

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

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

169 of general law; providing a directive of the Division of  
170 Statutory Revision; providing an effective date.

171  
172 Be It Enacted by the Legislature of the State of Florida:

173  
174 Section 1. Subsection (26) of section 70.51, Florida  
175 Statutes, is amended to read:

176 70.51 Land use and environmental dispute resolution.—

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

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

190 163.06 Miami River Commission.—

191 (3) The policy committee shall have the following powers  
192 and duties:

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

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

198           163.2517 Designation of urban infill and redevelopment  
199 area.—

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

215           Section 4. Section 163.3161, Florida Statutes, is amended  
216 to read:

217           163.3161 Short title; intent and purpose.—

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

221           (2) ~~In conformity with, and in furtherance of, the purpose~~  
222 ~~of the Florida Environmental Land and Water Management Act of~~  
223 ~~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 the ability of its ~~adoption is necessary so that~~ local governments 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, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

~~(4)~~ (5) It is the intent of this act to encourage and ensure ~~assure~~ cooperation between and among municipalities and counties and to encourage and assure coordination of planning

252 and development activities of units of local government with the  
253 planning activities of regional agencies and state government in  
254 accord with applicable provisions of law.

255 (6)~~(5)~~ It is the intent of this act that adopted  
256 comprehensive plans shall have the legal status set out in this  
257 act and that no public or private development shall be permitted  
258 except in conformity with comprehensive plans, or elements or  
259 portions thereof, prepared and adopted in conformity with this  
260 act.

261 (7)~~(6)~~ It is the intent of this act that the activities of  
262 units of local government in the preparation and adoption of  
263 comprehensive plans, or elements or portions therefor, shall be  
264 conducted in conformity with ~~the provisions of~~ this act.

265 (8)~~(7)~~ The provisions of this act in their interpretation  
266 and application are declared to be the minimum requirements  
267 necessary to accomplish the stated intent, purposes, and  
268 objectives of this act; to protect human, environmental, social,  
269 and economic resources; and to maintain, through orderly growth  
270 and development, the character and stability of present and  
271 future land use and development in this state.

272 (9)~~(8)~~ It is the intent of the Legislature that the repeal  
273 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws  
274 of Florida, and amendments to this part by this chapter law,  
275 ~~shall~~ not be interpreted to limit or restrict the powers of  
276 municipal or county officials, but ~~shall~~ be interpreted as a  
277 recognition of their broad statutory and constitutional powers  
278 to plan for and regulate the use of land. It is, further, the  
279 intent of the Legislature to reconfirm that ss. 163.3161-

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280 163.3248 ~~163.3161 through 163.3215~~ have provided and do provide  
281 the necessary statutory direction and basis for municipal and  
282 county officials to carry out their comprehensive planning and  
283 land development regulation powers, duties, and  
284 responsibilities.

285 (10) ~~(9)~~ It is the intent of the Legislature that all  
286 governmental entities in this state recognize and respect  
287 judicially acknowledged or constitutionally protected private  
288 property rights. It is the intent of the Legislature that all  
289 rules, ordinances, regulations, and programs adopted under the  
290 authority of this act must be developed, promulgated,  
291 implemented, and applied with sensitivity for private property  
292 rights and not be unduly restrictive, and property owners must  
293 be free from actions by others which would harm their property.  
294 Full and just compensation or other appropriate relief must be  
295 provided to any property owner for a governmental action that is  
296 determined to be an invalid exercise of the police power which  
297 constitutes a taking, as provided by law. Any such relief must  
298 be determined in a judicial action.

299 (11) It is the intent of this part that the traditional  
300 economic base of this state, agriculture, tourism, and military  
301 presence, be recognized and protected. Further, it is the intent  
302 of this part to encourage economic diversification, workforce  
303 development, and community planning.

304 (12) It is the intent of this part that new statutory  
305 requirements created by the Legislature will not require a local  
306 government whose plan has been found to be in compliance with  
307 this part to adopt amendments implementing the new statutory

308 requirements until the evaluation and appraisal period provided  
309 in s. 163.3191, unless otherwise specified in law. However, any  
310 new amendments must comply with the requirements of this part.

311 Section 5. Subsections (2) through (5) of section  
312 163.3162, Florida Statutes, are renumbered as subsections (1)  
313 through (4), respectively, and present subsections (1) and (5)  
314 of that section are amended to read:

315 163.3162 Agricultural Lands and Practices Act.—

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

318 ~~(4) (5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—~~

319 The owner of a parcel of land defined as an agricultural enclave  
320 under s. 163.3164~~(33)~~ may apply for an amendment to the local  
321 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.  
322 Such amendment is presumed not to be urban sprawl as defined in  
323 s. 163.3164 if it includes consistent with rule 9J-5.006(5),  
324 ~~Florida Administrative Code, and may include~~ land uses and  
325 intensities of use that are consistent with the uses and  
326 intensities of use of the industrial, commercial, or residential  
327 areas that surround the parcel. This presumption may be rebutted  
328 by clear and convincing evidence. Each application for a  
329 comprehensive plan amendment under this subsection for a parcel  
330 larger than 640 acres must include appropriate new urbanism  
331 concepts such as clustering, mixed-use development, the creation  
332 of rural village and city centers, and the transfer of  
333 development rights in order to discourage urban sprawl while  
334 protecting landowner rights.

335 (a) The local government and the owner of a parcel of land

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

350 (b) Upon conclusion of good faith negotiations under  
351 paragraph (a), regardless of whether the local government and  
352 owner reach consensus on the land uses and intensities of use  
353 that are consistent with the uses and intensities of use of the  
354 industrial, commercial, or residential areas that surround the  
355 parcel, the amendment must be transmitted to the state land  
356 planning agency for review pursuant to s. 163.3184. If the local  
357 government fails to transmit the amendment within 180 days after  
358 receipt of a complete application, the amendment must be  
359 immediately transferred to the state land planning agency for  
360 such review ~~at the first available transmittal cycle~~. A plan  
361 amendment transmitted to the state land planning agency  
362 submitted under this subsection is presumed not to be urban  
363 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~

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364 ~~5.006(5), Florida Administrative Code.~~ This presumption may be  
365 rebutted by clear and convincing evidence.

366 (c) If the owner fails to negotiate in good faith, a plan  
367 amendment submitted under this subsection is not entitled to the  
368 rebuttable presumption under this subsection in the negotiation  
369 and amendment process.

370 (d) Nothing within this subsection relating to  
371 agricultural enclaves shall preempt or replace any protection  
372 currently existing for any property located within the  
373 boundaries of the following areas:

- 374 1. The Wekiva Study Area, as described in s. 369.316; or  
375 2. The Everglades Protection Area, as defined in s.  
376 373.4592(2).

377 Section 6. Section 163.3164, Florida Statutes, is amended  
378 to read:

379 163.3164 Community ~~Local Government Comprehensive~~ Planning  
380 ~~and Land Development Regulation~~ Act; definitions.—As used in  
381 this act:

382 (1) "Administration Commission" means the Governor and the  
383 Cabinet, and for purposes of this chapter the commission shall  
384 act on a simple majority vote, except that for purposes of  
385 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,  
386 affirmative action shall require the approval of the Governor  
387 and at least three other members of the commission.

388 (2) "Affordable housing" has the same meaning as in s.  
389 420.0004(3).

