment of such
118 areas; providing for the creation of rural land
119 stewardship overlay zoning district and transferable rural
120 land use credits; providing certain limitation relating to
121 such credits; providing for incentives; providing
122 eligibility for incentives; providing legislative intent;
123 amending s. 380.06, F.S.; revising requirements relating
124 to the issuance of permits for development by local
125 governments; revising criteria for the determination of
126 substantial deviation; providing for extension of certain
127 expiration dates; revising exemptions governing
128 developments of regional impact; revising provisions to
129 conform to changes made by this act; amending s. 380.0651,
130 F.S.; revising provisions relating to statewide guidelines
131 and standards for certain multiscreen movie theaters,
132 industrial plants, industrial parks, distribution,
133 warehousing and wholesaling facilities, and hotels and
134 motels; revising criteria for the determination of when to
135 treat two or more developments as a single development;
136 amending s. 331.303, F.S.; conforming a cross-reference;
137 amending s. 380.115, F.S.; subjecting certain developments
138 required to undergo development-of-regional-impact review
139 to certain procedures; amending s. 380.065, F.S.; deleting
140 certain reporting requirements; conforming provisions to

141 changes made by the act; amending s. 380.0685, F.S.,
142 relating to use of surcharges for beach renourishment and
143 restoration; repealing Rules 9J-5 and 9J-11.023, Florida
144 Administrative Code, relating to minimum criteria for
145 review of local government comprehensive plans and plan
146 amendments, evaluation and appraisal reports, land
147 development regulations, and determinations of compliance;
148 amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217,
149 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203,
150 186.513, 189.415, 190.004, 190.005, 193.501, 287.042,
151 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155,
152 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031,
153 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095,
154 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and
155 1013.35, F.S.; revising provisions to conform to changes
156 made by this act; extending permits and other
157 authorizations extended under s. 14, ch. 2009-96, Laws of
158 Florida; extending certain previously granted buildout
159 dates; requiring a permitholder to notify the authorizing
160 agency of its intended use of the extension; exempting
161 certain permits from eligibility for an extension;
162 providing for applicability of rules governing permits;
163 declaring that certain provisions do not impair the
164 authority of counties and municipalities under certain
165 circumstances; requiring the state land planning agency to
166 review certain administrative and judicial proceedings;
167 providing procedures for such review; providing that all
168 local governments shall be governed by certain provisions

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.
176
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.—

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

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

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

(4) It is the intent of this act that ~~its adoption is necessary so that~~ local governments have the ability to ~~can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the overcrowding of land and avoid undue concentration of population;~~ facilitate the adequate and 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
278 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
349 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
432 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
460 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
488 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,

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 <u>maintain</u> ~~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 <u>(5)</u> ~~(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

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.

1170 ~~4. Standards for the management of debt.~~
1171 4.~~5.~~ A schedule of capital improvements which includes any
1172 publicly funded projects of federal, state, or local government,
1173 and which may include privately funded projects for which the
1174 local government has no fiscal responsibility. Projects~~,~~
1175 necessary to ensure that any adopted level-of-service standards
1176 are achieved and maintained for the 5-year period must be
1177 identified as either funded or unfunded and given a level of
1178 priority for funding. ~~For capital improvements that will be~~
1179 ~~funded by the developer, financial feasibility shall be~~
1180 ~~demonstrated by being guaranteed in an enforceable development~~
1181 ~~agreement or interlocal agreement pursuant to paragraph (10)(h),~~
1182 ~~or other enforceable agreement. These development agreements and~~
1183 ~~interlocal agreements shall be reflected in the schedule of~~
1184 ~~capital improvements if the capital improvement is necessary to~~
1185 ~~serve development within the 5-year schedule. If the local~~
1186 ~~government uses planned revenue sources that require referenda~~
1187 ~~or other actions to secure the revenue source, the plan must, in~~
1188 ~~the event the referenda are not passed or actions do not secure~~
1189 ~~the planned revenue source, identify other existing revenue~~
1190 ~~sources that will be used to fund the capital projects or~~
1191 ~~otherwise amend the plan to ensure financial feasibility.~~
1192 5.~~6.~~ The schedule must include transportation improvements
1193 included in the applicable metropolitan planning organization's
1194 transportation improvement program adopted pursuant to s.
1195 339.175(8) to the extent that such improvements are relied upon
1196 to ensure concurrency and financial feasibility. The schedule
1197 must ~~also~~ be coordinated with the applicable metropolitan

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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~~

1254 ~~2. Binding agreement addressing proportionate fair-share~~
1255 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~
1256 ~~subject to the amendment to the future land use map is located~~
1257 ~~within an area designated in a comprehensive plan for urban~~
1258 ~~infill, urban redevelopment, downtown revitalization, urban~~
1259 ~~infill and redevelopment, or an urban service area. The binding~~
1260 ~~agreement must be based on the maximum amount of development~~
1261 ~~identified by the future land use map amendment or as may be~~
1262 ~~otherwise restricted through a special area plan policy or map~~
1263 ~~notation in the comprehensive plan.~~
1264 ~~(f) A local government's comprehensive plan and plan~~
1265 ~~amendments for land uses within all transportation concurrency~~
1266 ~~exception areas that are designated and maintained in accordance~~
1267 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
1268 ~~achieve and maintain level-of-service standards for~~
1269 ~~transportation.~~
1270 (4)(a) Coordination of the local comprehensive plan with
1271 the comprehensive plans of adjacent municipalities, the county,
1272 adjacent counties, or the region; with the appropriate water
1273 management district's regional water supply plans approved
1274 pursuant to s. 373.709; <u>and</u> with adopted rules pertaining to
1275 designated areas of critical state concern~~; and with the state~~
1276 ~~comprehensive plan~~ shall be a major objective of the local
1277 comprehensive planning process. To that end, in the preparation
1278 of a comprehensive plan or element thereof, and in the
1279 comprehensive plan or element as adopted, the governing body
1280 shall include a specific policy statement indicating the
1281 relationship of the proposed development of the area to the

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.

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

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

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

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

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

4. ~~In addition, for rural communities,~~ The amount of land designated for future planned uses ~~industrial use~~ shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and ~~be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and~~ may not be limited solely by the projected population ~~of the rural community~~. The element shall accommodate at least the minimum amount of land required

1391 to accommodate the medium projections of the University of
1392 Florida's Bureau of Economic and Business Research for at least
1393 a 10-year planning period unless otherwise limited under s.
1394 380.05, including related rules of the Administration
1395 Commission.
1396 5. The future land use plan of a county may ~~also~~ designate
1397 areas for possible future municipal incorporation.
1398 6. The land use maps or map series shall generally
1399 identify and depict historic district boundaries and shall
1400 designate historically significant properties meriting
1401 protection. ~~For coastal counties, the future land use element~~
1402 ~~must include, without limitation, regulatory incentives and~~
1403 ~~criteria that encourage the preservation of recreational and~~
1404 ~~commercial working waterfronts as defined in s. 342.07.~~
1405 7. The future land use element must clearly identify the
1406 land use categories in which public schools are an allowable
1407 use. When delineating the land use categories in which public
1408 schools are an allowable use, a local government shall include
1409 in the categories sufficient land proximate to residential
1410 development to meet the projected needs for schools in
1411 coordination with public school boards and may establish
1412 differing criteria for schools of different type or size. Each
1413 local government shall include lands contiguous to existing
1414 school sites, to the maximum extent possible, within the land
1415 use categories in which public schools are an allowable use. ~~The~~
1416 ~~failure by a local government to comply with these school siting~~
1417 ~~requirements will result in the prohibition of the local~~
1418 ~~government's ability to amend the local comprehensive plan,~~

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.
1544 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
1572 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:

1614 a. All alternative modes of travel, such as public
1615 transportation, pedestrian, and bicycle travel.
1616 b. Aviation, rail, seaport facilities, access to those
1617 facilities, and intermodal terminals.
1618 c. The capability to evacuate the coastal population
1619 before an impending natural disaster.
1620 d. Airports, projected airport and aviation development,
1621 and land use compatibility around airports, which includes areas
1622 defined in ss. 333.01 and 333.02.
1623 e. An identification of land use densities, building
1624 intensities, and transportation management programs to promote
1625 public transportation systems in designated public
1626 transportation corridors so as to encourage population densities
1627 sufficient to support such systems.
1628 3. Municipalities having populations greater than 50,000,
1629 and counties having populations greater than 75,000, shall
1630 include mass-transit provisions showing proposed methods for the
1631 moving of people, rights-of-way, terminals, and related
1632 facilities and shall address:
1633 a. The provision of efficient public transit services
1634 based upon existing and proposed major trip generators and
1635 attractors, safe and convenient public transit terminals, land
1636 uses, and accommodation of the special needs of the
1637 transportation disadvantaged.
1638 b. Plans for port, aviation, and related facilities
1639 coordinated with the general circulation and transportation
1640 element.

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

1863 facilities and foster care facilities, with supporting
1864 infrastructure and public facilities.
1865 e. Provision for relocation housing and identification of
1866 historically significant and other housing for purposes of
1867 conservation, rehabilitation, or replacement.
1868 f. The formulation of housing implementation programs.
1869 g. The creation or preservation of affordable housing to
1870 minimize the need for additional local services and avoid the
1871 concentration of affordable housing units only in specific areas
1872 of the jurisdiction.
1873 ~~h. Energy efficiency in the design and construction of new~~
1874 ~~housing.~~
1875 ~~i. Use of renewable energy resources.~~
1876 ~~j. Each county in which the gap between the buying power~~
1877 ~~of a family of four and the median county home sale price~~
1878 ~~exceeds $170,000, as determined by the Florida Housing Finance~~
1879 ~~Corporation, and which is not designated as an area of critical~~
1880 ~~state concern shall adopt a plan for ensuring affordable~~
1881 ~~workforce housing. At a minimum, the plan shall identify~~
1882 ~~adequate sites for such housing. For purposes of this sub-~~
1883 ~~subparagraph, the term "workforce housing" means housing that is~~
1884 ~~affordable to natural persons or families whose total household~~
1885 ~~income does not exceed 140 percent of the area median income,~~
1886 ~~adjusted for household size.~~
1887 ~~k. As a precondition to receiving any state affordable~~
1888 ~~housing funding or allocation for any project or program within~~
1889 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
1890 ~~j., a county must, by July 1 of each year, provide certification~~

1891 ~~that the county has complied with the requirements of sub-~~
1892 ~~subparagraph j.~~
1893 2. The principles, guidelines, standards, and strategies
1894 ~~goals, objectives, and policies~~ of the housing element must be
1895 based on the data and analysis prepared on housing needs,
1896 including an inventory taken from the latest decennial United
1897 States Census or more recent estimates, which shall include the
1898 number and distribution of dwelling units by type, tenure, age,
1899 rent, value, monthly cost of owner-occupied units, and rent or
1900 cost to income ratio, and shall show the number of dwelling
1901 units that are substandard. The inventory shall also include the
1902 methodology used to estimate the condition of housing, a
1903 projection of the anticipated number of households by size,
1904 income range, and age of residents derived from the population
1905 projections, and the minimum housing need of the current and
1906 anticipated future residents of the jurisdiction ~~the affordable~~
1907 ~~housing needs assessment~~.
1908 3. The housing element must express principles,
1909 guidelines, standards, and strategies that reflect, as needed,
1910 the creation and preservation of affordable housing for all
1911 current and anticipated future residents of the jurisdiction,
1912 elimination of substandard housing conditions, adequate sites,
1913 and distribution of housing for a range of incomes and types,
1914 including mobile and manufactured homes. The element must
1915 provide for specific programs and actions to partner with
1916 private and nonprofit sectors to address housing needs in the
1917 jurisdiction, streamline the permitting process, and minimize
1918 costs and delays for affordable housing, establish standards to

