

1 A bill to be entitled
 2 An act relating to land use and development
 3 regulations; amending s. 70.51, F.S.; specifying the
 4 types of relief that may be included in a negotiated
 5 settlement; requiring a special magistrate to consider
 6 the public interest served by comprehensive plan
 7 provisions that are inconsistent with proposed relief;
 8 revising the requirements of a governmental entity
 9 after the receipt of a special magistrate's
 10 recommendation; revising the effect of a special
 11 magistrate's recommendation; providing procedures for
 12 deeming relief granted by a special magistrate's
 13 recommendation or a negotiated settlement consistent
 14 with comprehensive plan; amending s. 163.3164, F.S.;
 15 revising definitions; amending s. 163.3177, F.S.;
 16 revising the types of data that comprehensive plans
 17 and plan amendments must be based on; revising means
 18 by which an application of a methodology used in data
 19 collection or whether a particular methodology is
 20 professionally accepted may be evaluated; revising the
 21 elements that must be included in a comprehensive
 22 plan; revising the planning periods that must be
 23 included in a comprehensive plan; amending s.
 24 163.3191, F.S.; revising the frequency at which a
 25 local government must evaluate its comprehensive plan

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

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. Subsections (17) and (18), paragraph (a) of
 50 subsection (21), and subsection (25) of section 70.51, Florida

51 Statutes, are amended to read:

52 70.51 Land use and environmental dispute resolution.—

53 (17) In all respects, the hearing must be informal and open
 54 to the public and does not require the use of an attorney. The
 55 hearing must operate at the direction and under the supervision
 56 of the special magistrate. The object of the hearing is to focus
 57 attention on the impact of the governmental action giving rise
 58 to the request for relief and to explore alternatives to the
 59 development order or enforcement action and other regulatory
 60 efforts by the governmental entities in order to recommend
 61 relief, when appropriate, to the owner.

62 (a) The first responsibility of the special magistrate is
 63 to facilitate a resolution of the conflict between the owner and
 64 governmental entities to the end that some modification of the
 65 owner's proposed use of the property or adjustment in the
 66 development order or enforcement action or regulatory efforts by
 67 one or more of the governmental parties may be reached.
 68 Accordingly, the special magistrate shall act as a facilitator
 69 or mediator between the parties in an effort to effect a
 70 mutually acceptable solution. The parties shall be represented
 71 at the mediation by persons with authority to bind their
 72 respective parties to a solution, or by persons with authority
 73 to recommend a solution directly to the persons with authority
 74 to bind their respective parties to a solution. A negotiated
 75 settlement may include, but is not limited to, one or more of

76 the following types of relief or other extraordinary relief
 77 deemed appropriate by the parties:

78 1. An adjustment of land development or permit standards
 79 or other provisions controlling the development or use of land
 80 for the property subject to the dispute or other property owned
 81 or controlled by the parties to the settlement.

82 2. Increases or modifications in the density, intensity, or
 83 use of areas of development.

84 3. The transfer of development rights.

85 4. Land swaps or exchanges.

86 5. Mitigation relief, including payments in lieu of onsite
 87 mitigation.

88 6. Location on the least sensitive portion of the property.

89 7. Conditioning the amount of development or use permitted.

90 8. A requirement that issues be addressed on a more
 91 comprehensive basis than a single proposed use or development.

92 9. Issuance of the development order, a variance, special
 93 exception, or other extraordinary relief, including withdrawal
 94 of the enforcement action.

95 10. Purchase of the real property, or an interest therein,
 96 by an appropriate governmental entity or payment of
 97 compensation.

98 (b) If an acceptable solution is not reached by the parties
 99 after the special magistrate's attempt at mediation, the special
 100 magistrate shall consider the facts and circumstances set forth

101 in the request for relief and any responses and any other
 102 information produced at the hearing in order to determine
 103 whether the action by the governmental entity or entities is
 104 unreasonable or unfairly burdens the real property.

105 (c) In conducting the hearing, the special magistrate may
 106 hear from all parties and witnesses that are necessary to an
 107 understanding of the matter. The special magistrate shall weigh
 108 all information offered at the hearing.