390 (3) ~~(33)~~ "Agricultural enclave" means an unincorporated,  
391 undeveloped parcel that:

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

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

397 (c) Is surrounded on at least 75 percent of its perimeter  
398 by:

399 1. Property that has existing industrial, commercial, or  
400 residential development; or

401 2. Property that the local government has designated, in  
402 the local government's comprehensive plan, zoning map, and  
403 future land use map, as land that is to be developed for  
404 industrial, commercial, or residential purposes, and at least 75  
405 percent of such property is existing industrial, commercial, or  
406 residential development;

407 (d) Has public services, including water, wastewater,  
408 transportation, schools, and recreation facilities, available or  
409 such public services are scheduled in the capital improvement  
410 element to be provided by the local government or can be  
411 provided by an alternative provider of local government  
412 infrastructure in order to ensure consistency with applicable  
413 concurrency provisions of s. 163.3180; and

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

419 (4) "Antiquated subdivision" means a subdivision that was

420 recorded or approved more than 20 years ago and that has  
421 substantially failed to be built and the continued buildout of  
422 the subdivision in accordance with the subdivision's zoning and  
423 land use purposes would cause an imbalance of land uses and  
424 would be detrimental to the local and regional economies and  
425 environment, hinder current planning practices, and lead to  
426 inefficient and fiscally irresponsible development patterns as  
427 determined by the respective jurisdiction in which the  
428 subdivision is located.

429 (5)(2) "Area" or "area of jurisdiction" means the total  
430 area qualifying under the provisions of this act, whether this  
431 be all of the lands lying within the limits of an incorporated  
432 municipality, lands in and adjacent to incorporated  
433 municipalities, all unincorporated lands within a county, or  
434 areas comprising combinations of the lands in incorporated  
435 municipalities and unincorporated areas of counties.

436 (6) "Capital improvement" means physical assets  
437 constructed or purchased to provide, improve, or replace a  
438 public facility and which are typically large scale and high in  
439 cost. The cost of a capital improvement is generally  
440 nonrecurring and may require multiyear financing. For the  
441 purposes of this part, physical assets that have been identified  
442 as existing or projected needs in the individual comprehensive  
443 plan elements shall be considered capital improvements.

444 (7)(3) "Coastal area" means the 35 coastal counties and  
445 all coastal municipalities within their boundaries designated  
446 coastal by the state land planning agency.

447 (8) "Compatibility" means a condition in which land uses



448 or conditions can coexist in relative proximity to each other in  
449 a stable fashion over time such that no use or condition is  
450 unduly negatively impacted directly or indirectly by another use  
451 or condition.

452 (9)(4) "Comprehensive plan" means a plan that meets the  
453 requirements of ss. 163.3177 and 163.3178.

454 (10) "Deepwater ports" means the ports identified in s.  
455 403.021(9).

456 (11) "Density" means an objective measurement of the  
457 number of people or residential units allowed per unit of land,  
458 such as residents or employees per acre.

459 (12)(5) "Developer" means any person, including a  
460 governmental agency, undertaking any development as defined in  
461 this act.

462 (13)(6) "Development" has the same meaning as ~~given it~~ in  
463 s. 380.04.

464 (14)(7) "Development order" means any order granting,  
465 denying, or granting with conditions an application for a  
466 development permit.

467 (15)(8) "Development permit" includes any building permit,  
468 zoning permit, subdivision approval, rezoning, certification,  
469 special exception, variance, or any other official action of  
470 local government having the effect of permitting the development  
471 of land.

472 (16)(25) "Downtown revitalization" means the physical and  
473 economic renewal of a central business district of a community  
474 as designated by local government, and includes both downtown  
475 development and redevelopment.

476        (17) "Floodprone areas" means areas inundated during a  
477 100-year flood event or areas identified by the National Flood  
478 Insurance Program as an A Zone on flood insurance rate maps or  
479 flood hazard boundary maps.

480        (18) "Goal" means the long-term end toward which programs  
481 or activities are ultimately directed.

482        (19)~~(9)~~ "Governing body" means the board of county  
483 commissioners of a county, the commission or council of an  
484 incorporated municipality, or any other chief governing body of  
485 a unit of local government, however designated, or the  
486 combination of such bodies where joint utilization of ~~the~~  
487 ~~provisions of~~ this act is accomplished as provided herein.

488        (20)~~(10)~~ "Governmental agency" means:

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

491            (b) This state or any department, commission, agency, or  
492 other instrumentality thereof.

493            (c) Any local government, as defined in this section, or  
494 any department, commission, agency, or other instrumentality  
495 thereof.

496            (d) Any school board or other special district, authority,  
497 or governmental entity.

498        (21) "Intensity" means an objective measurement of the  
499 extent to which land may be developed or used, including the  
500 consumption or use of the space above, on, or below ground; the  
501 measurement of the use of or demand on natural resources; and  
502 the measurement of the use of or demand on facilities and  
503 services.

504        (22) "Internal trip capture" means trips generated by a  
505 mixed-use project that travel from one on-site land use to  
506 another on-site land use without using the external road  
507 network.

508        (23)~~(11)~~ "Land" means the earth, water, and air, above,  
509 below, or on the surface, and includes any improvements or  
510 structures customarily regarded as land.

511        (24)~~(22)~~ "Land development regulation commission" means a  
512 commission designated by a local government to develop and  
513 recommend, to the local governing body, land development  
514 regulations which implement the adopted comprehensive plan and  
515 to review land development regulations, or amendments thereto,  
516 for consistency with the adopted plan and report to the  
517 governing body regarding its findings. The responsibilities of  
518 the land development regulation commission may be performed by  
519 the local planning agency.

520        (25)~~(23)~~ "Land development regulations" means ordinances  
521 enacted by governing bodies for the regulation of any aspect of  
522 development and includes any local government zoning, rezoning,  
523 subdivision, building construction, or sign regulations or any  
524 other regulations controlling the development of land, except  
525 that this definition does ~~shall~~ not apply in s. 163.3213.

526        (26)~~(12)~~ "Land use" means the development that has  
527 occurred on the land, the development that is proposed by a  
528 developer on the land, or the use that is permitted or  
529 permissible on the land under an adopted comprehensive plan or  
530 element or portion thereof, land development regulations, or a  
531 land development code, as the context may indicate.

532        (27) "Level of service" means an indicator of the extent  
533 or degree of service provided by, or proposed to be provided by,  
534 a facility based on and related to the operational  
535 characteristics of the facility. Level of service shall indicate  
536 the capacity per unit of demand for each public facility.

537        (28)~~(13)~~ "Local government" means any county or  
538 municipality.

539        (29)~~(14)~~ "Local planning agency" means the agency  
540 designated to prepare the comprehensive plan or plan amendments  
541 required by this act.

542        (30)~~(15)~~ A "Newspaper of general circulation" means a  
543 newspaper published at least on a weekly basis and printed in  
544 the language most commonly spoken in the area within which it  
545 circulates, but does not include a newspaper intended primarily  
546 for members of a particular professional or occupational group,  
547 a newspaper whose primary function is to carry legal notices, or  
548 a newspaper that is given away primarily to distribute  
549 advertising.

550        (31) "New town" means an urban activity center and  
551 community designated on the future land use map of sufficient  
552 size, population and land use composition to support a variety  
553 of economic and social activities consistent with an urban area  
554 designation. New towns shall include basic economic activities;  
555 all major land use categories, with the possible exception of  
556 agricultural and industrial; and a centrally provided full range  
557 of public facilities and services that demonstrate internal trip  
558 capture. A new town shall be based on a master development plan.

559        (32) "Objective" means a specific, measurable,

560 intermediate end that is achievable and marks progress toward a  
561 goal.

562 (33)~~(16)~~ "Parcel of land" means any quantity of land  
563 capable of being described with such definiteness that its  
564 locations and boundaries may be established, which is designated  
565 by its owner or developer as land to be used, or developed as, a  
566 unit or which has been used or developed as a unit.

567 (34)~~(17)~~ "Person" means an individual, corporation,  
568 governmental agency, business trust, estate, trust, partnership,  
569 association, two or more persons having a joint or common  
570 interest, or any other legal entity.

571 (35) "Policy" means the way in which programs and  
572 activities are conducted to achieve an identified goal.

573 (36)~~(28)~~ "Projects that promote public transportation"  
574 means projects that directly affect the provisions of public  
575 transit, including transit terminals, transit lines and routes,  
576 separate lanes for the exclusive use of public transit services,  
577 transit stops (shelters and stations), office buildings or  
578 projects that include fixed-rail or transit terminals as part of  
579 the building, and projects which are transit oriented and  
580 designed to complement reasonably proximate planned or existing  
581 public facilities.