1919 address the quality of housing, stabilization of neighborhoods,
1920 and identification and improvement of historically significant
1921 housing.
1922 4. State and federal housing plans prepared on behalf of
1923 the local government must be consistent with the goals,
1924 objectives, and policies of the housing element. Local
1925 governments are encouraged to use job training, job creation,
1926 and economic solutions to address a portion of their affordable
1927 housing concerns.
1928 ~~2. To assist local governments in housing data collection~~
1929 ~~and analysis and assure uniform and consistent information~~
1930 ~~regarding the state's housing needs, the state land planning~~
1931 ~~agency shall conduct an affordable housing needs assessment for~~
1932 ~~all local jurisdictions on a schedule that coordinates the~~
1933 ~~implementation of the needs assessment with the evaluation and~~
1934 ~~appraisal reports required by s. 163.3191. Each local government~~
1935 ~~shall utilize the data and analysis from the needs assessment as~~
1936 ~~one basis for the housing element of its local comprehensive~~
1937 ~~plan. The agency shall allow a local government the option to~~
1938 ~~perform its own needs assessment, if it uses the methodology~~
1939 ~~established by the agency by rule.~~
1940 (g)~~1.~~ For those units of local government identified in s.
1941 380.24, a coastal management element, appropriately related to
1942 the particular requirements of paragraphs (d) and (e) and
1943 meeting the requirements of s. 163.3178(2) and (3). The coastal
1944 management element shall set forth the principles, guidelines,
1945 standards, and strategies ~~policies~~ that shall guide the local

1946 government's decisions and program implementation with respect
1947 to the following objectives:
1948 1.a. Maintain, restore, and enhance Maintenance,
1949 restoration, and enhancement of the overall quality of the
1950 coastal zone environment, including, but not limited to, its
1951 amenities and aesthetic values.
1952 2.b. Preserve the continued existence of viable
1953 populations of all species of wildlife and marine life.
1954 3.c. Protect the orderly and balanced utilization and
1955 preservation, consistent with sound conservation principles, of
1956 all living and nonliving coastal zone resources.
1957 4.d. Avoid Avoidance of irreversible and irretrievable
1958 loss of coastal zone resources.
1959 5.e. Use ecological planning principles and assumptions to
1960 be used in the determination of the suitability and extent of
1961 permitted development.
1962 f. Proposed management and regulatory techniques.
1963 6.g. Limit Limitation of public expenditures that
1964 subsidize development in high-hazard coastal high-hazard areas.
1965 7.h. Protect Protection of human life against the effects
1966 of natural disasters.
1967 8.i. Direct the orderly development, maintenance, and use
1968 of ports identified in s. 403.021(9) to facilitate deepwater
1969 commercial navigation and other related activities.
1970 9.j. Preserve historic and archaeological resources, which
1971 include the Preservation, including sensitive adaptive use of
1972 these historic and archaeological resources.

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.
1987 ~~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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 ~~c.~~ 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~~
2098 ~~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~~
2154 ~~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~~

2168 ~~concurrency; and may address airport-related or aviation-related~~
2169 ~~development. Development or expansion of an airport consistent~~
2170 ~~with the adopted airport master plan that has been incorporated~~
2171 ~~into the local comprehensive plan in compliance with this part,~~
2172 ~~and airport-related or aviation-related development that has~~
2173 ~~been addressed in the comprehensive plan amendment that~~
2174 ~~incorporates the airport master plan, shall not be a development~~
2175 ~~of regional impact. Notwithstanding any other general law, an~~
2176 ~~airport that has received a development-of-regional-impact~~
2177 ~~development order pursuant to s. 380.06, but which is no longer~~
2178 ~~required to undergo development-of-regional-impact review~~
2179 ~~pursuant to this subsection, may abandon its development-of-~~
2180 ~~regional-impact order upon written notification to the~~
2181 ~~applicable local government. Upon receipt by the local~~
2182 ~~government, the development-of-regional-impact development order~~
2183 ~~is void.~~
2184 ~~(7) The comprehensive plan may include the following~~
2185 ~~additional elements, or portions or phases thereof:~~
2186 ~~(a) As a part of the circulation element of paragraph~~
2187 ~~(6)(b) or as a separate element, a mass-transit element showing~~
2188 ~~proposed methods for the moving of people, rights-of-way,~~
2189 ~~terminals, related facilities, and fiscal considerations for the~~
2190 ~~accomplishment of the element.~~
2191 ~~(b) As a part of the circulation element of paragraph~~
2192 ~~(6)(b) or as a separate element, plans for port, aviation, and~~
2193 ~~related facilities coordinated with the general circulation and~~
2194 ~~transportation element.~~

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~~
2209 ~~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.~~
2236 ~~(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 ~~(l) 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~~

2278 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
2279 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
2280 ~~become effective only after they have been submitted to the~~
2281 ~~President of the Senate and the Speaker of the House of~~
2282 ~~Representatives for review by the Legislature no later than 30~~
2283 ~~days prior to the next regular session of the Legislature. In~~
2284 ~~its review the Legislature may reject, modify, or take no action~~
2285 ~~relative to the rules. The agency shall conform the rules to the~~
2286 ~~changes made by the Legislature, or, if no action was taken, the~~
2287 ~~agency rules shall become effective. The rule shall include~~
2288 ~~criteria for determining whether:~~
2289 ~~(a) Proposed elements are in compliance with the~~
2290 ~~requirements of part II, as amended by this act.~~
2291 ~~(b) Other elements of the comprehensive plan are related~~
2292 ~~to and consistent with each other.~~
2293 ~~(c) The local government comprehensive plan elements are~~
2294 ~~consistent with the state comprehensive plan and the appropriate~~
2295 ~~regional policy plan pursuant to s. 186.508.~~
2296 ~~(d) Certain bays, estuaries, and harbors that fall under~~
2297 ~~the jurisdiction of more than one local government are managed~~
2298 ~~in a consistent and coordinated manner in the case of local~~
2299 ~~governments required to include a coastal management element in~~
2300 ~~their comprehensive plans pursuant to paragraph (6)(g).~~
2301 ~~(e) Proposed elements identify the mechanisms and~~
2302 ~~procedures for monitoring, evaluating, and appraising~~
2303 ~~implementation of the plan. Specific measurable objectives are~~
2304 ~~included to provide a basis for evaluating effectiveness as~~
2305 ~~required by s. 163.3191.~~

2306 ~~(f) Proposed elements contain policies to guide future~~
2307 ~~decisions in a consistent manner.~~
2308 ~~(g) Proposed elements contain programs and activities to~~
2309 ~~ensure that comprehensive plans are implemented.~~
2310 ~~(h) Proposed elements identify the need for and the~~
2311 ~~processes and procedures to ensure coordination of all~~
2312 ~~development activities and services with other units of local~~
2313 ~~government, regional planning agencies, water management~~
2314 ~~districts, and state and federal agencies as appropriate.~~
2315
2316 ~~The state land planning agency may adopt procedural rules that~~
2317 ~~are consistent with this section and chapter 120 for the review~~
2318 ~~of local government comprehensive plan elements required under~~
2319 ~~this section. The state land planning agency shall provide model~~
2320 ~~plans and ordinances and, upon request, other assistance to~~
2321 ~~local governments in the adoption and implementation of their~~
2322 ~~revised local government comprehensive plans. The review and~~
2323 ~~comment provisions applicable prior to October 1, 1985, shall~~
2324 ~~continue in effect until the criteria for review and~~
2325 ~~determination are adopted pursuant to this subsection and the~~
2326 ~~comprehensive plans required by s. 163.3167(2) are due.~~
2327 ~~(10) The Legislature recognizes the importance and~~
2328 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
2329 ~~Minimum Criteria for Review of Local Government Comprehensive~~
2330 ~~Plans and Determination of Compliance of the Department of~~
2331 ~~Community Affairs that will be used to determine compliance of~~
2332 ~~local comprehensive plans. The Legislature reserved unto itself~~
2333 ~~the right to review chapter 9J-5, Florida Administrative Code,~~

2334 ~~and to reject, modify, or take no action relative to this rule.~~
2335 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
2336 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
2337 ~~expresses the following legislative intent:~~
2338 ~~(a) The Legislature finds that in order for the department~~
2339 ~~to review local comprehensive plans, it is necessary to define~~
2340 ~~the term "consistency." Therefore, for the purpose of~~
2341 ~~determining whether local comprehensive plans are consistent~~
2342 ~~with the state comprehensive plan and the appropriate regional~~
2343 ~~policy plan, a local plan shall be consistent with such plans if~~
2344 ~~the local plan is "compatible with" and "furthers" such plans.~~
2345 ~~The term "compatible with" means that the local plan is not in~~
2346 ~~conflict with the state comprehensive plan or appropriate~~
2347 ~~regional policy plan. The term "furthers" means to take action~~
2348 ~~in the direction of realizing goals or policies of the state or~~
2349 ~~regional plan. For the purposes of determining consistency of~~
2350 ~~the local plan with the state comprehensive plan or the~~
2351 ~~appropriate regional policy plan, the state or regional plan~~
2352 ~~shall be construed as a whole and no specific goal and policy~~
2353 ~~shall be construed or applied in isolation from the other goals~~
2354 ~~and policies in the plans.~~
2355 ~~(b) Each local government shall review all the state~~
2356 ~~comprehensive plan goals and policies and shall address in its~~
2357 ~~comprehensive plan the goals and policies which are relevant to~~
2358 ~~the circumstances or conditions in its jurisdiction. The~~
2359 ~~decision regarding which particular state comprehensive plan~~
2360 ~~goals and policies will be furthered by the expenditure of a~~
2361 ~~local government's financial resources in any given year is a~~

2362 ~~decision which rests solely within the discretion of the local~~
2363 ~~government. Intergovernmental coordination, as set forth in~~
2364 ~~paragraph (6)(h), shall be utilized to the extent required to~~
2365 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
2366 ~~Code.~~
2367 ~~(c) The Legislature declares that if any portion of~~
2368 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~
2369 ~~conflict with this part, the appropriate statutory provision~~
2370 ~~shall prevail.~~
2371 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
2372 ~~mandate the creation, limitation, or elimination of regulatory~~
2373 ~~authority, nor does it authorize the adoption or require the~~
2374 ~~repeal of any rules, criteria, or standards of any local,~~
2375 ~~regional, or state agency.~~
2376 ~~(e) It is the Legislature's intent that support data or~~
2377 ~~summaries thereof shall not be subject to the compliance review~~
2378 ~~process, but the Legislature intends that goals and policies be~~
2379 ~~clearly based on appropriate data. The department may utilize~~
2380 ~~support data or summaries thereof to aid in its determination of~~
2381 ~~compliance and consistency. The Legislature intends that the~~
2382 ~~department may evaluate the application of a methodology~~
2383 ~~utilized in data collection or whether a particular methodology~~
2384 ~~is professionally accepted. However, the department shall not~~
2385 ~~evaluate whether one accepted methodology is better than~~
2386 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
2387 ~~construed to require original data collection by local~~
2388 ~~governments; however, Local governments are not to be~~