109 (18) The circumstances to be examined in determining
 110 whether the development order or enforcement action, or the
 111 development order or enforcement action in conjunction with
 112 regulatory efforts of other governmental parties, is
 113 unreasonable or unfairly burdens use of the property may
 114 include, but are not limited to:

115 (a) The history of the real property, including when it
 116 was purchased, how much was purchased, where it is located, the
 117 nature of the title, the composition of the property, and how it
 118 was initially used.

119 (b) The history or development and use of the real
 120 property, including what was developed on the property and by
 121 whom, if it was subdivided and how and to whom it was sold,
 122 whether plats were filed or recorded, and whether infrastructure
 123 and other public services or improvements may have been
 124 dedicated to the public.

125 (c) The history of environmental protection and land use

126 controls and other regulations, including how and when the land
 127 was classified, how use was proscribed, and what changes in
 128 classifications occurred.

129 (d) The present nature and extent of the real property,
 130 including its natural and altered characteristics.

131 (e) The reasonable expectations of the owner at the time
 132 of acquisition, or immediately prior to the implementation of
 133 the regulation at issue, whichever is later, under the
 134 regulations then in effect and under common law.

135 (f) The public purpose sought to be achieved by the
 136 development order or enforcement action, including the nature
 137 and magnitude of the problem addressed by the underlying
 138 regulations on which the development order or enforcement action
 139 is based; whether the development order or enforcement action is
 140 necessary to the achievement of the public purpose; and whether
 141 there are alternative development orders or enforcement action
 142 conditions that would achieve the public purpose and allow for
 143 reduced restrictions on the use of the property.

144 (g) Uses authorized for and restrictions placed on similar
 145 property.

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

149 (i)~~(h)~~ Any other information determined relevant by the
 150 special magistrate.

151 (21) Within 45 days after receipt of the special
 152 magistrate's recommendation, the governmental entity responsible
 153 for the development order or enforcement action and other
 154 governmental entities participating in the proceeding must
 155 consult among themselves and each governmental entity must:

156 (a) Accept the recommendation of the special magistrate as
 157 submitted and proceed to implement it by development agreement,
 158 when appropriate, or by other method, in the ordinary course and
 159 consistent with the rules and procedures of that governmental
 160 entity. However, the decision of the governmental entity to
 161 accept the recommendation of the special magistrate with respect
 162 to granting a rezoning, modification, variance, or special
 163 exception to the application of statutes, rules, regulations,
 164 comprehensive plans, or ordinances as they would otherwise apply
 165 to the subject property does not require an owner to duplicate
 166 previous processes in which the owner has participated in order
 167 to effectuate the granting of the modification, variance, or
 168 special exception. Any recommendation of the special magistrate
 169 with respect to granting a rezoning of property is not
 170 considered contract zoning;

171 (25) Regardless of the action the governmental entity
 172 takes on the special magistrate's recommendation, a
 173 recommendation that the development order or enforcement action,
 174 or the development order or enforcement action in combination
 175 with other governmental regulatory actions, is unreasonable or

176 | unfairly burdens use of the owner's real property may serve as
 177 | an indication of sufficient hardship to support a rezoning,
 178 | modification, variance ~~variances~~, or special exception
 179 | ~~exceptions~~ to the application of statutes, rules, regulations,
 180 | or ordinances to the subject property. If the relief granted
 181 | within the special magistrate's recommendation or a negotiated
 182 | settlement entered into under this section has the effect of
 183 | contravening local comprehensive plans or is inconsistent with
 184 | the local government's adopted comprehensive pan, the
 185 | recommendation or approved negotiated settlement shall be deemed
 186 | consistent with the comprehensive plan under s. 163.3194 if the
 187 | special magistrate or the governing body of the local government
 188 | finds that the settlement agreement and approved development
 189 | protects the public interest served by the comprehensive plan
 190 | provisions with which it is inconsistent.