582 (37)~~(24)~~ "Public facilities" means major capital  
583 improvements, including, ~~but not limited to,~~ transportation,  
584 sanitary sewer, solid waste, drainage, potable water,  
585 educational, parks and recreational, ~~and health systems and~~  
586 ~~facilities, and spoil disposal sites for maintenance dredging~~  
587 ~~located in the intracoastal waterways, except for spoil disposal~~

588 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

589 ~~(38)(18)~~ "Public notice" means notice as required by s.  
590 125.66(2) for a county or by s. 166.041(3)(a) for a  
591 municipality. The public notice procedures required in this part  
592 are established as minimum public notice procedures.

593 ~~(39)(19)~~ "Regional planning agency" means the council  
594 created pursuant to chapter 186 ~~agency designated by the state~~  
595 ~~land planning agency to exercise responsibilities under law in a~~  
596 ~~particular region of the state.~~

597 (40) "Seasonal population" means part-time inhabitants who  
598 use, or may be expected to use, public facilities or services,  
599 but are not residents and includes tourists, migrant  
600 farmworkers, and other short-term and long-term visitors.

601 ~~(41)(31)~~ "Optional Sector plan" means the ~~an optional~~  
602 process authorized by s. 163.3245 in which one or more local  
603 governments engage in long-term planning for a large area and by  
604 ~~agreement with the state land planning agency are allowed to~~  
605 address regional development-of-regional-impact issues through  
606 adoption of detailed specific area plans within the planning  
607 area within certain designated geographic areas identified in  
608 ~~the local comprehensive plan~~ as a means of fostering innovative  
609 planning and development strategies ~~in s. 163.3177(11)(a) and~~  
610 ~~(b),~~ furthering the purposes of this part and part I of chapter  
611 380, reducing overlapping data and analysis requirements,  
612 protecting regionally significant resources and facilities, and  
613 addressing extrajurisdictional impacts. The term includes an  
614 optional sector plan that was adopted before the effective date  
615 of this act.

616        ~~(42)(20)~~ "State land planning agency" means the Department  
617 of Community Affairs.

618        ~~(43)(21)~~ "Structure" has the same meaning as in ~~given it~~  
619 ~~by~~ s. 380.031(19).

620        (44) "Suitability" means the degree to which the existing  
621 characteristics and limitations of land and water are compatible  
622 with a proposed use or development.

623        (45) "Transit-oriented development" means a project or  
624 projects, in areas identified in a local government  
625 comprehensive plan, that is or will be served by existing or  
626 planned transit service. These designated areas shall be  
627 compact, moderate to high density developments, of mixed-use  
628 character, interconnected with other land uses, bicycle and  
629 pedestrian friendly, and designed to support frequent transit  
630 service operating through, collectively or separately, rail,  
631 fixed guideway, streetcar, or bus systems on dedicated  
632 facilities or available roadway connections.

633        ~~(46)(30)~~ "Transportation corridor management" means the  
634 coordination of the planning of designated future transportation  
635 corridors with land use planning within and adjacent to the  
636 corridor to promote orderly growth, to meet the concurrency  
637 requirements of this chapter, and to maintain the integrity of  
638 the corridor for transportation purposes.

639        ~~(47)(27)~~ "Urban infill" means the development of vacant  
640 parcels in otherwise built-up areas where public facilities such  
641 as sewer systems, roads, schools, and recreation areas are  
642 already in place and the average residential density is at least  
643 five dwelling units per acre, the average nonresidential

intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

~~(48)(26)~~ "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

~~(49)(29)~~ "Urban service area" means ~~built-up~~ areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation ~~committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.~~

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



~~(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

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~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.~~

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

163.3167 Scope of act.—

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

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

(b) To adopt and amend comprehensive plans, or elements or

portions thereof, to guide their future development and growth.

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

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

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

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

~~(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and~~

756 ~~the state land planning agency review schedule, whichever is~~  
757 ~~later. The regional planning agency shall provide at least 90~~  
758 ~~days' written notice to any local government whose plan it is~~  
759 ~~required by this subsection to prepare, prior to initiating the~~  
760 ~~planning process. At least 90 days before the adoption by the~~  
761 ~~regional planning agency of a comprehensive plan, or element or~~  
762 ~~portion thereof, pursuant to this subsection, the regional~~  
763 ~~planning agency shall transmit a copy of the proposed~~  
764 ~~comprehensive plan, or element or portion thereof, to the local~~  
765 ~~government and the state land planning agency for written~~  
766 ~~comment. The state land planning agency shall review and comment~~  
767 ~~on such plan, or element or portion thereof, in accordance with~~  
768 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~  
769 ~~applicable to the regional planning agency as if it were a~~  
770 ~~governing body. Existing comprehensive plans shall remain in~~  
771 ~~effect until they are amended pursuant to subsection (2), this~~  
772 ~~subsection, s. 163.3187, or s. 163.3189.~~

773     (3)~~(4)~~ A municipality established after the effective date  
774 of this act shall, within 1 year after incorporation, establish  
775 a local planning agency, pursuant to s. 163.3174, and prepare  
776 and adopt a comprehensive plan of the type and in the manner set  
777 out in this act within 3 years after the date of such  
778 incorporation. A county comprehensive plan shall be deemed  
779 controlling until the municipality adopts a comprehensive plan  
780 in accord with the provisions of this act. If, upon the  
781 ~~expiration of the 3-year time limit, the municipality has not~~  
782 ~~adopted a comprehensive plan, the regional planning agency shall~~  
783 ~~prepare and adopt a comprehensive plan for such municipality.~~

784        (4)~~(5)~~ Any comprehensive plan, or element or portion  
785 thereof, adopted pursuant to the provisions of this act, which  
786 but for its adoption after the deadlines established pursuant to  
787 previous versions of this act would have been valid, shall be  
788 valid.

789        ~~(6) When a regional planning agency is required to prepare~~  
790 ~~or amend a comprehensive plan, or element or portion thereof,~~  
791 ~~pursuant to subsections (3) and (4), the regional planning~~  
792 ~~agency and the local government may agree to a method of~~  
793 ~~compensating the regional planning agency for any verifiable,~~  
794 ~~direct costs incurred. If an agreement is not reached within 6~~  
795 ~~months after the date the regional planning agency assumes~~  
796 ~~planning responsibilities for the local government pursuant to~~  
797 ~~subsections (3) and (4) or by the time the plan or element, or~~  
798 ~~portion thereof, is completed, whichever is earlier, the~~  
799 ~~regional planning agency shall file invoices for verifiable,~~  
800 ~~direct costs involved with the governing body. Upon the failure~~  
801 ~~of the local government to pay such invoices within 90 days, the~~  
802 ~~regional planning agency may, upon filing proper vouchers with~~  
803 ~~the Chief Financial Officer, request payment by the Chief~~  
804 ~~Financial Officer from unencumbered revenue or other tax sharing~~  
805 ~~funds due such local government from the state for work actually~~  
806 ~~performed, and the Chief Financial Officer shall pay such~~  
807 ~~vouchers; however, the amount of such payment shall not exceed~~  
808 ~~50 percent of such funds due such local government in any one~~  
809 ~~year.~~

810        ~~(7) A local government that is being requested to pay~~  
811 ~~costs may seek an administrative hearing pursuant to ss. 120.569~~

812 and ~~120.57~~ to challenge the amount of costs and to determine if  
813 the statutory prerequisites for payment have been complied with.  
814 Final agency action shall be taken by the state land planning  
815 agency. Payment shall be withheld as to disputed amounts until  
816 proceedings under this subsection have been completed.

817 (5)~~(8)~~ Nothing in this act shall limit or modify the  
818 rights of any person to complete any development that has been  
819 authorized as a development of regional impact pursuant to  
820 chapter 380 or who has been issued a final local development  
821 order and development has commenced and is continuing in good  
822 faith.