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~~

2417 ~~element of the local comprehensive plan as required by paragraph~~
2418 ~~(3)(a) or guaranteed in an enforceable development agreement.~~
2419 ~~This shall include development agreements pursuant to this~~
2420 ~~chapter or in an agreement or a development order issued~~
2421 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
2422 ~~require a local government to address services in its capital~~
2423 ~~improvements plan or to limit a local government's ability to~~
2424 ~~address any service in its capital improvements plan that it~~
2425 ~~deems necessary.~~
2426 ~~(i) The department shall take into account the factors~~
2427 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
2428 ~~it provides assistance to local governments and applies the rule~~
2429 ~~in specific situations with regard to the detail of the data and~~
2430 ~~analysis required.~~
2431 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
2432 ~~effective pursuant to subsection (9). The Legislature hereby~~
2433 ~~directs the department to adopt amendments as necessary which~~
2434 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
2435 ~~requirements of this legislative intent by October 1, 1986.~~
2436 ~~(k) In order for local governments to prepare and adopt~~
2437 ~~comprehensive plans with knowledge of the rules that are applied~~
2438 ~~to determine consistency of the plans with this part, there~~
2439 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
2440 ~~Florida Administrative Code, at the close of the 1986~~
2441 ~~legislative session. Therefore, the Legislature declares that~~
2442 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
2443 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
2444 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~

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 ~~(l) 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~~
2459 ~~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.~~

2473 ~~(b) It is the intent of the Legislature that the local~~
2474 ~~government comprehensive plans and plan amendments adopted~~
2475 ~~pursuant to the provisions of this part provide for a planning~~
2476 ~~process which allows for land use efficiencies within existing~~
2477 ~~urban areas and which also allows for the conversion of rural~~
2478 ~~lands to other uses, where appropriate and consistent with the~~
2479 ~~other provisions of this part and the affected local~~
2480 ~~comprehensive plans, through the application of innovative and~~
2481 ~~flexible planning and development strategies and creative land~~
2482 ~~use planning techniques, which may include, but not be limited~~
2483 ~~to, urban villages, new towns, satellite communities, area-based~~
2484 ~~allocations, clustering and open space provisions, mixed-use~~
2485 ~~development, and sector planning.~~
2486 ~~(c) It is the further intent of the Legislature that local~~
2487 ~~government comprehensive plans and implementing land development~~
2488 ~~regulations shall provide strategies which maximize the use of~~
2489 ~~existing facilities and services through redevelopment, urban~~
2490 ~~infill development, and other strategies for urban~~
2491 ~~revitalization.~~
2492 ~~(d)1. The department, in cooperation with the Department~~
2493 ~~of Agriculture and Consumer Services, the Department of~~
2494 ~~Environmental Protection, water management districts, and~~
2495 ~~regional planning councils, shall provide assistance to local~~
2496 ~~governments in the implementation of this paragraph and rule 9J-~~
2497 ~~5.006(5)(l), Florida Administrative Code. Implementation of~~
2498 ~~those provisions shall include a process by which the department~~
2499 ~~may authorize local governments to designate all or portions of~~
2500 ~~lands classified in the future land use element as predominantly~~

2501 ~~agricultural, rural, open, open-rural, or a substantively~~
2502 ~~equivalent land use, as a rural land stewardship area within~~
2503 ~~which planning and economic incentives are applied to encourage~~
2504 ~~the implementation of innovative and flexible planning and~~
2505 ~~development strategies and creative land use planning~~
2506 ~~techniques, including those contained herein and in rule 9J-~~
2507 ~~5.006(5)(l), Florida Administrative Code. Assistance may~~
2508 ~~include, but is not limited to:~~
2509 ~~a. Assistance from the Department of Environmental~~
2510 ~~Protection and water management districts in creating the~~
2511 ~~geographic information systems land cover database and aerial~~
2512 ~~photogrammetry needed to prepare for a rural land stewardship~~
2513 ~~area;~~
2514 ~~b. Support for local government implementation of rural~~
2515 ~~land stewardship concepts by providing information and~~
2516 ~~assistance to local governments regarding land acquisition~~
2517 ~~programs that may be used by the local government or landowners~~
2518 ~~to leverage the protection of greater acreage and maximize the~~
2519 ~~effectiveness of rural land stewardship areas; and~~
2520 ~~c. Expansion of the role of the Department of Community~~
2521 ~~Affairs as a resource agency to facilitate establishment of~~
2522 ~~rural land stewardship areas in smaller rural counties that do~~
2523 ~~not have the staff or planning budgets to create a rural land~~
2524 ~~stewardship area.~~
2525 ~~2. The department shall encourage participation by local~~
2526 ~~governments of different sizes and rural characteristics in~~
2527 ~~establishing and implementing rural land stewardship areas. It~~
2528 ~~is the intent of the Legislature that rural land stewardship~~

2529 ~~areas be used to further the following broad principles of rural~~
2530 ~~sustainability: restoration and maintenance of the economic~~
2531 ~~value of rural land; control of urban sprawl; identification and~~
2532 ~~protection of ecosystems, habitats, and natural resources;~~
2533 ~~promotion of rural economic activity; maintenance of the~~
2534 ~~viability of Florida's agricultural economy; and protection of~~
2535 ~~the character of rural areas of Florida. Rural land stewardship~~
2536 ~~areas may be multicounty in order to encourage coordinated~~
2537 ~~regional stewardship planning.~~
2538 ~~3. A local government, in conjunction with a regional~~
2539 ~~planning council, a stakeholder organization of private land~~
2540 ~~owners, or another local government, shall notify the department~~
2541 ~~in writing of its intent to designate a rural land stewardship~~
2542 ~~area. The written notification shall describe the basis for the~~
2543 ~~designation, including the extent to which the rural land~~
2544 ~~stewardship area enhances rural land values, controls urban~~
2545 ~~sprawl, provides necessary open space for agriculture and~~
2546 ~~protection of the natural environment, promotes rural economic~~
2547 ~~activity, and maintains rural character and the economic~~
2548 ~~viability of agriculture.~~
2549 ~~4. A rural land stewardship area shall be not less than~~
2550 ~~10,000 acres and shall be located outside of municipalities and~~
2551 ~~established urban growth boundaries, and shall be designated by~~
2552 ~~plan amendment. The plan amendment designating a rural land~~
2553 ~~stewardship area shall be subject to review by the Department of~~
2554 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
2555 ~~the following:~~

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)(l), 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)(l), 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.

2694 ~~e. Option agreements for sale to public entities or~~
2695 ~~private land conservation entities, in either fee or easement,~~
2696 ~~upon achievement of conservation objectives.~~
2697 ~~8. The department shall report to the Legislature on an~~
2698 ~~annual basis on the results of implementation of rural land~~
2699 ~~stewardship areas authorized by the department, including~~
2700 ~~successes and failures in achieving the intent of the~~
2701 ~~Legislature as expressed in this paragraph.~~
2702 ~~(c) The Legislature finds that mixed-use, high-density~~
2703 ~~development is appropriate for urban infill and redevelopment~~
2704 ~~areas. Mixed-use projects accommodate a variety of uses,~~
2705 ~~including residential and commercial, and usually at higher~~
2706 ~~densities that promote pedestrian-friendly, sustainable~~
2707 ~~communities. The Legislature recognizes that mixed-use, high-~~
2708 ~~density development improves the quality of life for residents~~
2709 ~~and businesses in urban areas. The Legislature finds that mixed-~~
2710 ~~use, high-density redevelopment and infill benefits residents by~~
2711 ~~creating a livable community with alternative modes of~~
2712 ~~transportation. Furthermore, the Legislature finds that local~~
2713 ~~zoning ordinances often discourage mixed-use, high-density~~
2714 ~~development in areas that are appropriate for urban infill and~~
2715 ~~redevelopment. The Legislature intends to discourage single-use~~
2716 ~~zoning in urban areas which often leads to lower-density, land-~~
2717 ~~intensive development outside an urban service area. Therefore,~~
2718 ~~the Department of Community Affairs shall provide technical~~
2719 ~~assistance to local governments in order to encourage mixed-use,~~
2720 ~~high-density urban infill and redevelopment projects.~~

2721 ~~(f) The Legislature finds that a program for the transfer~~
2722 ~~of development rights is a useful tool to preserve historic~~
2723 ~~buildings and create public open spaces in urban areas. A~~
2724 ~~program for the transfer of development rights allows the~~
2725 ~~transfer of density credits from historic properties and public~~
2726 ~~open spaces to areas designated for high-density development.~~
2727 ~~The Legislature recognizes that high-density development is~~
2728 ~~integral to the success of many urban infill and redevelopment~~
2729 ~~projects. The Legislature intends to encourage high-density~~
2730 ~~urban infill and redevelopment while preserving historic~~
2731 ~~structures and open spaces. Therefore, the Department of~~
2732 ~~Community Affairs shall provide technical assistance to local~~
2733 ~~governments in order to promote the transfer of development~~
2734 ~~rights within urban areas for high-density infill and~~
2735 ~~redevelopment projects.~~
2736 ~~(g) The implementation of this subsection shall be subject~~
2737 ~~to the provisions of this chapter, chapters 186 and 187, and~~
2738 ~~applicable agency rules.~~
2739 ~~(h) The department may adopt rules necessary to implement~~
2740 ~~the provisions of this subsection.~~
2741 ~~(12) A public school facilities element adopted to~~
2742 ~~implement a school concurrency program shall meet the~~
2743 ~~requirements of this subsection. Each county and each~~
2744 ~~municipality within the county, unless exempt or subject to a~~
2745 ~~waiver, must adopt a public school facilities element that is~~
2746 ~~consistent with those adopted by the other local governments~~
2747 ~~within the county and enter the interlocal agreement pursuant to~~
2748 ~~s. 163.31777.~~

2749 ~~(a) The state land planning agency may provide a waiver to~~
2750 ~~a county and to the municipalities within the county if the~~
2751 ~~capacity rate for all schools within the school district is no~~
2752 ~~greater than 100 percent and the projected 5-year capital outlay~~
2753 ~~full-time equivalent student growth rate is less than 10~~
2754 ~~percent. The state land planning agency may allow for a~~
2755 ~~projected 5-year capital outlay full-time equivalent student~~
2756 ~~growth rate to exceed 10 percent when the projected 10-year~~
2757 ~~capital outlay full-time equivalent student enrollment is less~~
2758 ~~than 2,000 students and the capacity rate for all schools within~~
2759 ~~the school district in the tenth year will not exceed the 100-~~
2760 ~~percent limitation. The state land planning agency may allow for~~
2761 ~~a single school to exceed the 100-percent limitation if it can~~
2762 ~~be demonstrated that the capacity rate for that single school is~~
2763 ~~not greater than 105 percent. In making this determination, the~~
2764 ~~state land planning agency shall consider the following~~
2765 ~~criteria:~~
2766 ~~1. Whether the exceedance is due to temporary~~
2767 ~~circumstances;~~
2768 ~~2. Whether the projected 5-year capital outlay full time~~
2769 ~~equivalent student growth rate for the school district is~~
2770 ~~approaching the 10-percent threshold;~~
2771 ~~3. Whether one or more additional schools within the~~
2772 ~~school district are at or approaching the 100-percent threshold;~~
2773 ~~and~~
2774 ~~4. The adequacy of the data and analysis submitted to~~
2775 ~~support the waiver request.~~