191 | Section 2. Subsections (12), (22), (51), and (52) of
 192 | section 163.3164, Florida Statutes, are amended to read:

193 | 163.3164 Community Planning Act; definitions.—As used in
 194 | this act:

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

198 | (22) "Intensity" means an objective measurement of the
 199 | extent to which land may be developed or used expressed in
 200 | square feet per unit of land, such as a maximum floor ratio per

201 ~~acre, including the consumption or use of the space above, on,~~
 202 ~~or below ground; the measurement of the use of or demand on~~
 203 ~~natural resources; and the measurement of the use of or demand~~
 204 ~~on facilities and services.~~

205 (51) "Urban service area" means:

206 (a) Areas ~~identified in the comprehensive plan~~ where public
 207 facilities and services, including, but not limited to, central
 208 water and sewer capacity and roads, are already in place or may
 209 be expanded through investment by the ~~are identified in the~~
 210 ~~capital improvements element. The term includes any areas~~
 211 ~~identified in the comprehensive plan as urban service areas,~~
 212 ~~regardless of local government~~ or by the private sector
 213 ~~limitation.~~

214 (b) All lands located in any county or municipality that
 215 has been designated as a Dense Urban Land Area as defined in s.
 216 380.0651(3) (a).

217 (52) "Urban sprawl" means an unplanned and uncontrolled a
 218 ~~development pattern characterized by low density, automobile-~~
 219 ~~dependent development with either a single use or multiple uses~~
 220 ~~that are not functionally related, requiring the extension of~~
 221 ~~public facilities and services in an inefficient manner, and~~
 222 ~~failing to provide a clear separation between urban and rural~~
 223 ~~uses.~~

224 Section 3. Paragraph (f) of subsection (1), subsection
 225 (2), paragraph (a) of subsection (5), and paragraph (a) of

226 subsection (6) of section 163.3177, Florida Statutes, are
 227 amended to read:

228 163.3177 Required and optional elements of comprehensive
 229 plan; studies and surveys.—

230 (1) The comprehensive plan shall provide the principles,
 231 guidelines, standards, and strategies for the orderly and
 232 balanced future economic, social, physical, environmental, and
 233 fiscal development of the area that reflects community
 234 commitments to implement the plan and its elements. These
 235 principles and strategies shall guide future decisions in a
 236 consistent manner and shall contain programs and activities to
 237 ensure comprehensive plans are implemented. The sections of the
 238 comprehensive plan containing the principles and strategies,
 239 generally provided as goals, objectives, and policies, shall
 240 describe how the local government's programs, activities, and
 241 land development regulations will be initiated, modified, or
 242 continued to implement the comprehensive plan in a consistent
 243 manner. It is not the intent of this part to require the
 244 inclusion of implementing regulations in the comprehensive plan
 245 but rather to require identification of those programs,
 246 activities, and land development regulations that will be part
 247 of the strategy for implementing the comprehensive plan and the
 248 principles that describe how the programs, activities, and land
 249 development regulations will be carried out. The plan shall
 250 establish meaningful and predictable standards for the use and

251 development of land and provide meaningful guidelines for the
 252 content of more detailed land development and use regulations.

253 (f) All required ~~mandatory~~ and optional elements of the
 254 comprehensive plan and plan amendments shall be based upon
 255 relevant ~~and appropriate~~ data and an analysis by the local
 256 government that may include, but not be limited to, surveys,
 257 studies, ~~community goals and vision~~, and other data available at
 258 the time of adoption of the comprehensive plan or plan
 259 amendment. To be based on data means to react to it ~~in an~~
 260 ~~appropriate way and~~ to the extent necessary indicated by the
 261 data available on that particular subject at the time of
 262 adoption of the plan or plan amendment at issue.

263 1. Surveys, studies, and data utilized in the preparation
 264 of the comprehensive plan may not be deemed a part of the
 265 comprehensive plan unless adopted as a part of it. Copies of
 266 such studies, surveys, data, and supporting documents for
 267 proposed plans and plan amendments shall be made available for
 268 public inspection, and copies of such plans shall be made
 269 available to the public upon payment of reasonable charges for
 270 reproduction. Support data or summaries shall be ~~are not~~ subject
 271 to the compliance review process, ~~but the comprehensive plan~~
 272 ~~must be clearly based on appropriate data~~. Support data or
 273 summaries may be used to aid in the determination of compliance
 274 and consistency.