823 (6)~~(9)~~ The Reedy Creek Improvement District shall exercise  
824 the authority of this part as it applies to municipalities,  
825 consistent with the legislative act under which it was  
826 established, for the total area under its jurisdiction.

827 (7)~~(10)~~ Nothing in this part shall supersede any provision  
828 of ss. 341.8201-341.842.

829 ~~(11) Each local government is encouraged to articulate a~~  
830 ~~vision of the future physical appearance and qualities of its~~  
831 ~~community as a component of its local comprehensive plan. The~~  
832 ~~vision should be developed through a collaborative planning~~  
833 ~~process with meaningful public participation and shall be~~  
834 ~~adopted by the governing body of the jurisdiction. Neighboring~~  
835 ~~communities, especially those sharing natural resources or~~  
836 ~~physical or economic infrastructure, are encouraged to create~~  
837 ~~collective visions for greater than local areas. Such collective~~  
838 ~~visions shall apply in each city or county only to the extent~~  
839 ~~that each local government chooses to make them applicable. The~~

840 ~~state land planning agency shall serve as a clearinghouse for~~  
841 ~~creating a community vision of the future and may utilize the~~  
842 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~  
843 ~~grants to help pay the costs of local visioning programs. When a~~  
844 ~~local vision of the future has been created, a local government~~  
845 ~~should review its comprehensive plan, land development~~  
846 ~~regulations, and capital improvement program to ensure that~~  
847 ~~these instruments will help to move the community toward its~~  
848 ~~vision in a manner consistent with this act and with the state~~  
849 ~~comprehensive plan. A local or regional vision must be~~  
850 ~~consistent with the state vision, when adopted, and be~~  
851 ~~internally consistent with the local or regional plan of which~~  
852 ~~it is a component. The state land planning agency shall not~~  
853 ~~adopt minimum criteria for evaluating or judging the form or~~  
854 ~~content of a local or regional vision.~~

855 (8) ~~(12)~~ An initiative or referendum process in regard to  
856 any development order or in regard to any local comprehensive  
857 plan amendment or map amendment ~~that affects five or fewer~~  
858 ~~parcels of land~~ is prohibited.

859 (9) ~~(13)~~ Each local government shall address in its  
860 comprehensive plan, as enumerated in this chapter, the water  
861 supply sources necessary to meet and achieve the existing and  
862 projected water use demand for the established planning period,  
863 considering the applicable plan developed pursuant to s.  
864 373.709.

865 (10) ~~(14)~~ (a) If a local government grants a development  
866 order pursuant to its adopted land development regulations and  
867 the order is not the subject of a pending appeal and the

timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

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

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

163.3168 Planning innovations and technical assistance.—

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

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



896       (3) The state land planning agency shall help communities  
897 find creative solutions to fostering vibrant, healthy  
898 communities, while protecting the functions of important state  
899 resources and facilities. The state land planning agency and all  
900 other appropriate state and regional agencies may use various  
901 means to provide direct and indirect technical assistance within  
902 available resources. If plan amendments may adversely impact  
903 important state resources or facilities, upon request by the  
904 local government, the state land planning agency shall  
905 coordinate multi-agency assistance, if needed, in developing an  
906 amendment to minimize impacts on such resources or facilities.

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

909       163.3171 Areas of authority under this act.—

910       ~~(4) The state land planning agency and a Local governments~~  
911 ~~may government shall have the power to enter into agreements~~  
912 ~~with each other and to agree together to enter into agreements~~  
913 ~~with a landowner, developer, or governmental agency as may be~~  
914 ~~necessary or desirable to effectuate the provisions and purposes~~  
915 ~~of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,~~  
916 ~~and 163.3248. It is the Legislature's intent that joint~~  
917 ~~agreements entered into under the authority of this section be~~  
918 ~~liberally, broadly, and flexibly construed to facilitate~~  
919 ~~intergovernmental cooperation between cities and counties and to~~  
920 ~~encourage planning in advance of jurisdictional changes. Joint~~  
921 ~~agreements, executed before or after the effective date of this~~  
922 ~~act, include, but are not limited to, agreements that~~  
923 ~~contemplate municipal adoption of plans or plan amendments for~~

924 lands in advance of annexation of such lands into the  
925 municipality, and may permit municipalities and counties to  
926 exercise nonexclusive extrajurisdictional authority within  
927 incorporated and unincorporated areas. The state land planning  
928 agency may not interpret, invalidate, or declare inoperative  
929 such joint agreements, and the validity of joint agreements may  
930 not be a basis for finding plans or plan amendments not in  
931 compliance pursuant to chapter law.

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

934 163.3174 Local planning agency.—

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

939 Notwithstanding any special act to the contrary, all local  
940 planning agencies or equivalent agencies that first review  
941 rezoning and comprehensive plan amendments in each municipality  
942 and county shall include a representative of the school district  
943 appointed by the school board as a nonvoting member of the local  
944 planning agency or equivalent agency to attend those meetings at  
945 which the agency considers comprehensive plan amendments and  
946 rezonings that would, if approved, increase residential density  
947 on the property that is the subject of the application. However,  
948 this subsection does not prevent the governing body of the local  
949 government from granting voting status to the school board  
950 member. The governing body may designate itself as the local  
951 planning agency pursuant to this subsection with the addition of

952 a nonvoting school board representative. ~~The governing body~~  
953 ~~shall notify the state land planning agency of the establishment~~  
954 ~~of its local planning agency.~~ All local planning agencies shall  
955 provide opportunities for involvement by applicable community  
956 college boards, which may be accomplished by formal  
957 representation, membership on technical advisory committees, or  
958 other appropriate means. The local planning agency shall prepare  
959 the comprehensive plan or plan amendment after hearings to be  
960 held after public notice and shall make recommendations to the  
961 governing body regarding the adoption or amendment of the plan.  
962 The agency may be a local planning commission, the planning  
963 department of the local government, or other instrumentality,  
964 including a countywide planning entity established by special  
965 act or a council of local government officials created pursuant  
966 to s. 163.02, provided the composition of the council is fairly  
967 representative of all the governing bodies in the county or  
968 planning area; however:

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

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

978       Section 11. Subsections (5), (6), and (9) of section  
979 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

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

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

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

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

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

The commanding officer's comments, underlying studies, and reports provided pursuant to paragraphs (a)-(c) are not binding on the local government.

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) and must also be sensitive to private property rights and not be unduly

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1008 restrictive on those rights. The affected local government shall  
1009 forward a copy of any comments regarding comprehensive plan  
1010 amendments to the state land planning agency.

1011 (9) If a local government, as required under s.  
1012 163.3177(6)(a), does not adopt criteria and address  
1013 compatibility of lands adjacent to or closely proximate to  
1014 existing military installations in its future land use plan  
1015 element by June 30, 2012, the local government, the military  
1016 installation, the state land planning agency, and other parties  
1017 as identified by the regional planning council, including, but  
1018 not limited to, private landowner representatives, shall enter  
1019 into mediation conducted pursuant to s. 186.509. If the local  
1020 government comprehensive plan does not contain criteria  
1021 addressing compatibility by December 31, 2013, the agency may  
1022 notify the Administration Commission. The Administration  
1023 Commission may impose sanctions pursuant to s. 163.3184(8)~~(11)~~.  
1024 Any local government that amended its comprehensive plan to  
1025 address military installation compatibility requirements after  
1026 2004 and was found to be in compliance is deemed to be in  
1027 compliance with this subsection until the local government  
1028 conducts its evaluation and appraisal review pursuant to s.  
1029 163.3191 and determines that amendments are necessary to meet  
1030 updated general law requirements.