2776 ~~(b) A municipality in a nonexempt county is exempt if the~~
2777 ~~municipality meets all of the following criteria for having no~~
2778 ~~significant impact on school attendance:~~
2779 ~~1. The municipality has issued development orders for~~
2780 ~~fewer than 50 residential dwelling units during the preceding 5~~
2781 ~~years, or the municipality has generated fewer than 25~~
2782 ~~additional public school students during the preceding 5 years.~~
2783 ~~2. The municipality has not annexed new land during the~~
2784 ~~preceding 5 years in land use categories that permit residential~~
2785 ~~uses that will affect school attendance rates.~~
2786 ~~3. The municipality has no public schools located within~~
2787 ~~its boundaries.~~
2788 ~~(c) A public school facilities element shall be based upon~~
2789 ~~data and analyses that address, among other items, how level-of-~~
2790 ~~service standards will be achieved and maintained. Such data and~~
2791 ~~analyses must include, at a minimum, such items as: the~~
2792 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
2793 ~~year school district facilities work program adopted pursuant to~~
2794 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
2795 ~~1013.31 and an existing educational and ancillary plant map or~~
2796 ~~map series; information on existing development and development~~
2797 ~~anticipated for the next 5 years and the long-term planning~~
2798 ~~period; an analysis of problems and opportunities for existing~~
2799 ~~schools and schools anticipated in the future; an analysis of~~
2800 ~~opportunities to collocate future schools with other public~~
2801 ~~facilities such as parks, libraries, and community centers; an~~
2802 ~~analysis of the need for supporting public facilities for~~
2803 ~~existing and future schools; an analysis of opportunities to~~

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).~~

2859 ~~(j) The state land planning agency may issue a notice to~~
2860 ~~the school board and the local government to show cause why~~
2861 ~~sanctions should not be enforced for failure to enter into an~~
2862 ~~approved interlocal agreement as required by s. 163.31777 or for~~
2863 ~~failure to implement provisions relating to public school~~
2864 ~~concurrency. If the state land planning agency finds that~~
2865 ~~insufficient cause exists for the school board's or local~~
2866 ~~government's failure to enter into an approved interlocal~~
2867 ~~agreement as required by s. 163.31777 or for the school board's~~
2868 ~~or local government's failure to implement the provisions~~
2869 ~~relating to public school concurrency, the state land planning~~
2870 ~~agency shall submit its finding to the Administration Commission~~
2871 ~~which may impose on the local government any of the sanctions~~
2872 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~
2873 ~~district school board any of the sanctions set forth in s.~~
2874 ~~1008.32(4).~~
2875 ~~(13) Local governments are encouraged to develop a~~
2876 ~~community vision that provides for sustainable growth,~~
2877 ~~recognizes its fiscal constraints, and protects its natural~~
2878 ~~resources. At the request of a local government, the applicable~~
2879 ~~regional planning council shall provide assistance in the~~
2880 ~~development of a community vision.~~
2881 ~~(a) As part of the process of developing a community~~
2882 ~~vision under this section, the local government must hold two~~
2883 ~~public meetings with at least one of those meetings before the~~
2884 ~~local planning agency. Before those public meetings, the local~~
2885 ~~government must hold at least one public workshop with~~
2886 ~~stakeholder groups such as neighborhood associations, community~~

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~~

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 <u>(7)</u>~~(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
3097 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

3111 processes of the district school board and the local governments
3112 are to be coordinated. ~~The interlocal agreements shall be~~
3113 ~~submitted to the state land planning agency and the Office of~~
3114 ~~Educational Facilities in accordance with a schedule published~~
3115 ~~by the state land planning agency.~~
3116 ~~(b) The schedule must establish staggered due dates for~~
3117 ~~submission of interlocal agreements that are executed by both~~
3118 ~~the local government and the district school board, commencing~~
3119 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
3120 ~~set the same date for all governmental entities within a school~~
3121 ~~district. However, if the county where the school district is~~
3122 ~~located contains more than 20 municipalities, the state land~~
3123 ~~planning agency may establish staggered due dates for the~~
3124 ~~submission of interlocal agreements by these municipalities. The~~
3125 ~~schedule must begin with those areas where both the number of~~
3126 ~~districtwide capital-outlay full-time-equivalent students equals~~
3127 ~~80 percent or more of the current year's school capacity and the~~
3128 ~~projected 5-year student growth is 1,000 or greater, or where~~
3129 ~~the projected 5-year student growth rate is 10 percent or~~
3130 ~~greater.~~
3131 ~~(c) If the student population has declined over the 5-year~~
3132 ~~period preceding the due date for submittal of an interlocal~~
3133 ~~agreement by the local government and the district school board,~~
3134 ~~the local government and the district school board may petition~~
3135 ~~the state land planning agency for a waiver of one or more~~
3136 ~~requirements of subsection (2). The waiver must be granted if~~
3137 ~~the procedures called for in subsection (2) are unnecessary~~
3138 ~~because of the school district's declining school age~~

3139 ~~population, considering the district's 5-year facilities work~~
3140 ~~program prepared pursuant to s. 1013.35. The state land planning~~
3141 ~~agency may modify or revoke the waiver upon a finding that the~~
3142 ~~conditions upon which the waiver was granted no longer exist.~~
3143 ~~The district school board and local governments must submit an~~
3144 ~~interlocal agreement within 1 year after notification by the~~
3145 ~~state land planning agency that the conditions for a waiver no~~
3146 ~~longer exist.~~
3147 ~~(d) Interlocal agreements between local governments and~~
3148 ~~district school boards adopted pursuant to s. 163.3177 before~~
3149 ~~the effective date of this section must be updated and executed~~
3150 ~~pursuant to the requirements of this section, if necessary.~~
3151 ~~Amendments to interlocal agreements adopted pursuant to this~~
3152 ~~section must be submitted to the state land planning agency~~
3153 ~~within 30 days after execution by the parties for review~~
3154 ~~consistent with this section.~~ Local governments and the district
3155 school board in each school district are encouraged to adopt a
3156 single interlocal agreement to which all join as parties. ~~The~~
3157 ~~state land planning agency shall assemble and make available~~
3158 ~~model interlocal agreements meeting the requirements of this~~
3159 ~~section and notify local governments and, jointly with the~~
3160 ~~Department of Education, the district school boards of the~~
3161 ~~requirements of this section, the dates for compliance, and the~~
3162 ~~sanctions for noncompliance. The state land planning agency~~
3163 ~~shall be available to informally review proposed interlocal~~
3164 ~~agreements. If the state land planning agency has not received a~~
3165 ~~proposed interlocal agreement for informal review, the state~~
3166 ~~land planning agency shall, at least 60 days before the deadline~~

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
3181 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~~

3222 ~~agreement to the state land planning agency within 30 days after~~
3223 ~~receipt of the executed interlocal agreement. The state land~~
3224 ~~planning agency shall review the executed interlocal agreement~~
3225 ~~to determine whether it is consistent with the requirements of~~
3226 ~~subsection (2), the adopted local government comprehensive plan,~~
3227 ~~and other requirements of law. Within 60 days after receipt of~~
3228 ~~an executed interlocal agreement, the state land planning agency~~
3229 ~~shall publish a notice of intent in the Florida Administrative~~
3230 ~~Weekly and shall post a copy of the notice on the agency's~~
3231 ~~Internet site. The notice of intent must state whether the~~
3232 ~~interlocal agreement is consistent or inconsistent with the~~
3233 ~~requirements of subsection (2) and this subsection, as~~
3234 ~~appropriate.~~
3235 ~~(b) The state land planning agency's notice is subject to~~
3236 ~~challenge under chapter 120; however, an affected person, as~~
3237 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
3238 ~~administrative proceeding, and this proceeding is the sole means~~
3239 ~~available to challenge the consistency of an interlocal~~
3240 ~~agreement required by this section with the criteria contained~~
3241 ~~in subsection (2) and this subsection. In order to have~~
3242 ~~standing, each person must have submitted oral or written~~
3243 ~~comments, recommendations, or objections to the local government~~
3244 ~~or the school board before the adoption of the interlocal~~
3245 ~~agreement by the school board and local government. The district~~
3246 ~~school board and local governments are parties to any such~~
3247 ~~proceeding. In this proceeding, when the state land planning~~
3248 ~~agency finds the interlocal agreement to be consistent with the~~
3249 ~~criteria in subsection (2) and this subsection, the 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~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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
3320 as measured on the Saffir-Simpson scale; <u>or</u>
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 <u>may</u> ~~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
3402 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)<u>(a) If concurrency is applied to transportation</u>
3457 <u>facilities, the local government comprehensive plan must provide</u>
3458 <u>the principles, guidelines, standards, and strategies, including</u>
3459 <u>adopted levels of service to guide its application.</u>
3460 <u>(b) Local governments shall use professionally accepted</u>
3461 <u>studies to evaluate the appropriate levels of service. Local</u>
3462 <u>governments should consider the number of facilities that will</u>
3463 <u>be necessary to meet level-of-service demands when determining</u>
3464 <u>the appropriate levels of service. The schedule of facilities</u>
3465 <u>that are necessary to meet the adopted level of service shall be</u>
3466 <u>reflected in the capital improvement element.</u>
3467 <u>(c) Local governments shall use professionally accepted</u>
3468 <u>techniques for measuring levels of service when evaluating</u>
3469 <u>potential impacts of a proposed development.</u>
3470 <u>(d) The premise of concurrency is that the public</u>
3471 <u>facilities will be provided in order to achieve and maintain the</u>

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

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.

3638 ~~(b)1. The following are transportation concurrency~~
3639 ~~exception areas:~~
3640 ~~a. A municipality that qualifies as a dense urban land~~
3641 ~~area under s. 163.3164;~~
3642 ~~b. An urban service area under s. 163.3164 that has been~~
3643 ~~adopted into the local comprehensive plan and is located within~~
3644 ~~a county that qualifies as a dense urban land area under s.~~
3645 ~~163.3164; and~~
3646 ~~c. A county, including the municipalities located therein,~~
3647 ~~which has a population of at least 900,000 and qualifies as a~~
3648 ~~dense urban land area under s. 163.3164, but does not have an~~
3649 ~~urban service area designated in the local comprehensive plan.~~
3650 ~~2. A municipality that does not qualify as a dense urban~~
3651 ~~land area pursuant to s. 163.3164 may designate in its local~~
3652 ~~comprehensive plan the following areas as transportation~~
3653 ~~concurrency exception areas:~~
3654 ~~a. Urban infill as defined in s. 163.3164;~~
3655 ~~b. Community redevelopment areas as defined in s. 163.340;~~
3656 ~~c. Downtown revitalization areas as defined in s.~~
3657 ~~163.3164;~~
3658 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
3659 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
3660 ~~within a designated urban service boundary under s.~~
3661 ~~163.3177(14).~~
3662 ~~3. A county that does not qualify as a dense urban land~~
3663 ~~area pursuant to s. 163.3164 may designate in its local~~
3664 ~~comprehensive plan the following areas as transportation~~
3665 ~~concurrency exception areas:~~

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~~

3750 ~~local government to assess the impact that the proposed~~
3751 ~~exception area is expected to have on the adopted level-of-~~
3752 ~~service standards established for regional transportation~~
3753 ~~facilities identified pursuant to s. 186.507, including the~~
3754 ~~Strategic Intermodal System and roadway facilities funded in~~
3755 ~~accordance with s. 339.2819. Further, the local government shall~~
3756 ~~provide a plan for the mitigation of impacts to the Strategic~~
3757 ~~Intermodal System, including, if appropriate, access management,~~
3758 ~~parallel reliever roads, transportation demand management, and~~
3759 ~~other measures.~~
3760 ~~(f) The designation of a transportation concurrency~~
3761 ~~exception area does not limit a local government's home rule~~
3762 ~~power to adopt ordinances or impose fees. This subsection does~~
3763 ~~not affect any contract or agreement entered into or development~~
3764 ~~order rendered before the creation of the transportation~~
3765 ~~concurrency exception area except as provided in s.~~
3766 ~~380.06(29)(e).~~
3767 ~~(g) The Office of Program Policy Analysis and Government~~
3768 ~~Accountability shall submit to the President of the Senate and~~
3769 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3770 ~~a report on transportation concurrency exception areas created~~
3771 ~~pursuant to this subsection. At a minimum, the report shall~~
3772 ~~address the methods that local governments have used to~~
3773 ~~implement and fund transportation strategies to achieve the~~
3774 ~~purposes of designated transportation concurrency exception~~
3775 ~~areas, and the effects of the strategies on mobility,~~
3776 ~~congestion, urban design, the density and intensity of land use~~