275 2. Data must be taken from professionally accepted

276 sources. The application of a methodology utilized in data
 277 collection or whether a particular methodology is professionally
 278 accepted may be evaluated. ~~However, the evaluation may not~~
 279 ~~include whether one accepted methodology is better than another.~~
 280 ~~Original data collection by local governments is not required.~~
 281 ~~However, local governments may use original data so long as~~
 282 ~~methodologies are professionally accepted.~~

283 3. The comprehensive plan shall be based upon permanent
 284 and seasonal population estimates and projections, which shall
 285 either be those published by the Office of Economic and
 286 Demographic Research or generated by the local government based
 287 upon a professionally acceptable methodology, whichever is
 288 greater. The plan must be based on at least the minimum amount
 289 of land required to accommodate the medium projections as
 290 published by the Office of Economic and Demographic Research for
 291 at least a 10-year planning period unless otherwise limited
 292 under s. 380.05, including related rules of the Administration
 293 Commission. Absent physical limitations on population growth,
 294 population projections for each municipality, and the
 295 unincorporated area within a county must, at a minimum, be
 296 reflective of each area's proportional share of the total county
 297 population and the total county population growth.

298 (2) Coordination of the required and optional ~~several~~
 299 elements of the local comprehensive plan shall be a major
 300 objective of the planning process. The required and optional

301 ~~several~~ elements of the comprehensive plan shall be consistent.
 302 Optional elements of the comprehensive plan may not contain
 303 policies that restrict the density or intensity established in
 304 the future land use element. Where data is relevant to required
 305 and optional ~~several~~ elements, consistent data shall be used,
 306 including population estimates and projections ~~unless~~
 307 ~~alternative data can be justified for a plan amendment through~~
 308 ~~new supporting data and analysis.~~ Each map depicting future
 309 conditions must reflect the principles, guidelines, and
 310 standards within all elements, and each such map must be
 311 contained within the comprehensive plan.

312 (5) (a) Each local government comprehensive plan must
 313 include at least two planning periods, one covering at least the
 314 first 10-year ~~5-year~~ period occurring after the plan's adoption
 315 and one covering at least a 20-year ~~10-year~~ period. Additional
 316 planning periods for specific components, elements, land use
 317 amendments, or projects shall be permissible and accepted as
 318 part of the planning process.

319 (6) In addition to the requirements of subsections (1) -
 320 (5), the comprehensive plan shall include the following
 321 elements:

322 (a) A future land use plan element designating proposed
 323 future general distribution, location, and extent of the uses of
 324 land for residential uses, commercial uses, industry,
 325 agriculture, recreation, conservation, education, public

326 facilities, and other categories of the public and private uses
327 of land. The approximate acreage and the general range of
328 density or intensity of use shall be provided for the gross land
329 area included in each existing land use category. The element
330 shall establish the long-term end toward which land use programs
331 and activities are ultimately directed.

332 1. Each future land use category must be defined in terms
333 of uses included, and must include standards to be followed in
334 the control and distribution of population densities and
335 building and structure intensities. The proposed distribution,
336 location, and extent of the various categories of land use shall
337 be shown on a land use map or map series which shall be
338 supplemented by goals, policies, and measurable objectives.

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

342 a. The amount of land required to accommodate anticipated
343 growth.

344 b. The projected permanent and seasonal population of the
345 area.

346 c. The character of undeveloped land.

347 d. The availability of water supplies, public facilities,
348 and services.

349 e. The need for redevelopment, including the renewal of
350 blighted areas and the elimination of nonconforming uses which

351 are inconsistent with the character of the community.

352 f. The compatibility of uses on lands adjacent to or
353 closely proximate to military installations.

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

356 h. The discouragement of urban sprawl.

357 i. The need for job creation, capital investment, and
358 economic development that will strengthen and diversify the
359 community's economy.

360 j. The need to modify land uses and development patterns
361 within antiquated subdivisions.

362 3. The future land use plan element shall include criteria
363 to be used to:

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

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

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

372 d. Encourage the location of schools proximate to urban
373 service residential areas to the extent possible and encourage
374 the location of schools in all areas if necessary to provide
375 adequate school capacity to serve residential development.