1031 Section 12. Section 163.3177, Florida Statutes, is amended  
1032 to read:

1033 163.3177 Required and optional elements of comprehensive  
1034 plan; studies and surveys.—

1035 (1) The comprehensive plan shall provide the ~~consist of~~

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1036 ~~materials in such descriptive form, written or graphic, as may~~  
1037 ~~be appropriate to the prescription of principles, guidelines,~~  
1038 ~~and standards, and strategies~~ for the orderly and balanced  
1039 future economic, social, physical, environmental, and fiscal  
1040 development of the area that reflects community commitments to  
1041 implement the plan and its elements. These principles and  
1042 strategies shall guide future decisions in a consistent manner  
1043 and shall contain programs and activities to ensure  
1044 comprehensive plans are implemented. The sections of the  
1045 comprehensive plan containing the principles and strategies,  
1046 generally provided as goals, objectives, and policies, shall  
1047 describe how the local government's programs, activities, and  
1048 land development regulations will be initiated, modified, or  
1049 continued to implement the comprehensive plan in a consistent  
1050 manner. It is not the intent of this part to require the  
1051 inclusion of implementing regulations in the comprehensive plan  
1052 but rather to require identification of those programs,  
1053 activities, and land development regulations that will be part  
1054 of the strategy for implementing the comprehensive plan and the  
1055 principles that describe how the programs, activities, and land  
1056 development regulations will be carried out. The plan shall  
1057 establish meaningful and predictable standards for the use and  
1058 development of land and provide meaningful guidelines for the  
1059 content of more detailed land development and use regulations.

1060 (a) The comprehensive plan shall consist of elements as  
1061 described in this section, and may include optional elements.

1062 (b) A local government may include, as part of its adopted  
1063 plan, documents adopted by reference but not incorporated

1064 verbatim into the plan. The adoption by reference must identify  
1065 the title and author of the document and indicate clearly what  
1066 provisions and edition of the document is being adopted.

1067 (c) The format of these principles and guidelines is at  
1068 the discretion of the local government, but typically is  
1069 expressed in goals, objectives, policies, and strategies.

1070 (d) The comprehensive plan shall identify procedures for  
1071 monitoring, evaluating, and appraising implementation of the  
1072 plan.

1073 (e) When a federal, state, or regional agency has  
1074 implemented a regulatory program, a local government is not  
1075 required to duplicate or exceed that regulatory program in its  
1076 local comprehensive plan.

1077 (f) All mandatory and optional elements of the  
1078 comprehensive plan and plan amendments shall be based upon  
1079 relevant and appropriate data and an analysis by the local  
1080 government that may include, but not be limited to, surveys,  
1081 studies, community goals and vision, and other data available at  
1082 the time of adoption of the comprehensive plan or plan  
1083 amendment. To be based on data means to react to it in an  
1084 appropriate way and to the extent necessary indicated by the  
1085 data available on that particular subject at the time of  
1086 adoption of the plan or plan amendment at issue.

1087 1. Surveys, studies, and data utilized in the preparation  
1088 of the comprehensive plan may not be deemed a part of the  
1089 comprehensive plan unless adopted as a part of it. Copies of  
1090 such studies, surveys, data, and supporting documents for  
1091 proposed plans and plan amendments shall be made available for

1092 public inspection, and copies of such plans shall be made  
1093 available to the public upon payment of reasonable charges for  
1094 reproduction. Support data or summaries are not subject to the  
1095 compliance review process, but the comprehensive plan must be  
1096 clearly based on appropriate data. Support data or summaries may  
1097 be used to aid in the determination of compliance and  
1098 consistency.

1099 2. Data must be taken from professionally accepted  
1100 sources. The application of a methodology utilized in data  
1101 collection or whether a particular methodology is professionally  
1102 accepted may be evaluated. However, the evaluation may not  
1103 include whether one accepted methodology is better than another.  
1104 Original data collection by local governments is not required.  
1105 However, local governments may use original data so long as  
1106 methodologies are professionally accepted.

1107 3. The comprehensive plan shall be based upon resident and  
1108 seasonal population estimates and projections, which shall  
1109 either be those provided by the University of Florida's Bureau  
1110 of Economic and Business Research or generated by the local  
1111 government based upon a professionally acceptable methodology.  
1112 The plan must be based on at least the minimum amount of land  
1113 required to accommodate the medium projections of the University  
1114 of Florida's Bureau of Economic and Business Research for at  
1115 least a 10-year planning period unless otherwise limited under  
1116 s. 380.05, including related rules of the Administration  
1117 Commission.

1118 (2) Coordination of the several elements of the local  
1119 comprehensive plan shall be a major objective of the planning



1120 process. The several elements of the comprehensive plan shall be  
1121 consistent. Where data is relevant to several elements,  
1122 consistent data shall be used, including population estimates  
1123 and projections unless alternative data can be justified for a  
1124 plan amendment through new supporting data and analysis. Each  
1125 map depicting future conditions must reflect the principles,  
1126 guidelines, and standards within all elements and each such map  
1127 must be contained within the comprehensive plan, ~~and the~~  
1128 ~~comprehensive plan shall be financially feasible. Financial~~  
1129 ~~feasibility shall be determined using professionally accepted~~  
1130 ~~methodologies and applies to the 5-year planning period, except~~  
1131 ~~in the case of a long-term transportation or school concurrency~~  
1132 ~~management system, in which case a 10-year or 15-year period~~  
1133 ~~applies.~~

1134 (3)(a) The comprehensive plan shall contain a capital  
1135 improvements element designed to consider the need for and the  
1136 location of public facilities in order to encourage the  
1137 efficient use of such facilities and set forth:

1138 1. A component that outlines principles for construction,  
1139 extension, or increase in capacity of public facilities, as well  
1140 as a component that outlines principles for correcting existing  
1141 public facility deficiencies, which are necessary to implement  
1142 the comprehensive plan. The components shall cover at least a 5-  
1143 year period.

1144 2. Estimated public facility costs, including a  
1145 delineation of when facilities will be needed, the general  
1146 location of the facilities, and projected revenue sources to  
1147 fund the facilities.

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1148 3. Standards to ensure the availability of public  
1149 facilities and the adequacy of those facilities to meet  
1150 established ~~including~~ acceptable levels of service.

1151 ~~4. Standards for the management of debt.~~

1152 ~~4.5.~~ A schedule of capital improvements which includes any  
1153 publicly funded projects of federal, state, or local government,  
1154 and which may include privately funded projects for which the  
1155 local government has no fiscal responsibility. Projects,  
1156 necessary to ensure that any adopted level-of-service standards  
1157 are achieved and maintained for the 5-year period must be  
1158 identified as either funded or unfunded and given a level of  
1159 priority for funding. ~~For capital improvements that will be~~  
1160 ~~funded by the developer, financial feasibility shall be~~  
1161 ~~demonstrated by being guaranteed in an enforceable development~~  
1162 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~  
1163 ~~or other enforceable agreement. These development agreements and~~  
1164 ~~interlocal agreements shall be reflected in the schedule of~~  
1165 ~~capital improvements if the capital improvement is necessary to~~  
1166 ~~serve development within the 5-year schedule. If the local~~  
1167 ~~government uses planned revenue sources that require referenda~~  
1168 ~~or other actions to secure the revenue source, the plan must, in~~  
1169 ~~the event the referenda are not passed or actions do not secure~~  
1170 ~~the planned revenue source, identify other existing revenue~~  
1171 ~~sources that will be used to fund the capital projects or~~  
1172 ~~otherwise amend the plan to ensure financial feasibility.~~

1173 ~~5.6.~~ The schedule must include transportation improvements  
1174 included in the applicable metropolitan planning organization's  
1175 transportation improvement program adopted pursuant to s.

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1176 339.175(8) to the extent that such improvements are relied upon  
1177 to ensure concurrency and financial feasibility. The schedule  
1178 must ~~also~~ be coordinated with the applicable metropolitan  
1179 planning organization's long-range transportation plan adopted  
1180 pursuant to s. 339.175(7).