3777 ~~mixes, and network connectivity plans used to promote urban~~
3778 ~~infill, redevelopment, or downtown revitalization.~~
3779 ~~(6) The Legislature finds that a de minimis impact is~~
3780 ~~consistent with this part. A de minimis impact is an impact that~~
3781 ~~would not affect more than 1 percent of the maximum volume at~~
3782 ~~the adopted level of service of the affected transportation~~
3783 ~~facility as determined by the local government. No impact will~~
3784 ~~be de minimis if the sum of existing roadway volumes and the~~
3785 ~~projected volumes from approved projects on a transportation~~
3786 ~~facility would exceed 110 percent of the maximum volume at the~~
3787 ~~adopted level of service of the affected transportation~~
3788 ~~facility; provided however, that an impact of a single family~~
3789 ~~home on an existing lot will constitute a de minimis impact on~~
3790 ~~all roadways regardless of the level of the deficiency of the~~
3791 ~~roadway. Further, no impact will be de minimis if it would~~
3792 ~~exceed the adopted level-of-service standard of any affected~~
3793 ~~designated hurricane evacuation routes. Each local government~~
3794 ~~shall maintain sufficient records to ensure that the 110-percent~~
3795 ~~criterion is not exceeded. Each local government shall submit~~
3796 ~~annually, with its updated capital improvements element, a~~
3797 ~~summary of the de minimis records. If the state land planning~~
3798 ~~agency determines that the 110-percent criterion has been~~
3799 ~~exceeded, the state land planning agency shall notify the local~~
3800 ~~government of the exceedance and that no further de minimis~~
3801 ~~exceptions for the applicable roadway may be granted until such~~
3802 ~~time as the volume is reduced below the 110 percent. The local~~
3803 ~~government shall provide proof of this reduction to the state~~

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 nonexisting 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~~
3846 ~~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~~

3888 ~~management district or area in the evaluation and appraisal~~
3889 ~~report and determine any changes that are necessary to~~
3890 ~~accelerate progress in meeting acceptable levels of service.~~
3891 ~~(10) Except in transportation concurrency exception areas,~~
3892 ~~with regard to roadway facilities on the Strategic Intermodal~~
3893 ~~System designated in accordance with s. 339.63, local~~
3894 ~~governments shall adopt the level-of-service standard~~
3895 ~~established by the Department of Transportation by rule.~~
3896 ~~However, if the Office of Tourism, Trade, and Economic~~
3897 ~~Development concurs in writing with the local government that~~
3898 ~~the proposed development is for a qualified job creation project~~
3899 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
3900 ~~after consulting with the Department of Transportation, may~~
3901 ~~provide for a waiver of transportation concurrency for the~~
3902 ~~project. For all other roads on the State Highway System, local~~
3903 ~~governments shall establish an adequate level-of-service~~
3904 ~~standard that need not be consistent with any level-of-service~~
3905 ~~standard established by the Department of Transportation. In~~
3906 ~~establishing adequate level-of-service standards for any~~
3907 ~~arterial roads, or collector roads as appropriate, which~~
3908 ~~traverse multiple jurisdictions, local governments shall~~
3909 ~~consider compatibility with the roadway facility's adopted~~
3910 ~~level-of-service standards in adjacent jurisdictions. Each local~~
3911 ~~government within a county shall use a professionally accepted~~
3912 ~~methodology for measuring impacts on transportation facilities~~
3913 ~~for the purposes of implementing its concurrency management~~
3914 ~~system. Counties are encouraged to coordinate with adjacent~~
3915 ~~counties, and local governments within a county are encouraged~~

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~~
3930 ~~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~~
3958 ~~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
4013 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 ~~(c) *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~~
4069 ~~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
4096 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~~
4124 ~~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.(c) *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,
4180 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

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
4208 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.

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

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

(i)~~(f) *Intergovernmental coordination.*—~~

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

4250 ~~ss. 163.3177(6)(h)2. and 163.31777(6)~~, as a prerequisite for
4251 imposition of school concurrency, and as a nonsignatory, may
4252 ~~shall~~ not participate in the adopted local school concurrency
4253 system, if the municipality meets all of the following criteria
4254 for having no significant impact on school attendance:
4255 1.~~a.~~ The municipality has issued development orders for
4256 fewer than 50 residential dwelling units during the preceding 5
4257 years, or the municipality has generated fewer than 25
4258 additional public school students during the preceding 5 years.
4259 2.~~b.~~ The municipality has not annexed new land during the
4260 preceding 5 years in land use categories which permit
4261 residential uses that will affect school attendance rates.
4262 3.~~c.~~ The municipality has no public schools located within
4263 its boundaries.
4264 4.~~d.~~ At least 80 percent of the developable land within
4265 the boundaries of the municipality has been built upon.
4266 ~~2. A municipality which qualifies as having no significant~~
4267 ~~impact on school attendance pursuant to the criteria of~~
4268 ~~subparagraph 1. must review and determine at the time of its~~
4269 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
4270 ~~it continues to meet the criteria pursuant to s. 163.31777(6).~~
4271 ~~If the municipality determines that it no longer meets the~~
4272 ~~criteria, it must adopt appropriate school concurrency goals,~~
4273 ~~objectives, and policies in its plan amendments based on the~~
4274 ~~evaluation and appraisal report, and enter into the existing~~
4275 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
4276 ~~163.31777, in order to fully participate in the school~~

4277 ~~concurrency system. If such a municipality fails to do so, it~~
4278 ~~will be subject to the enforcement provisions of s. 163.3191.~~
4279 <u>(j)</u>~~(g)~~ ~~*Interlocal agreement for school concurrency.*—~~When
4280 establishing concurrency requirements for public schools, a
4281 local government must enter into an interlocal agreement that
4282 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
4283 163.31777 and the requirements of this subsection. The
4284 interlocal agreement shall acknowledge both the school board's
4285 constitutional and statutory obligations to provide a uniform
4286 system of free public schools on a countywide basis, and the
4287 land use authority of local governments, including their
4288 authority to approve or deny comprehensive plan amendments and
4289 development orders. ~~The interlocal agreement shall be submitted~~
4290 ~~to the state land planning agency by the local government as a~~
4291 ~~part of the compliance review, along with the other necessary~~
4292 ~~amendments to the comprehensive plan required by this part. In~~
4293 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
4294 ~~163.31777,~~ The interlocal agreement shall meet the following
4295 requirements:
4296 1. Establish the mechanisms for coordinating the
4297 development, adoption, and amendment of each local government's
4298 <u>school concurrency related provisions of the comprehensive plan</u>
4299 ~~public school facilities element~~ with each other and the plans
4300 of the school board to ensure a uniform districtwide school
4301 concurrency system.
4302 ~~2. Establish a process for the development of siting~~
4303 ~~criteria which encourages the location of public schools~~
4304 ~~proximate to urban residential areas to the extent possible and~~

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 <u>4.</u>~~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 <u>5.</u>~~8.~~ A process and uniform methodology for determining
4348 proportionate-share mitigation pursuant to <u>paragraph (h)</u>
4349 ~~subparagraph (e)1~~.
4350 <u>(k)</u>~~(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,~~

4389 ~~with traffic-calming where desirable; appropriate densities and~~
4390 ~~intensities of use within walking distance of transit stops;~~
4391 ~~daily activities within walking distance of residences, allowing~~
4392 ~~independence to persons who do not drive; public uses, streets,~~
4393 ~~and squares that are safe, comfortable, and attractive for the~~
4394 ~~pedestrian, with adjoining buildings open to the street and with~~
4395 ~~parking not interfering with pedestrian, transit, automobile,~~
4396 ~~and truck travel modes.~~
4397 ~~(c) Local governments may establish multimodal level-of-~~
4398 ~~service standards that rely primarily on nonvehicular modes of~~
4399 ~~transportation within the district, when justified by an~~
4400 ~~analysis demonstrating that the existing and planned community~~
4401 ~~design will provide an adequate level of mobility within the~~
4402 ~~district based upon professionally accepted multimodal level-of-~~
4403 ~~service methodologies. The analysis must also demonstrate that~~
4404 ~~the capital improvements required to promote community design~~
4405 ~~are financially feasible over the development or redevelopment~~
4406 ~~timeframe for the district and that community design features~~
4407 ~~within the district provide convenient interconnection for a~~
4408 ~~multimodal transportation system. Local governments may issue~~
4409 ~~development permits in reliance upon all planned community~~
4410 ~~design capital improvements that are financially feasible over~~
4411 ~~the development or redevelopment timeframe for the district,~~
4412 ~~without regard to the period of time between development or~~
4413 ~~redevelopment and the scheduled construction of the capital~~
4414 ~~improvements. A determination of financial feasibility shall be~~
4415 ~~based upon currently available funding or funding sources that~~

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~~

4444 ~~improvements element of the local plan or the long-term~~
4445 ~~concurrency management system or if such contributions or~~
4446 ~~payments to such facilities or segments are reflected in the 5-~~
4447 ~~year schedule of capital improvements in the next regularly~~
4448 ~~scheduled update of the capital improvements element. Updates to~~
4449 ~~the 5-year capital improvements element which reflect~~
4450 ~~proportionate fair-share contributions may not be found not in~~
4451 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4452 ~~additional contributions, payments or funding sources are~~
4453 ~~reasonably anticipated during a period not to exceed 10 years to~~
4454 ~~fully mitigate impacts on the transportation facilities.~~
4455 ~~2. Proportionate fair-share mitigation shall be applied as~~
4456 ~~a credit against impact fees to the extent that all or a portion~~
4457 ~~of the proportionate fair-share mitigation is used to address~~
4458 ~~the same capital infrastructure improvements contemplated by the~~
4459 ~~local government's impact fee ordinance.~~
4460 ~~(c) Proportionate fair-share mitigation includes, without~~
4461 ~~limitation, separately or collectively, private funds,~~
4462 ~~contributions of land, and construction and contribution of~~
4463 ~~facilities and may include public funds as determined by the~~
4464 ~~local government. Proportionate fair-share mitigation may be~~
4465 ~~directed toward one or more specific transportation improvements~~
4466 ~~reasonably related to the mobility demands created by the~~
4467 ~~development and such improvements may address one or more modes~~
4468 ~~of travel. The fair market value of the proportionate fair-share~~
4469 ~~mitigation shall not differ based on the form of mitigation. A~~
4470 ~~local government may not require a development to pay more than~~
4471 ~~its proportionate fair-share contribution regardless of the~~