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

379 f. Ensure the protection of natural and historic
 380 resources.

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

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

386 4. The amount of land designated for future planned uses
 387 shall provide a balance of uses that foster vibrant, viable
 388 communities and economic development opportunities and address
 389 outdated development patterns, such as antiquated subdivisions.
 390 The amount of land designated for future land uses should allow
 391 the operation of real estate markets to provide adequate choices
 392 for permanent and seasonal residents and business and may not be
 393 limited solely by the projected population. The element shall
 394 accommodate at least the minimum amount of land required to
 395 accommodate the medium projections as published by the Office of
 396 Economic and Demographic Research for at least a 10-year
 397 planning period unless otherwise limited under s. 380.05,
 398 including related rules of the Administration Commission.

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

401 6. The land use maps or map series shall generally
 402 identify and depict historic district boundaries and shall
 403 designate historically significant properties meriting
 404 protection.

405 7. The future land use element must clearly identify the
 406 land use categories in which public schools are an allowable
 407 use. When delineating the land use categories in which public
 408 schools are an allowable use, a local government shall include
 409 in the categories sufficient land proximate to residential
 410 development to meet the projected needs for schools in
 411 coordination with public school boards and may establish
 412 differing criteria for schools of different type or size. Each
 413 local government shall include lands contiguous to existing
 414 school sites, to the maximum extent possible, within the land
 415 use categories in which public schools are an allowable use.

416 8. Future land use map amendments shall be based upon the
 417 following analyses:

418 a. An analysis of the availability of facilities and
 419 services.

420 b. An analysis of the suitability of the plan amendment
 421 for its proposed use considering the character of the
 422 undeveloped land, soils, topography, natural resources, and
 423 historic resources on site.

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

426 9. The future land use element ~~and any amendment to the~~
 427 ~~future land use element~~ shall discourage the proliferation of
 428 urban sprawl by planning for future development as provided in
 429 this section.

430 a. ~~The primary indicators that a plan or plan amendment~~
 431 ~~does not discourage the proliferation of urban sprawl are listed~~
 432 ~~below. The evaluation of the presence of these indicators shall~~
 433 ~~consist of an analysis of the plan or plan amendment within the~~
 434 ~~context of features and characteristics unique to each locality~~
 435 ~~in order to determine whether the plan or plan amendment:~~

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

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

443 (III) ~~Promotes, allows, or designates urban development in~~
 444 ~~radial, strip, isolated, or ribbon patterns generally emanating~~
 445 ~~from existing urban developments.~~

446 (IV) ~~Fails to adequately protect and conserve natural~~
 447 ~~resources, such as wetlands, floodplains, native vegetation,~~
 448 ~~environmentally sensitive areas, natural groundwater aquifer~~
 449 ~~recharge areas, lakes, rivers, shorelines, beaches, bays,~~
 450 ~~estuarine systems, and other significant natural systems.~~

451 ~~(V) Fails to adequately protect adjacent agricultural~~
 452 ~~areas and activities, including silviculture, active~~
 453 ~~agricultural and silvicultural activities, passive agricultural~~
 454 ~~activities, and dormant, unique, and prime farmlands and soils.~~

455 ~~(VI) Fails to maximize use of existing public facilities~~
 456 ~~and services.~~

457 ~~(VII) Fails to maximize use of future public facilities~~
 458 ~~and services.~~

459 ~~(VIII) Allows for land use patterns or timing which~~
 460 ~~disproportionately increase the cost in time, money, and energy~~
 461 ~~of providing and maintaining facilities and services, including~~
 462 ~~roads, potable water, sanitary sewer, stormwater management, law~~
 463 ~~enforcement, education, health care, fire and emergency~~
 464 ~~response, and general government.~~

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

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

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

470 ~~(XII) Results in poor accessibility among linked or~~
 471 ~~related land uses.~~

472 ~~(XIII) Results in the loss of significant amounts of~~
 473 ~~functional open space.~~

474 ~~b. The future land use element or plan amendment shall be~~
 475 ~~determined to discourage the proliferation of urban sprawl if it~~