1181 (b)~~1~~. The capital improvements element must be reviewed by  
1182 the local government on an annual basis. Modifications and  
1183 ~~modified as necessary in accordance with s. 163.3187 or s.~~  
1184 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~  
1185 ~~5-year capital improvement schedule of capital improvements.~~  
1186 ~~Corrections and modifications concerning costs; revenue sources;~~  
1187 ~~or acceptance of facilities pursuant to dedications which are~~  
1188 ~~consistent with the plan~~ may be accomplished by ordinance and  
1189 may ~~shall~~ not be deemed to be amendments to the local  
1190 comprehensive plan. ~~A copy of the ordinance shall be transmitted~~  
1191 ~~to the state land planning agency. An amendment to the~~  
1192 ~~comprehensive plan is required to update the schedule on an~~  
1193 ~~annual basis or to eliminate, defer, or delay the construction~~  
1194 ~~for any facility listed in the 5-year schedule. All public~~  
1195 ~~facilities must be consistent with the capital improvements~~  
1196 ~~element. The annual update to the capital improvements element~~  
1197 ~~of the comprehensive plan need not comply with the financial~~  
1198 ~~feasibility requirement until December 1, 2011. Thereafter, a~~  
1199 ~~local government may not amend its future land use map, except~~  
1200 ~~for plan amendments to meet new requirements under this part and~~  
1201 ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~  
1202 ~~December 1, 2011, and every year thereafter, unless and until~~  
1203 ~~the local government has adopted the annual update and it has~~

1204 ~~been transmitted to the state land planning agency.~~

1205 ~~2. Capital improvements element amendments adopted after~~  
1206 ~~the effective date of this act shall require only a single~~  
1207 ~~public hearing before the governing board which shall be an~~  
1208 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~  
1209 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1210 ~~(c) If the local government does not adopt the required~~  
1211 ~~annual update to the schedule of capital improvements, the state~~  
1212 ~~land planning agency must notify the Administration Commission.~~  
1213 ~~A local government that has a demonstrated lack of commitment to~~  
1214 ~~meeting its obligations identified in the capital improvements~~  
1215 ~~element may be subject to sanctions by the Administration~~  
1216 ~~Commission pursuant to s. 163.3184(11).~~

1217 ~~(d) If a local government adopts a long-term concurrency~~  
1218 ~~management system pursuant to s. 163.3180(9), it must also adopt~~  
1219 ~~a long-term capital improvements schedule covering up to a 10-~~  
1220 ~~year or 15-year period, and must update the long-term schedule~~  
1221 ~~annually. The long-term schedule of capital improvements must be~~  
1222 ~~financially feasible.~~

1223 ~~(e) At the discretion of the local government and~~  
1224 ~~notwithstanding the requirements of this subsection, a~~  
1225 ~~comprehensive plan, as revised by an amendment to the plan's~~  
1226 ~~future land use map, shall be deemed to be financially feasible~~  
1227 ~~and to have achieved and maintained level-of-service standards~~  
1228 ~~as required by this section with respect to transportation~~  
1229 ~~facilities if the amendment to the future land use map is~~  
1230 ~~supported by a:~~

1231 ~~1. Condition in a development order for a development of~~

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~~regional impact or binding agreement that addresses proportionate share mitigation consistent with s. 163.3180(12); or~~

~~2. Binding agreement addressing proportionate fair share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.~~

~~(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level of service standards for transportation.~~

(4) (a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern; ~~and with the state comprehensive plan~~ shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the

1260 comprehensive plan or element as adopted, the governing body  
1261 shall include a specific policy statement indicating the  
1262 relationship of the proposed development of the area to the  
1263 comprehensive plans of adjacent municipalities, the county,  
1264 adjacent counties, or the region ~~and to the state comprehensive~~  
1265 ~~plan~~, as the case may require and as such adopted plans or plans  
1266 in preparation may exist.

1267 (b) When all or a portion of the land in a local  
1268 government jurisdiction is or becomes part of a designated area  
1269 of critical state concern, the local government shall clearly  
1270 identify those portions of the local comprehensive plan that  
1271 shall be applicable to the critical area and shall indicate the  
1272 relationship of the proposed development of the area to the  
1273 rules for the area of critical state concern.

1274 (5)(a) Each local government comprehensive plan must  
1275 include at least two planning periods, one covering at least the  
1276 first 5-year period occurring after the plan's adoption and one  
1277 covering at least a 10-year period. Additional planning periods  
1278 for specific components, elements, land use amendments, or  
1279 projects shall be permissible and accepted as part of the  
1280 planning process.

1281 (b) The comprehensive plan and its elements shall contain  
1282 guidelines or policies ~~policy recommendations~~ for the  
1283 implementation of the plan and its elements.

1284 (6) In addition to the requirements of subsections (1)-(5)  
1285 ~~and (12)~~, the comprehensive plan shall include the following  
1286 elements:

1287 (a) A future land use plan element designating proposed

future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, ~~public buildings and grounds, other~~ public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed. ~~Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11) (d), as overlays on the future land use map.~~

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

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

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

b. The projected residential and seasonal population of the area.~~†~~

c. The character of undeveloped land.~~†~~

d. The availability of water supplies, public facilities,

1316 and services.†

1317 e. The need for redevelopment, including the renewal of  
1318 blighted areas and the elimination of nonconforming uses which  
1319 are inconsistent with the character of the community.†

1320 f. The compatibility of uses on lands adjacent to or  
1321 closely proximate to military installations.†

1322 g. The compatibility of uses on lands adjacent to an  
1323 airport as defined in s. 330.35 and consistent with s. 333.02.†

1324 h. The discouragement of urban sprawl.~~.; energy-efficient~~  
1325 ~~land use patterns accounting for existing and future electric~~  
1326 ~~power generation and transmission systems; greenhouse gas~~  
1327 ~~reduction strategies; and, in rural communities,~~

1328 i. The need for job creation, capital investment, and  
1329 economic development that will strengthen and diversify the  
1330 community's economy.

1331 j. The need to modify land uses and development patterns  
1332 within antiquated subdivisions. ~~The future land use plan may~~  
1333 ~~designate areas for future planned development use involving~~  
1334 ~~combinations of types of uses for which special regulations may~~  
1335 ~~be necessary to ensure development in accord with the principles~~  
1336 ~~and standards of the comprehensive plan and this act.~~

1337 3. The future land use plan element shall include criteria  
1338 to be used to:

1339 a. Achieve the compatibility of lands adjacent or closely  
1340 proximate to military installations, considering factors  
1341 identified in s. 163.3175(5).~~., and~~

1342 b. Achieve the compatibility of lands adjacent to an  
1343 airport as defined in s. 330.35 and consistent with s. 333.02.



1344 c. Encourage preservation of recreational and commercial  
1345 working waterfronts for water dependent uses in coastal  
1346 communities.

1347 d. Encourage the location of schools proximate to urban  
1348 residential areas to the extent possible.

1349 e. Coordinate future land uses with the topography and  
1350 soil conditions, and the availability of facilities and  
1351 services.

1352 f. Ensure the protection of natural and historic  
1353 resources.

1354 g. Provide for the compatibility of adjacent land uses.

1355 h. Provide guidelines for the implementation of mixed use  
1356 development including the types of uses allowed, the percentage  
1357 distribution among the mix of uses, or other standards, and the  
1358 density and intensity of each use.

1359 4. ~~In addition, for rural communities,~~ The amount of land  
1360 designated for future planned uses ~~industrial use~~ shall provide  
1361 a balance of uses that foster vibrant, viable communities and  
1362 economic development opportunities and address outdated  
1363 development patterns, such as antiquated subdivisions. The  
1364 amount of land designated for future land uses should allow the  
1365 operation of real estate markets to provide adequate choices for  
1366 permanent and seasonal residents and business and ~~be based upon~~  
1367 ~~surveys and studies that reflect the need for job creation,~~  
1368 ~~capital investment, and the necessity to strengthen and~~  
1369 ~~diversify the local economies, and may not be limited solely by~~  
1370 the projected population ~~of the rural community.~~ The element  
1371 shall accommodate at least the minimum amount of land required

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1372 to accommodate the medium projections of the University of  
1373 Florida's Bureau of Economic and Business Research for at least  
1374 a 10-year planning period unless otherwise limited under s.  
1375 380.05, including related rules of the Administration  
1376 Commission.