4472 ~~method of mitigation. Proportionate fair-share mitigation shall~~
4473 ~~be limited to ensure that a development meeting the requirements~~
4474 ~~of this section mitigates its impact on the transportation~~
4475 ~~system but is not responsible for the additional cost of~~
4476 ~~reducing or eliminating backlogs.~~
4477 ~~(d) This subsection does not require a local government to~~
4478 ~~approve a development that is not otherwise qualified for~~
4479 ~~approval pursuant to the applicable local comprehensive plan and~~
4480 ~~land development regulations.~~
4481 ~~(e) Mitigation for development impacts to facilities on~~
4482 ~~the Strategic Intermodal System made pursuant to this subsection~~
4483 ~~requires the concurrence of the Department of Transportation.~~
4484 ~~(f) If the funds in an adopted 5-year capital improvements~~
4485 ~~element are insufficient to fully fund construction of a~~
4486 ~~transportation improvement required by the local government's~~
4487 ~~concurrency management system, a local government and a~~
4488 ~~developer may still enter into a binding proportionate-share~~
4489 ~~agreement authorizing the developer to construct that amount of~~
4490 ~~development on which the proportionate share is calculated if~~
4491 ~~the proportionate-share amount in such agreement is sufficient~~
4492 ~~to pay for one or more improvements which will, in the opinion~~
4493 ~~of the governmental entity or entities maintaining the~~
4494 ~~transportation facilities, significantly benefit the impacted~~
4495 ~~transportation system. The improvements funded by the~~
4496 ~~proportionate-share component must be adopted into the 5-year~~
4497 ~~capital improvements schedule of the comprehensive plan at the~~
4498 ~~next annual capital improvements element update. The funding of~~
4499 ~~any improvements that significantly benefit the impacted~~

4500 ~~transportation system satisfies concurrency requirements as a~~
4501 ~~mitigation of the development's impact upon the overall~~
4502 ~~transportation system even if there remains a failure of~~
4503 ~~concurrency on other impacted facilities.~~
4504 ~~(g) Except as provided in subparagraph (b)1., this section~~
4505 ~~may not prohibit the Department of Community Affairs from~~
4506 ~~finding other portions of the capital improvements element~~
4507 ~~amendments not in compliance as provided in this chapter.~~
4508 ~~(h) The provisions of this subsection do not apply to a~~
4509 ~~development of regional impact satisfying the requirements of~~
4510 ~~subsection (12).~~
4511 ~~(i) As used in this subsection, the term "backlog" means a~~
4512 ~~facility or facilities on which the adopted level-of-service~~
4513 ~~standard is exceeded by the existing trips, plus additional~~
4514 ~~projected background trips from any source other than the~~
4515 ~~development project under review that are forecast by~~
4516 ~~established traffic standards, including traffic modeling,~~
4517 ~~consistent with the University of Florida Bureau of Economic and~~
4518 ~~Business Research medium population projections. Additional~~
4519 ~~projected background trips are to be coincident with the~~
4520 ~~particular stage or phase of development under review.~~
4521 ~~(17) A local government and the developer of affordable~~
4522 ~~workforce housing units developed in accordance with s.~~
4523 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
4524 ~~or centers in close proximity to the affordable workforce~~
4525 ~~housing units. If at least 50 percent of the units are occupied~~
4526 ~~by an employee or employees of an identified employment center~~
4527 ~~or centers, all of the affordable workforce housing units are~~

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~~

4611 ~~backlog~~ authority <u>created pursuant to this section</u> has the
4612 powers necessary or convenient to carry out the purposes of this
4613 section, including the following powers in addition to others
4614 granted in this section:
4615 (a) To make and execute contracts and other instruments
4616 necessary or convenient to the exercise of its powers under this
4617 section.
4618 (b) To undertake and carry out transportation ~~concurrency~~
4619 ~~backlog~~ projects for transportation facilities <u>designed to</u>
4620 <u>relieve transportation deficiencies</u> ~~that have a concurrency~~
4621 ~~backlog~~ within the authority's jurisdiction. <u>Transportation</u>
4622 ~~Concurrency backlog~~ projects may include transportation
4623 facilities that provide for alternative modes of travel
4624 including sidewalks, bikeways, and mass transit which are
4625 related to a <u>deficient</u> ~~backlogged~~ transportation facility.
4626 (c) To invest any transportation ~~concurrency backlog~~ funds
4627 held in reserve, sinking funds, or any such funds not required
4628 for immediate disbursement in property or securities in which
4629 savings banks may legally invest funds subject to the control of
4630 the authority and to redeem such bonds as have been issued
4631 pursuant to this section at the redemption price established
4632 therein, or to purchase such bonds at less than redemption
4633 price. All such bonds redeemed or purchased shall be canceled.
4634 (d) To borrow money, including, but not limited to,
4635 issuing debt obligations such as, but not limited to, bonds,
4636 notes, certificates, and similar debt instruments; to apply for
4637 and accept advances, loans, grants, contributions, and any other
4638 forms of financial assistance from the Federal Government or the

4639 state, county, or any other public body or from any sources,
4640 public or private, for the purposes of this part; to give such
4641 security as may be required; to enter into and carry out
4642 contracts or agreements; and to include in any contracts for
4643 financial assistance with the Federal Government for or with
4644 respect to a transportation ~~concurrency backlog~~ project and
4645 related activities such conditions imposed under federal laws as
4646 the transportation development ~~concurrency backlog~~ authority
4647 considers reasonable and appropriate and which are not
4648 inconsistent with the purposes of this section.
4649 (e) To make or have made all surveys and plans necessary
4650 to the carrying out of the purposes of this section; to contract
4651 with any persons, public or private, in making and carrying out
4652 such plans; and to adopt, approve, modify, or amend such
4653 transportation sufficiency ~~concurrency backlog~~ plans.
4654 (f) To appropriate such funds and make such expenditures
4655 as are necessary to carry out the purposes of this section, and
4656 to enter into agreements with other public bodies, which
4657 agreements may extend over any period notwithstanding any
4658 provision or rule of law to the contrary.
4659 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—
4660 ~~(a)~~ Each transportation development ~~concurrency backlog~~
4661 authority shall adopt a transportation sufficiency ~~concurrency~~
4662 ~~backlog~~ plan as a part of the local government comprehensive
4663 plan within 6 months after the creation of the authority. The
4664 plan must:

4665 (a)~~1.~~ Identify all transportation facilities that have
4666 been designated as deficient and require the expenditure of
4667 moneys to upgrade, modify, or mitigate the deficiency.
4668 (b)~~2.~~ Include a priority listing of all transportation
4669 facilities that have been designated as deficient and do not
4670 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
4671 the applicable local government comprehensive plan.
4672 (c)~~3.~~ Establish a schedule for financing and construction
4673 of transportation ~~concurrency backlog~~ projects that will
4674 eliminate transportation deficiencies ~~concurrency backlogs~~
4675 within the jurisdiction of the authority within 10 years after
4676 the transportation sufficiency ~~concurrency backlog~~ plan
4677 adoption. The schedule shall be adopted as part of the local
4678 government comprehensive plan.
4679 ~~(b) The adoption of the transportation concurrency backlog~~
4680 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~
4681
4682 Notwithstanding such schedule requirements, as long as the
4683 schedule provides for the elimination of all transportation
4684 deficiencies ~~concurrency backlogs~~ within 10 years after the
4685 adoption of the transportation sufficiency ~~concurrency backlog~~
4686 plan, the final maturity date of any debt incurred to finance or
4687 refinance the related projects may be no later than 40 years
4688 after the date the debt is incurred and the authority may
4689 continue operations and administer the trust fund established as
4690 provided in subsection (5) for as long as the debt remains
4691 outstanding.

4692 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
4693 development ~~concurrency backlog~~ authority shall establish a
4694 local transportation ~~concurrency backlog~~ trust fund upon
4695 creation of the authority. Each local trust fund shall be
4696 administered by the transportation development ~~concurrency~~
4697 ~~backlog~~ authority within which ~~a~~ transportation deficiencies
4698 have ~~concurrency backlog has~~ been identified. Each local trust
4699 fund must continue to be funded under this section for as long
4700 as the projects set forth in the related transportation
4701 sufficiency ~~concurrency backlog~~ plan remain to be completed or
4702 until any debt incurred to finance or refinance the related
4703 projects is no longer outstanding, whichever occurs later.
4704 Beginning in the first fiscal year after the creation of the
4705 authority, each local trust fund shall be funded by the proceeds
4706 of an ad valorem tax increment collected within each
4707 transportation deficiency ~~concurrency backlog~~ area to be
4708 determined annually and shall be a minimum of 25 percent of the
4709 difference between the amounts set forth in paragraphs (a) and
4710 (b), except that if all of the affected taxing authorities agree
4711 under an interlocal agreement, a particular local trust fund may
4712 be funded by the proceeds of an ad valorem tax increment greater
4713 than 25 percent of the difference between the amounts set forth
4714 in paragraphs (a) and (b):
4715 (a) The amount of ad valorem tax levied each year by each
4716 taxing authority, exclusive of any amount from any debt service
4717 millage, on taxable real property contained within the
4718 jurisdiction of the 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.

4747 (b) A transportation development ~~concurrency exemption~~
4748 authority may also exempt from this section a special district
4749 that levies ad valorem taxes within the transportation
4750 deficiency ~~concurrency backlog~~ area pursuant to s.
4751 163.387(2)(d).
4752 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
4753 of a transportation sufficiency ~~concurrency backlog~~ plan as a
4754 part of the local government comprehensive plan, and the plan
4755 going into effect, the area subject to the plan shall be deemed
4756 to have achieved and maintained transportation level-of-service
4757 standards~~, and to have met requirements for financial~~
4758 ~~feasibility for transportation facilities, and for the purpose~~
4759 ~~of proposed development transportation concurrency has been~~
4760 ~~satisfied~~. Proportionate fair-share mitigation shall be limited
4761 to ensure that a development inside a transportation deficiency
4762 ~~concurrency backlog~~ area is not responsible for the additional
4763 costs of eliminating deficiencies ~~backlogs~~.
4764 (8) DISSOLUTION.—Upon completion of all transportation
4765 ~~concurrency backlog~~ projects identified in the transportation
4766 sufficiency plan and repayment or defeasance of all debt issued
4767 to finance or refinance such projects, a transportation
4768 development ~~concurrency backlog~~ authority shall be dissolved,
4769 and its assets and liabilities transferred to the county or
4770 municipality within which the authority is located. All
4771 remaining assets of the authority must be used for
4772 implementation of transportation projects within the
4773 jurisdiction of the authority. The local government

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;
4899 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~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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~~
5011 ~~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~~
5038 ~~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 <u>(c)</u>~~(4)~~ <u>Reviewing agency comments</u> ~~INTERGOVERNMENTAL~~
5048 ~~REVIEW~~.—The ~~governmental~~ agencies specified in <u>paragraph (b) may</u>
5049 ~~paragraph (3)(a) shall~~ provide comments <u>regarding the plan or</u>
5050 <u>plan amendments in accordance with subparagraphs (3)(b)2.-4.</u>
5051 <u>However, comments on plans or plan amendments required to be</u>

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~~
5093 ~~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~~