476 ~~incorporates a development pattern or urban form that achieves~~
 477 ~~four or more of the following:~~

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

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

484 ~~(III) Promotes walkable and connected communities and~~
 485 ~~provides for compact development and a mix of uses at densities~~
 486 ~~and intensities that will support a range of housing choices and~~
 487 ~~a multimodal transportation system, including pedestrian,~~
 488 ~~bicycle, and transit, if available.~~

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

490 ~~(V) Preserves agricultural areas and activities, including~~
 491 ~~silviculture, and dormant, unique, and prime farmlands and~~
 492 ~~soils.~~

493 ~~(VI) Preserves open space and natural lands and provides~~
 494 ~~for public open space and recreation needs.~~

495 ~~(VII) Creates a balance of land uses based upon demands of~~
 496 ~~the residential population for the nonresidential needs of an~~
 497 ~~area.~~

498 ~~(VIII) Provides uses, densities, and intensities of use~~
 499 ~~and urban form that would remediate an existing or planned~~
 500 ~~development pattern in the vicinity that constitutes sprawl or~~

501 ~~if it provides for an innovative development pattern such as~~
 502 ~~transit-oriented developments or new towns as defined in s.~~
 503 ~~163.3164.~~

504 10. The future land use element shall include a future
 505 land use map or map series.

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

- 509 (I) Residential.
- 510 (II) Commercial.
- 511 (III) Industrial.
- 512 (IV) Agricultural.
- 513 (V) Recreational.
- 514 (VI) Conservation.
- 515 (VII) Educational.
- 516 (VIII) Public.

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

- 519 (I) Historic district boundaries and designated
 520 historically significant properties.
- 521 (II) Transportation concurrency management area boundaries
 522 or transportation concurrency exception area boundaries.
- 523 (III) Multimodal transportation district boundaries.
- 524 (IV) Mixed-use categories.

525 c. The following natural resources or conditions shall be

526 shown on the future land use map or map series, if applicable:

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

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

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

531 (IV) Wetlands.

532 (V) Minerals and soils.

533 (VI) Coastal high hazard areas.

534 Section 4. Section 163.3191, Florida Statutes, is amended
535 to read:

536 163.3191 Evaluation and appraisal of comprehensive plan.—

537 (1) At least once every 7 years, each local government
538 must ~~shall~~ evaluate its comprehensive plan to determine if plan
539 amendments are necessary to reflect a minimum planning period of
540 at least 10 years as provided in s. 163.3177(5), or to reflect
541 changes in state requirements in this part since the last update
542 of the comprehensive plan, and notify the state land planning
543 agency as to its determination. The notification shall include a
544 separate affidavit, signed by the chair of the governing body of
545 the county and the mayor of the municipality, attesting that all
546 elements of its comprehensive plan comply with this paragraph.
547 The affidavit must also include a certification that the adopted
548 comprehensive plan contains the minimum planning period of 10
549 years as provided in s. 163.3177(5) and must cite the source and
550 date of the population projections utilized in establishing the

551 10-year planning period.

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

557 (3) Local governments must ~~are encouraged to~~
 558 comprehensively evaluate and, as necessary, update comprehensive
 559 plans to reflect changes in local conditions. Plan amendments
 560 transmitted pursuant to this section shall be reviewed pursuant
 561 to s. 163.3184(4). Updates to the required elements of the
 562 comprehensive plan must be processed in the same plan amendment
 563 cycle. Optional elements of the comprehensive plan may not be
 564 updated until the required elements have been updated unless
 565 otherwise required by general law.

566 (4) If a local government fails to submit the ~~its~~ letter
 567 and affidavit prescribed by subsection (1) or update its plan
 568 pursuant to this subsection within 1 year from the date the
 569 letter was transmitted to the state land planning agency ~~(2)~~, it
 570 may not initiate or adopt any publicly initiated plan amendments
 571 to amend its comprehensive plan until such time as it complies
 572 with this section, unless otherwise required by general law.
 573 This prohibition on plan amendments does not apply to privately
 574 initiated plan amendments. The failure of the local government
 575 to update its plan in a timely manner shall not be the basis for

576 the denial of a privately initiated comprehensive plan
 577 amendment.