1377 5. The future land use plan of a county may ~~also~~ designate  
1378 areas for possible future municipal incorporation.

1379 6. The land use maps or map series shall generally  
1380 identify and depict historic district boundaries and shall  
1381 designate historically significant properties meriting  
1382 protection. ~~For coastal counties, the future land use element~~  
1383 ~~must include, without limitation, regulatory incentives and~~  
1384 ~~criteria that encourage the preservation of recreational and~~  
1385 ~~commercial working waterfronts as defined in s. 342.07.~~

1386 7. The future land use element must clearly identify the  
1387 land use categories in which public schools are an allowable  
1388 use. When delineating the land use categories in which public  
1389 schools are an allowable use, a local government shall include  
1390 in the categories sufficient land proximate to residential  
1391 development to meet the projected needs for schools in  
1392 coordination with public school boards and may establish  
1393 differing criteria for schools of different type or size. Each  
1394 local government shall include lands contiguous to existing  
1395 school sites, to the maximum extent possible, within the land  
1396 use categories in which public schools are an allowable use. ~~The~~  
1397 ~~failure by a local government to comply with these school siting~~  
1398 ~~requirements will result in the prohibition of the local~~  
1399 ~~government's ability to amend the local comprehensive plan,~~

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

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

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

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

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

1428       9. The future land use element and any amendment to the  
1429 future land use element shall discourage the proliferation of  
1430 urban sprawl.

1431       a. The primary indicators that a plan or plan amendment  
1432 does not discourage the proliferation of urban sprawl are listed  
1433 below. The evaluation of the presence of these indicators shall  
1434 consist of an analysis of the plan or plan amendment within the  
1435 context of features and characteristics unique to each locality  
1436 in order to determine whether the plan or plan amendment:

1437       (I) Promotes, allows, or designates for development  
1438 substantial areas of the jurisdiction to develop as low-  
1439 intensity, low-density, or single-use development or uses.

1440       (II) Promotes, allows, or designates significant amounts  
1441 of urban development to occur in rural areas at substantial  
1442 distances from existing urban areas while not using undeveloped  
1443 lands that are available and suitable for development.

1444       (III) Promotes, allows, or designates urban development in  
1445 radial, strip, isolated, or ribbon patterns generally emanating  
1446 from existing urban developments.

1447       (IV) Fails to adequately protect and conserve natural  
1448 resources, such as wetlands, floodplains, native vegetation,  
1449 environmentally sensitive areas, natural groundwater aquifer  
1450 recharge areas, lakes, rivers, shorelines, beaches, bays,  
1451 estuarine systems, and other significant natural systems.

1452       (V) Fails to adequately protect adjacent agricultural  
1453 areas and activities, including silviculture, active  
1454 agricultural and silvicultural activities, passive agricultural  
1455 activities, and dormant, unique, and prime farmlands and soils.

1456 (VI) Fails to maximize use of existing public facilities  
1457 and services.

1458 (VII) Fails to maximize use of future public facilities  
1459 and services.

1460 (VIII) Allows for land use patterns or timing which  
1461 disproportionately increase the cost in time, money, and energy  
1462 of providing and maintaining facilities and services, including  
1463 roads, potable water, sanitary sewer, stormwater management, law  
1464 enforcement, education, health care, fire and emergency  
1465 response, and general government.

1466 (IX) Fails to provide a clear separation between rural and  
1467 urban uses.

1468 (X) Discourages or inhibits infill development or the  
1469 redevelopment of existing neighborhoods and communities.

1470 (XI) Fails to encourage a functional mix of uses.

1471 (XII) Results in poor accessibility among linked or  
1472 related land uses.

1473 (XIII) Results in the loss of significant amounts of  
1474 functional open space.

1475 b. The future land use element or plan amendment shall be  
1476 determined to discourage the proliferation of urban sprawl if it  
1477 incorporates a development pattern or urban form that achieves  
1478 four or more of the following:

1479 (I) Directs or locates economic growth and associated land  
1480 development to geographic areas of the community in a manner  
1481 that does not have an adverse impact on and protects natural  
1482 resources and ecosystems.

1483 (II) Promotes the efficient and cost-effective provision

1484 or extension of public infrastructure and services.

1485 (III) Promotes walkable and connected communities and  
1486 provides for compact development and a mix of uses at densities  
1487 and intensities that will support a range of housing choices and  
1488 a multimodal transportation system, including pedestrian,  
1489 bicycle, and transit, if available.

1490 (IV) Promotes conservation of water and energy.

1491 (V) Preserves agricultural areas and activities, including  
1492 silviculture, and dormant, unique, and prime farmlands and  
1493 soils.

1494 (VI) Preserves open space and natural lands and provides  
1495 for public open space and recreation needs.

1496 (VII) Creates a balance of land uses based upon demands of  
1497 residential population for the nonresidential needs of an area.

1498 (VIII) Provides uses, densities, and intensities of use  
1499 and urban form that would remediate an existing or planned  
1500 development pattern in the vicinity that constitutes sprawl or  
1501 if it provides for an innovative development pattern such as  
1502 transit-oriented developments or new towns as defined in s.  
1503 163.3164.

1504 10. The future land use element shall include a future  
1505 land use map or map series.

1506 a. The proposed distribution, extent, and location of the  
1507 following uses shall be shown on the future land use map or map  
1508 series:

1509 (I) Residential.

1510 (II) Commercial.

1511 (III) Industrial.

1512        (IV) Agricultural.

1513        (V) Recreational.

1514        (VI) Conservation.

1515        (VII) Educational.

1516        (VIII) Public.

1517        b. The following areas shall also be shown on the future  
1518 land use map or map series, if applicable:

1519        (I) Historic district boundaries and designated  
1520 historically significant properties.

1521        (II) Transportation concurrency management area boundaries  
1522 or transportation concurrency exception area boundaries.

1523        (III) Multimodal transportation district boundaries.

1524        (IV) Mixed use categories.

1525        c. The following natural resources or conditions shall be  
1526 shown on the future land use map or map series, if applicable:

1527        (I) Existing and planned public potable waterwells, cones  
1528 of influence, and wellhead protection areas.

1529        (II) Beaches and shores, including estuarine systems.

1530        (III) Rivers, bays, lakes, floodplains, and harbors.

1531        (IV) Wetlands.

1532        (V) Minerals and soils.

1533        (VI) Coastal high hazard areas.

1534        11. Local governments required to update or amend their  
1535 comprehensive plan to include criteria and address compatibility  
1536 of lands adjacent or closely proximate to existing military  
1537 installations, or lands adjacent to an airport as defined in s.  
1538 330.35 and consistent with s. 333.02, in their future land use  
1539 plan element shall transmit the update or amendment to the state

land planning agency by June 30, 2012.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government.

The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation's adopted work program.

1. Each local government's transportation element shall address

~~(b) A traffic circulation, including element consisting of~~  
the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and



1568 pedestrian ways. Transportation corridors, as defined in s.  
1569 334.03, may be designated in the transportation ~~traffic~~  
1570 ~~circulation~~ element pursuant to s. 337.273. If the  
1571 transportation corridors are designated, the local government  
1572 may adopt a transportation corridor management ordinance. The  
1573 element shall include a map or map series showing the general  
1574 location of the existing and proposed transportation system  
1575 features and shall be coordinated with the future land use map  
1576 or map series. The element shall reflect the data, analysis, and  
1577 associated principles and strategies relating to:

1578 a. The existing transportation system levels of service  
1579 and system needs and the availability of transportation  
1580 facilities and services.

1581 b. The growth trends and travel patterns and interactions  
1582 between land use and transportation.

1583 c. Existing and projected intermodal deficiencies and  
1584 needs.