5107 ~~subsection (3). A regional planning council or affected person~~
5108 ~~requesting a review shall do so by submitting a written request~~
5109 ~~to the agency with a notice of the request to the local~~
5110 ~~government and any other person who has requested notice.~~
5111 ~~(b) The state land planning agency may review any proposed~~
5112 ~~plan amendment regardless of whether a request for review has~~
5113 ~~been made, if the agency gives notice to the local government,~~
5114 ~~and any other person who has requested notice, of its intention~~
5115 ~~to conduct such a review within 35 days after receipt of the~~
5116 ~~complete proposed plan amendment.~~
5117 1.~~(c) The state land planning agency shall establish by~~
5118 ~~rule a schedule for receipt of comments from the various~~
5119 ~~government agencies, as well as written public comments,~~
5120 ~~pursuant to subsection (4).~~ If the state land planning agency
5121 elects to review a plan or plan ~~the~~ amendment ~~or the agency is~~
5122 ~~required to review the amendment as~~ specified in paragraph
5123 (2)(c)~~(a)~~, the agency shall issue a report giving its
5124 objections, recommendations, and comments regarding the proposed
5125 plan or plan amendment within 60 days after receipt of the
5126 ~~complete~~ proposed plan or plan amendment ~~by the state land~~
5127 ~~planning agency~~. Notwithstanding the limitation on comments in
5128 sub-subparagraph (3)(b)4.g., the state land planning agency may
5129 make objections, recommendations, and comments in its report
5130 regarding whether the plan or plan amendment is in compliance
5131 and whether the plan or plan amendment will adversely impact
5132 important state resources and facilities. Any objection
5133 regarding an important state resource or facility that will be
5134 adversely impacted by the adopted plan or plan amendment shall

5135 also state with specificity how the plan or plan amendment will
5136 adversely impact the important state resource or facility and
5137 shall identify measures the local government may take to
5138 eliminate, reduce, or mitigate the adverse impacts. When a
5139 federal, state, or regional agency has implemented a permitting
5140 program, the state land planning agency shall not require a
5141 local government is not required to duplicate or exceed that
5142 permitting program in its comprehensive plan or to implement
5143 such a permitting program in its land development regulations.
5144 This subparagraph does not Nothing contained herein shall
5145 prohibit the state land planning agency in conducting its review
5146 of local plans or plan amendments from making objections,
5147 recommendations, and comments or making compliance
5148 determinations regarding densities and intensities consistent
5149 with the provisions of this part. In preparing its comments, the
5150 state land planning agency shall only base its considerations on
5151 written, and not oral, comments, from any source.
5152 2.(d) The state land planning agency review shall identify
5153 all written communications with the agency regarding the
5154 proposed plan amendment. If the state land planning agency does
5155 not issue such a review, it shall identify in writing to the
5156 local government all written communications received 30 days
5157 after transmittal. The written identification must include a
5158 list of all documents received or generated by the agency, which
5159 list must be of sufficient specificity to enable the documents
5160 to be identified and copies requested, if desired, and the name
5161 of the person to be contacted to request copies of any

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
5176 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
5203 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.—
5231 (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

5300 are related to and consistent with each other shall be sustained
5301 if the determination is fairly debatable.
5302 3. In challenges filed by the state land planning agency
5303 that require a determination by the agency that an important
5304 state resource or facility will be adversely impacted by the
5305 adopted plan or plan amendment, the local government may contest
5306 the agency's determination of an important state resource or
5307 facility. The state land planning agency shall prove its
5308 determination by clear and convincing evidence.
5309 (d) If the administrative law judge recommends that the
5310 amendment be found not in compliance, the judge shall submit the
5311 recommended order to the Administration Commission for final
5312 agency action. The Administration Commission shall enter a final
5313 order within 45 days after its receipt of the recommended order.
5314 (e) If the administrative law judge recommends that the
5315 amendment be found in compliance, the judge shall submit the
5316 recommended order to the state land planning agency.
5317 1. If the state land planning agency determines that the
5318 plan amendment should be found not in compliance, the agency
5319 shall refer, within 30 days after receipt of the recommended
5320 order, the recommended order and its determination to the
5321 Administration Commission for final agency action.
5322 2. If the state land planning agency determines that the
5323 plan amendment should be found in compliance, the agency shall
5324 enter its final order not later than 30 days after receipt of
5325 the recommended order.

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

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

5410 notice of intent to the Division of Administrative Hearings,
5411 which shall consolidate the proceeding with the pending
5412 proceeding and immediately set a date for a hearing in the
5413 pending proceeding under ss. 120.569 and 120.57. Affected
5414 persons who are not a party to the underlying proceeding under
5415 ss. 120.569 and 120.57 may challenge the plan amendment adopted
5416 pursuant to the compliance agreement by filing a petition
5417 pursuant to paragraph (5)(a).
5418 (g) This subsection does not prohibit a local government
5419 from amending portions of its comprehensive plan other than
5420 those that are the subject of a challenge. However, such
5421 amendments to the plan may not be inconsistent with the
5422 compliance agreement.
5423 (h) This subsection does not require settlement by any
5424 party against its will or preclude the use of other informal
5425 dispute resolution methods in the course of or in addition to
5426 the method described in this subsection.
5427 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-
5428 (a) At any time after the matter has been forwarded to the
5429 Division of Administrative Hearings, the local government
5430 proposing the amendment may demand formal mediation or the local
5431 government proposing the amendment or an affected person who is
5432 a party to the proceeding may demand informal mediation or
5433 expeditious resolution of the amendment proceedings by serving
5434 written notice on the state land planning agency if a party to
5435 the proceeding, all other parties to the proceeding, and the
5436 administrative law judge.

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)(c) 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~~

5576 ~~intervenes. No new issue may be alleged as a reason to find a~~
5577 ~~plan or plan amendment not in compliance in an administrative~~
5578 ~~pleading filed more than 21 days after publication of notice~~
5579 ~~unless the party seeking that issue establishes good cause for~~
5580 ~~not alleging the issue within that time period. Good cause shall~~
5581 ~~not include excusable neglect. In the proceeding, the local~~
5582 ~~government's determination that the comprehensive plan or plan~~
5583 ~~amendment is in compliance is presumed to be correct. The local~~
5584 ~~government's determination shall be sustained unless it is shown~~
5585 ~~by a preponderance of the evidence that the comprehensive plan~~
5586 ~~or plan amendment is not in compliance. The local government's~~
5587 ~~determination that elements of its plans are related to and~~
5588 ~~consistent with each other shall be sustained if the~~
5589 ~~determination is fairly debatable.~~
5590 ~~(b) The administrative law judge assigned by the division~~
5591 ~~shall submit a recommended order to the Administration~~
5592 ~~Commission for final agency action.~~
5593 ~~(c) Prior to the hearing, the state land planning agency~~
5594 ~~shall afford an opportunity to mediate or otherwise resolve the~~
5595 ~~dispute. If a party to the proceeding requests mediation or~~
5596 ~~other alternative dispute resolution, the hearing may not be~~
5597 ~~held until the state land planning agency advises the~~
5598 ~~administrative law judge in writing of the results of the~~
5599 ~~mediation or other alternative dispute resolution. However, the~~
5600 ~~hearing may not be delayed for longer than 90 days for mediation~~
5601 ~~or other alternative dispute resolution unless a longer delay is~~
5602 ~~agreed to by the parties to the proceeding. The costs of the~~

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.~~(c)~~ 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
5727 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~~

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 those~~
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~~
5838 ~~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.~~

5852 ~~(i) Nothing in this subsection is intended to limit the~~
5853 ~~parties from entering into a compliance agreement at any time~~
5854 ~~before the final order in the proceeding is issued, provided~~
5855 ~~that the provisions of paragraph (c) shall apply regardless of~~
5856 ~~when the compliance agreement is reached.~~
5857 ~~(j) Nothing in this subsection is intended to force any~~
5858 ~~party into settlement against its will or to preclude the use of~~
5859 ~~other informal dispute resolution methods, such as the services~~
5860 ~~offered by the Florida Growth Management Dispute Resolution~~
5861 ~~Consortium, in the course of or in addition to the method~~
5862 ~~described in this subsection.~~
5863 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~
5864 ~~A local government that has adopted a community vision and urban~~
5865 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
5866 ~~amendment related to map amendments solely to property within an~~
5867 ~~urban service boundary in the manner described in subsections~~
5868 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
5869 ~~and e., 2., and 3., such that state and regional agency review~~
5870 ~~is eliminated. The department may not issue an objections,~~
5871 ~~recommendations, and comments report on proposed plan amendments~~
5872 ~~or a notice of intent on adopted plan amendments; however,~~
5873 ~~affected persons, as defined by paragraph (1)(a), may file a~~
5874 ~~petition for administrative review pursuant to the requirements~~
5875 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
5876 ~~plan amendment. This subsection does not apply to any amendment~~
5877 ~~within an area of critical state concern, to any amendment that~~
5878 ~~increases residential densities allowable in high-hazard coastal~~
5879 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~

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~~
5922 ~~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~~

5936 ~~year if the additional plan amendment receives the approval of~~
5937 ~~all of the members of the governing body. "Emergency" means any~~
5938 ~~occurrence or threat thereof whether accidental or natural,~~
5939 ~~caused by humankind, in war or peace, which results or may~~
5940 ~~result in substantial injury or harm to the population or~~
5941 ~~substantial damage to or loss of property or public funds.~~
5942 ~~(b) Any local government comprehensive plan amendments~~
5943 ~~directly related to a proposed development of regional impact,~~
5944 ~~including changes which have been determined to be substantial~~
5945 ~~deviations and including Florida Quality Developments pursuant~~
5946 ~~to s. 380.061, may be initiated by a local planning agency and~~
5947 ~~considered by the local governing body at the same time as the~~
5948 ~~application for development approval using the procedures~~
5949 ~~provided for local plan amendment in this section and applicable~~
5950 ~~local ordinances.~~
5951 (1)~~(c) Any local government comprehensive plan amendments~~
5952 ~~directly related to proposed small scale development activities~~
5953 ~~may be approved without regard to statutory limits on the~~
5954 ~~frequency of consideration of amendments to the local~~
5955 ~~comprehensive plan.~~ A small scale development amendment may be
5956 adopted ~~only~~ under the following conditions:
5957 (a)~~1.~~ The proposed amendment involves a use of 10 acres or
5958 fewer and:
5959 (b)~~a.~~ The cumulative annual effect of the acreage for all
5960 small scale development amendments adopted by the local
5961 government does ~~shall~~ not exceed~~:~~
5962 ~~(I)~~ a maximum of 120 acres in a calendar year. ~~local~~
5963 ~~government that contains areas specifically designated in the~~

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-subparagraph. 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 ~~subparagraph (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)(e).~~
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)~~ 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

6131 plan shall not, for the purposes of this act, be deemed to be
6132 amendments.
6133 ~~(3)(a) The state land planning agency shall not review or~~
6134 ~~issue a notice of intent for small scale development amendments~~
6135 ~~which satisfy the requirements of paragraph (1)(c).~~
6136 (5)(a) Any affected person may file a petition with the
6137 Division of Administrative Hearings pursuant to ss. 120.569 and
6138 120.57 to request a hearing to challenge the compliance of a
6139 small scale development amendment with this act within 30 days
6140 following the local government's adoption of the amendment and~~,~~
6141 shall serve a copy of the petition on the local government~~, and~~
6142 ~~shall furnish a copy to the state land planning agency~~. An
6143 administrative law judge shall hold a hearing in the affected
6144 jurisdiction not less than 30 days nor more than 60 days
6145 following the filing of a petition and the assignment of an
6146 administrative law judge. The parties to a hearing held pursuant
6147 to this subsection shall be the petitioner, the local
6148 government, and any intervenor. In the proceeding, the plan
6149 amendment shall be determined to be in compliance if the local
6150 government's determination that the small scale development
6151 amendment is in compliance is fairly debatable ~~presumed to be~~
6152 ~~correct~~. ~~The local government's determination shall be sustained~~
6153 ~~unless it is shown by a preponderance of the evidence that the~~
6154 ~~amendment is not in compliance with the requirements of this~~
6155 ~~act. In any proceeding initiated pursuant to this subsection,~~
6156 The state land planning agency may not intervene in any
6157 proceeding initiated pursuant to this section.