578 (5) If it is determined that a local government has failed
 579 to update its comprehensive plan pursuant to this section, the
 580 state land planning agency shall provide the required population
 581 projections, that must be utilized by the local government to
 582 update the comprehensive plan. The local government shall
 583 initiate an update to its comprehensive plan within 3 months
 584 following the receipt of the population projections and must
 585 complete the update within 12 months. During the update process,
 586 the local government may provide alternative population
 587 projections based on professionally accepted methodologies, but
 588 only if those population projections exceed the population
 589 projections provided by the state land planning agency and only
 590 if the update is completed in the time-period set forth in this
 591 subsection.

592 (6) ~~(5)~~ The state land planning agency may not adopt rules
 593 to implement this section, other than procedural rules or a
 594 schedule indicating when local governments must comply with the
 595 requirements of this section.

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

598 163.3202 Land development regulations.—

599 (2) Local land development regulations must ~~shall~~ contain
 600 specific and detailed provisions necessary or desirable to

601 implement the adopted comprehensive plan and shall at a minimum:

602 (a) Regulate the subdivision of land.

603 (b) Establish minimum lot sizes within single-family, two-
 604 family and fee-simple, single-family townhome zoning districts
 605 to accommodate the maximum density authorized in the
 606 comprehensive plan, net of the land area required to be set
 607 aside for subdivision roads, sidewalks, stormwater ponds, open
 608 space, landscape buffers and any other mandatory land
 609 development regulations that require land to be set aside that
 610 could otherwise be utilized for the development of single-family
 611 homes, two-family homes and fee-simple, single-family townhomes.

612 (c) Establish infill development standards for single-
 613 family homes, two-family homes, and fee-simple townhome dwelling
 614 units to allow for the administrative approval of development of
 615 infill single-family homes, two-family homes, and fee-simple,
 616 single-family townhomes.

617 (d)-(b) Regulate the use of land and water for those land
 618 use categories included in the land use element and ensure the
 619 compatibility of adjacent uses and provide for open space.

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

621 (f)-(d) Regulate areas subject to seasonal and periodic
 622 flooding and provide for drainage and stormwater management.

623 (g)-(e) Ensure the protection of environmentally sensitive
 624 lands designated in the comprehensive plan.

625 (h)-(f) Regulate signage.

626 ~~(i)-(g)~~ Provide that public facilities and services meet or
 627 exceed the standards established in the capital improvements
 628 element required by s. 163.3177 and are available when needed
 629 for the development, or that development orders and permits are
 630 conditioned on the availability of these public facilities and
 631 services necessary to serve the proposed development. A local
 632 government may not issue a development order or permit that
 633 results in a reduction in the level of services for the affected
 634 public facilities below the adopted level of services provided
 635 in the local government's comprehensive plan. Levels of service
 636 established in a comprehensive plan solely for planning purposes
 637 may not be used as a basis for the denial of a development order
 638 or permit.

639 ~~(j)-(h)~~ Ensure safe and convenient onsite traffic flow,
 640 considering needed vehicle parking.

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

647 ~~(l)-(j)~~ Incorporate preexisting development orders
 648 identified pursuant to s. 163.3167(3).

649 (5) (a) Land development regulations relating to building
 650 design elements may not be applied to a single-family or two-

651 family dwelling unless:

652 1. The dwelling is listed in the National Register of
 653 Historic Places, as defined in s. 267.021(5); is located in a
 654 National Register Historic District; or is designated as a
 655 historic property or located in a historic district, under the
 656 terms of a local preservation ordinance;

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

659 3. The regulations are adopted pursuant to and in
 660 compliance with chapter 553;

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

663 5. The regulations are required to ensure protection of
 664 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
 665 161.0531, s. 161.085, s. 161.163, or chapter 373; or

666 ~~6. The dwelling is located in a planned unit development~~
 667 ~~or master planned community created pursuant to a local~~
 668 ~~ordinance, resolution, or other final action approved by the~~
 669 ~~local governing body; or~~

670 6.7. The dwelling is located within the jurisdiction of a
 671 local government that has a design review board or architectural
 672 review board created before January 1, 2020.

673 (b) For purposes of this subsection, the term-

674 ~~1.~~ "Building design elements" means the external building
 675 color; the type or style of exterior cladding material; the

676 style or material of roof structures or porches; the exterior
 677 nonstructural architectural ornamentation; the location or
 678 architectural styling of windows or doors; the location or
 679 orientation of the garage; the number and type of rooms; and the
 680 interior layout of rooms. The term does not include the height,
 681 bulk, orientation, or location of a dwelling on a zoning lot; or
 682 the use of buffering or screening to minimize potential adverse
 683 physical or visual impacts or to protect the privacy of
 684 neighbors.

685 ~~2. "Planned unit development" or "master planned~~
 686 ~~community" means an area of land that is planned and developed~~
 687 ~~as a single entity or in approved stages with uses and~~
 688 ~~structures substantially related to the character of the entire~~
 689 ~~development, or a self-contained development in which the~~
 690 ~~subdivision and zoning controls are applied to the project as a~~
 691 ~~whole rather than to individual lots.~~

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

695 Section 6. Paragraph (g) of subsection (5) of section
 696 163.3246, Florida Statutes, is amended to read:

697 163.3246 Local government comprehensive planning
 698 certification program.—

699 (5) If the local government meets the eligibility criteria
 700 of subsection (2), the state land planning agency shall certify

701 all or part of a local government by written agreement, which
 702 shall be considered final agency action subject to challenge
 703 under s. 120.569. The agreement must include the following
 704 components:

705 (g) Criteria to evaluate the effectiveness of the
 706 certification process in achieving the community-development
 707 goals for the certification area including:

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

710 2. Increasing residential density and intensity
 711 ~~intensities~~ of use;

712 3. Measuring and reducing vehicle miles traveled and
 713 increasing the interconnectedness of the street system,
 714 pedestrian access, and mass transit;

715 4. Measuring the balance between the location of jobs and
 716 housing;

717 5. Improving the housing mix within the certification
 718 area, including the provision of mixed-use neighborhoods,
 719 affordable housing, and the creation of an affordable housing
 720 program if such a program is not already in place;

721 6. Promoting mixed-use developments as an alternative to
 722 single-purpose centers;

723 7. Promoting clustered development having dedicated open
 724 space;

725 8. Linking commercial, educational, and recreational uses

726 directly to residential growth;

727 9. Reducing per capita water and energy consumption;

728 10. Prioritizing environmental features to be protected
729 and adopting measures or programs to protect identified
730 features;

731 11. Reducing hurricane shelter deficits and evacuation
732 times and implementing the adopted mitigation strategies; and

733 12. Improving coordination between the local government
734 and school board.

735 Section 7. Paragraph (a) of subsection (2) of section
736 189.08, Florida Statutes, is amended to read:

737 189.08 Special district public facilities report.—

738 (2) Each independent special district shall submit to each
739 local general-purpose government in which it is located a public
740 facilities report and an annual notice of any changes. The
741 public facilities report shall specify the following
742 information:

743 (a) A description of existing public facilities owned or
744 operated by the special district, and each public facility that
745 is operated by another entity, except a local general-purpose
746 government, through a lease or other agreement with the special
747 district. This description shall include the current capacity of
748 the facility, the current demands placed upon it, and its
749 location. This information shall be required in the initial
750 report and updated every 7 years at least 12 months before the

751 submission date of the evaluation and appraisal notification
 752 letter of the appropriate local government required by s.
 753 163.3191. The department shall post a schedule on its website,
 754 based on the evaluation and appraisal notification schedule
 755 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a
 756 special district to determine when its public facilities report
 757 and updates to that report are due to the local general-purpose
 758 governments in which the special district is located.

759 Section 8. Subsection (29) of section 479.01, Florida
 760 Statutes, is amended to read:

761 479.01 Definitions.—As used in this chapter, the term:

762 (29) "Zoning category" means the designation under the
 763 land development regulations or other similar ordinance enacted
 764 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~
 765 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
 766 restrictions, and limitations on use applicable to properties
 767 within the category.

768 Section 9. This act shall take effect July 1, 2023.