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

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

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

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

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~~

~~provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).~~

~~(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.~~

Section 19. Section 163.3189, Florida Statutes, is repealed.

Section 20. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

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

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to 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~~

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.~~

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~~

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)~~

6379 ~~has achieved the purpose for which it was created and otherwise~~
6380 ~~complies with the provisions of s. 163.3180.~~
6381 ~~(p) An assessment of the extent to which changes are~~
6382 ~~needed to develop a common methodology for measuring impacts on~~
6383 ~~transportation facilities for the purpose of implementing its~~
6384 ~~concurrency management system in coordination with the~~
6385 ~~municipalities and counties, as appropriate pursuant to s.~~
6386 ~~163.3180(10).~~
6387 ~~(3) Voluntary scoping meetings may be conducted by each~~
6388 ~~local government or several local governments within the same~~
6389 ~~county that agree to meet together. Joint meetings among all~~
6390 ~~local governments in a county are encouraged. All scoping~~
6391 ~~meetings shall be completed at least 1 year prior to the~~
6392 ~~established adoption date of the report. The purpose of the~~
6393 ~~meetings shall be to distribute data and resources available to~~
6394 ~~assist in the preparation of the report, to provide input on~~
6395 ~~major issues in each community that should be addressed in the~~
6396 ~~report, and to advise on the extent of the effort for the~~
6397 ~~components of subsection (2). If scoping meetings are held, the~~
6398 ~~local government shall invite each state and regional reviewing~~
6399 ~~agency, as well as adjacent and other affected local~~
6400 ~~governments. A preliminary list of new data and major issues~~
6401 ~~that have emerged since the adoption of the original plan, or~~
6402 ~~the most recent evaluation and appraisal report-based update~~
6403 ~~amendments, should be developed by state and regional entities~~
6404 ~~and involved local governments for distribution at the scoping~~
6405 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
6406 ~~a meeting conducted to determine the scope of review of the~~

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~~
6421 ~~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~~

6463 ~~report and submit the revised report for review pursuant to~~
6464 ~~subsection (6).~~
6465 ~~(8) The state land planning agency may delegate the review~~
6466 ~~of evaluation and appraisal reports, including all state land~~
6467 ~~planning agency duties under subsections (4)-(7), to the~~
6468 ~~appropriate regional planning council. When the review has been~~
6469 ~~delegated to a regional planning council, any local government~~
6470 ~~in the region may elect to have its report reviewed by the~~
6471 ~~regional planning council rather than the state land planning~~
6472 ~~agency. The state land planning agency shall by agreement~~
6473 ~~provide for uniform and adequate review of reports and shall~~
6474 ~~retain oversight for any delegation of review to a regional~~
6475 ~~planning council.~~
6476 ~~(9) The state land planning agency may establish a phased~~
6477 ~~schedule for adoption of reports. The schedule shall provide~~
6478 ~~each local government at least 7 years from plan adoption or~~
6479 ~~last established adoption date for a report and shall allot~~
6480 ~~approximately one-seventh of the reports to any 1 year. In order~~
6481 ~~to allow the municipalities to use data and analyses gathered by~~
6482 ~~the counties, the state land planning agency shall schedule~~
6483 ~~municipal report adoption dates between 1 year and 18 months~~
6484 ~~later than the report adoption date for the county in which~~
6485 ~~those municipalities are located. A local government may adopt~~
6486 ~~its report no earlier than 90 days prior to the established~~
6487 ~~adoption date. Small municipalities which were scheduled by~~
6488 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
6489 ~~evaluation and appraisal report after February 2, 1999, shall be~~

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~~
6504 ~~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 <u>Community</u> ~~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.

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 <u>Community</u> ~~"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 <u>Community</u> ~~"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 <u>may</u> ~~shall~~ not exceed <u>30</u> ~~20~~ years<u>, unless</u>
6618 <u>it is</u>~~. 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

6630 agreement at least once every 12 months to determine if there
6631 has been demonstrated good faith compliance with the terms of
6632 the development agreement. ~~For each annual review conducted~~
6633 ~~during years 6 through 10 of a development agreement, the review~~
6634 ~~shall be incorporated into a written report which shall be~~
6635 ~~submitted to the parties to the agreement and the state land~~
6636 ~~planning agency. The state land planning agency shall adopt~~
6637 ~~rules regarding the contents of the report, provided that the~~
6638 ~~report shall be limited to the information sufficient to~~
6639 ~~determine the extent to which the parties are proceeding in good~~
6640 ~~faith to comply with the terms of the development agreement.~~ If
6641 the local government finds, on the basis of substantial
6642 competent evidence, that there has been a failure to comply with
6643 the terms of the development agreement, the agreement may be
6644 revoked or modified by the local government.
6645 Section 26. Section 163.3239, Florida Statutes, is amended
6646 to read:
6647 163.3239 Recording and effectiveness of a development
6648 agreement.—Within 14 days after a local government enters into a
6649 development agreement, the local government shall record the
6650 agreement with the clerk of the circuit court in the county
6651 where the local government is located. ~~A copy of the recorded~~
6652 ~~development agreement shall be submitted to the state land~~
6653 ~~planning agency within 14 days after the agreement is recorded.~~
6654 A development agreement <u>is</u> ~~shall~~ not ~~be~~ effective until it is
6655 properly recorded in the public records of the county ~~and until~~
6656 ~~30 days after having been received by the state land planning~~
6657 ~~agency pursuant to this section~~. The burdens of the development

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

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~~

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
6896 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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 do 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
7035 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
7089 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).

(13) ~~(7)~~ This section may not be construed to abrogate the rights of any person under this chapter.

Section 29. Subsections (9), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in s. ~~ss.~~ 163.3184(5)-(11) ~~(1), (2), (7), (14), (15), and (16) and 163.3187~~, such that state and regional agency review is eliminated. Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3184(5) ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3248 ~~163.3177(11)(d)~~; propose a ~~an optional~~ sector plan pursuant to s. 163.3245; ~~propose a school facilities element;~~ update a comprehensive plan based on an evaluation and appraisal review ~~report~~; impact lands outside the certification boundary; implement new statutory requirements that require 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
7228 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,
7256 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:

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
7311 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 <u>Community</u> ~~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 <u>Community</u> ~~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 <u>s.</u> ~~ss.~~ 163.3184~~, 163.3187, and 163.3189~~,
7394 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
7422 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)

7436 ~~(c) Any amendment required by paragraph (a) is exempt from~~
7437 ~~the twice-per-year limitation under s. 163.3187.~~
7438 Section 36. Section 186.513, Florida Statutes, is amended
7439 to read:
7440 186.513 Reports.—Each regional planning council shall
7441 prepare and furnish an annual report on its activities to the
7442 state land planning agency as defined in s. 163.3164~~(20)~~ and the
7443 local general-purpose governments within its boundaries and,
7444 upon payment as may be established by the council, to any
7445 interested person. The regional planning councils shall make a
7446 joint report and recommendations to appropriate legislative
7447 committees.
7448 Section 37. Section 186.515, Florida Statutes, is amended
7449 to read:
7450 186.515 Creation of regional planning councils under
7451 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
7452 186.515 is intended to repeal or limit the provisions of chapter
7453 163; however, the local general-purpose governments serving as
7454 voting members of the governing body of a regional planning
7455 council created pursuant to ss. 186.501-186.507, 186.513, and
7456 186.515 are not authorized to create a regional planning council
7457 pursuant to chapter 163 unless an agency, other than a regional
7458 planning council created pursuant to ss. 186.501-186.507,
7459 186.513, and 186.515, is designated to exercise the powers and
7460 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);
7461 in which case, such a regional planning council is also without
7462 authority to exercise the powers and duties in s. 163.3164~~(19)~~
7463 or s. 380.031(15).

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.

7519 3. A designation of five persons to be the initial members
7520 of the board of supervisors, who shall serve in that office
7521 until replaced by elected members as provided in s. 190.006.
7522 4. The proposed name of the district.
7523 5. A map of the proposed district showing current major
7524 trunk water mains and sewer interceptors and outfalls if in
7525 existence.
7526 6. Based upon available data, the proposed timetable for
7527 construction of the district services and the estimated cost of
7528 constructing the proposed services. These estimates shall be
7529 submitted in good faith but are ~~shall~~ not ~~be~~ binding and may be
7530 subject to change.
7531 7. A designation of the future general distribution,
7532 location, and extent of public and private uses of land proposed
7533 for the area within the district by the future land use plan
7534 element of the effective local government comprehensive plan of
7535 which all mandatory elements have been adopted by the applicable
7536 general-purpose local government in compliance with the
7537 Community ~~Local Government Comprehensive~~ Planning ~~and Land~~
7538 ~~Development Regulation~~ Act.
7539 8. A statement of estimated regulatory costs in accordance
7540 with the requirements of s. 120.541.
7541 Section 41. Paragraph (i) of subsection (6) of section
7542 193.501, Florida Statutes, is amended to read:
7543 193.501 Assessment of lands subject to a conservation
7544 easement, environmentally endangered lands, or lands used for
7545 outdoor recreational or park purposes when land development

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; <u>and</u> 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.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

8181 approved with three or more uses specified in s. 380.0651(3)(c),
8182 (d), and (e), and (f) and residential use.
8183 6. If a local government agrees to a proposed change, a
8184 change in the transportation proportionate share calculation and
8185 mitigation plan in an adopted development order as a result of
8186 recalculation of the proportionate share contribution meeting
8187 the requirements of s. 163.3180(5)(h) in effect as of the date
8188 of such change shall be presumed not to create a substantial
8189 deviation. For purposes of this subsection, the proposed change
8190 in the proportionate share calculation or mitigation plan shall
8191 not be considered an additional regional transportation impact.
8192 (f)1. The state land planning agency shall establish by
8193 rule standard forms for submittal of proposed changes to a
8194 previously approved development of regional impact which may
8195 require further development-of-regional-impact review. At a
8196 minimum, the standard form shall require the developer to
8197 provide the precise language that the developer proposes to
8198 delete or add as an amendment to the development order.
8199 2. The developer shall submit, simultaneously, to the
8200 local government, the regional planning agency, and the state
8201 land planning agency the request for approval of a proposed
8202 change.
8203 3. No sooner than 30 days but no later than 45 days after
8204 submittal by the developer to the local government, the state
8205 land planning agency, and the appropriate regional planning
8206 agency, the local government shall give 15 days' notice and
8207 schedule a public hearing to consider the change that the
8208 developer asserts does not create a substantial deviation. This

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. <u>163.3248</u> ~~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.

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

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 <u>Community</u> ~~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),

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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 <u>(2)-(6)</u>
9278 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year
9279 after the effective date of subsections <u>(2)-(6)</u> ~~(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:

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

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

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

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

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

9651 which lessens the environmental impact, except that any such
9652 modification does not extend the time limit beyond 2 additional
9653 years.
9654 (6) This section does not impair the authority of a county
9655 or municipality to require the owner of a property that has
9656 notified the county or municipality of the owner's intent to
9657 receive the extension of time granted pursuant to this section
9658 to maintain and secure the property in a safe and sanitary
9659 condition in compliance with applicable laws and ordinances.
9660 Section 80. The Division of Statutory Revision is directed
9661 to replace the phrase "the effective date of this act" wherever
9662 it occurs in this act with the date this act becomes a law.
9663 Section 81. This act shall take effect upon becoming a
9664 law.