1585 d. The projected transportation system levels of service  
1586 and system needs based upon the future land use map and the  
1587 projected integrated transportation system.

1588 e. How the local government will correct existing facility  
1589 deficiencies, meet the identified needs of the projected  
1590 transportation system, and advance the purpose of this paragraph  
1591 and the other elements of the comprehensive plan.

1592 2. Local governments within a metropolitan planning area  
1593 designated as an M.P.O. pursuant to s. 339.175 shall also  
1594 address:

1595        a. All alternative modes of travel, such as public  
1596 transportation, pedestrian, and bicycle travel.

1597        b. Aviation, rail, seaport facilities, access to those  
1598 facilities, and intermodal terminals.

1599        c. The capability to evacuate the coastal population  
1600 before an impending natural disaster.

1601        d. Airports, projected airport and aviation development,  
1602 and land use compatibility around airports, which includes areas  
1603 defined in ss. 333.01 and 333.02.

1604        e. An identification of land use densities, building  
1605 intensities, and transportation management programs to promote  
1606 public transportation systems in designated public  
1607 transportation corridors so as to encourage population densities  
1608 sufficient to support such systems.

1609        3. Municipalities having populations greater than 50,000,  
1610 and counties having populations greater than 75,000, shall  
1611 include mass-transit provisions showing proposed methods for the  
1612 moving of people, rights-of-way, terminals, and related  
1613 facilities and shall address:

1614        a. The provision of efficient public transit services  
1615 based upon existing and proposed major trip generators and  
1616 attractors, safe and convenient public transit terminals, land  
1617 uses, and accommodation of the special needs of the  
1618 transportation disadvantaged.

1619        b. Plans for port, aviation, and related facilities  
1620 coordinated with the general circulation and transportation  
1621 element.

1622 c. Plans for the circulation of recreational traffic,  
1623 including bicycle facilities, exercise trails, riding  
1624 facilities, and such other matters as may be related to the  
1625 improvement and safety of movement of all types of recreational  
1626 traffic.

1627 4. At the option of a local government, an airport master  
1628 plan, and any subsequent amendments to the airport master plan,  
1629 prepared by a licensed publicly owned and operated airport under  
1630 s. 333.06 may be incorporated into the local government  
1631 comprehensive plan by the local government having jurisdiction  
1632 under this act for the area in which the airport or projected  
1633 airport development is located by the adoption of a  
1634 comprehensive plan amendment. In the amendment to the local  
1635 comprehensive plan that integrates the airport master plan, the  
1636 comprehensive plan amendment shall address land use  
1637 compatibility consistent with chapter 333 regarding airport  
1638 zoning; the provision of regional transportation facilities for  
1639 the efficient use and operation of the transportation system and  
1640 airport; consistency with the local government transportation  
1641 circulation element and applicable M.P.O. long-range  
1642 transportation plans; the execution of any necessary interlocal  
1643 agreements for the purposes of the provision of public  
1644 facilities and services to maintain the adopted level-of-service  
1645 standards for facilities subject to concurrency; and may address  
1646 airport-related or aviation-related development. Development or  
1647 expansion of an airport consistent with the adopted airport  
1648 master plan that has been incorporated into the local  
1649 comprehensive plan in compliance with this part, and airport-

1650 related or aviation-related development that has been addressed  
1651 in the comprehensive plan amendment that incorporates the  
1652 airport master plan, do not constitute a development of regional  
1653 impact. Notwithstanding any other general law, an airport that  
1654 has received a development-of-regional-impact development order  
1655 pursuant to s. 380.06, but which is no longer required to  
1656 undergo development-of-regional-impact review pursuant to this  
1657 subsection, may rescind its development-of-regional-impact order  
1658 upon written notification to the applicable local government.  
1659 Upon receipt by the local government, the development-of-  
1660 regional-impact development order shall be deemed rescinded. The  
1661 ~~traffic circulation element shall incorporate transportation~~  
1662 ~~strategies to address reduction in greenhouse gas emissions from~~  
1663 ~~the transportation sector.~~

1664 (c) A general sanitary sewer, solid waste, drainage,  
1665 potable water, and natural groundwater aquifer recharge element  
1666 correlated to principles and guidelines for future land use,  
1667 indicating ways to provide for future potable water, drainage,  
1668 sanitary sewer, solid waste, and aquifer recharge protection  
1669 requirements for the area. The element may be a detailed  
1670 engineering plan including a topographic map depicting areas of  
1671 prime groundwater recharge.

1672 1. Each local government shall address in the data and  
1673 analyses required by this section those facilities that provide  
1674 service within the local government's jurisdiction. Local  
1675 governments that provide facilities to serve areas within other  
1676 local government jurisdictions shall also address those  
1677 facilities in the data and analyses required by this section,

1678 using data from the comprehensive plan for those areas for the  
1679 purpose of projecting facility needs as required in this  
1680 subsection. For shared facilities, each local government shall  
1681 indicate the proportional capacity of the systems allocated to  
1682 serve its jurisdiction.

1683 2. The element shall describe the problems and needs and  
1684 the general facilities that will be required for solution of the  
1685 problems and needs, including correcting existing facility  
1686 deficiencies. The element shall address coordinating the  
1687 extension of, or increase in the capacity of, facilities to meet  
1688 future needs while maximizing the use of existing facilities and  
1689 discouraging urban sprawl; conservation of potable water  
1690 resources; and protecting the functions of natural groundwater  
1691 recharge areas and natural drainage features. ~~The element shall~~  
1692 ~~also include a topographic map depicting any areas adopted by a~~  
1693 ~~regional water management district as prime groundwater recharge~~  
1694 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~  
1695 ~~be given special consideration when the local government is~~  
1696 ~~engaged in zoning or considering future land use for said~~  
1697 ~~designated areas. For areas served by septic tanks, soil surveys~~  
1698 ~~shall be provided which indicate the suitability of soils for~~  
1699 ~~septic tanks.~~

1700 3. Within 18 months after the governing board approves an  
1701 updated regional water supply plan, the element must incorporate  
1702 the alternative water supply project or projects selected by the  
1703 local government from those identified in the regional water  
1704 supply plan pursuant to s. 373.709(2)(a) or proposed by the  
1705 local government under s. 373.709(8)(b). If a local government

1706 is located within two water management districts, the local  
1707 government shall adopt its comprehensive plan amendment within  
1708 18 months after the later updated regional water supply plan.  
1709 The element must identify such alternative water supply projects  
1710 and traditional water supply projects and conservation and reuse  
1711 necessary to meet the water needs identified in s. 373.709(2)(a)  
1712 within the local government's jurisdiction and include a work  
1713 plan, covering at least a 10-year planning period, for building  
1714 public, private, and regional water supply facilities, including  
1715 development of alternative water supplies, which are identified  
1716 in the element as necessary to serve existing and new  
1717 development. The work plan shall be updated, at a minimum, every  
1718 5 years within 18 months after the governing board of a water  
1719 management district approves an updated regional water supply  
1720 plan. ~~Amendments to incorporate the work plan do not count~~  
1721 ~~toward the limitation on the frequency of adoption of amendments~~  
1722 ~~to the comprehensive plan.~~ Local governments, public and private  
1723 utilities, regional water supply authorities, special districts,  
1724 and water management districts are encouraged to cooperatively  
1725 plan for the development of multijurisdictional water supply  
1726 facilities that are sufficient to meet projected demands for  
1727 established planning periods, including the development of  
1728 alternative water sources to supplement traditional sources of  
1729 groundwater and surface water supplies.

1730 (d) A conservation element for the conservation, use, and  
1731 protection of natural resources in the area, including air,  
1732 water, water recharge areas, wetlands, waterwells, estuarine  
1733 marshes, soils, beaches, shores, flood plains, rivers, bays,

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1734 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1735 minerals, and other natural and environmental resources,  
1736 including factors that affect energy conservation.

1737 1. The following natural resources, where present within  
1738 the local government's boundaries, shall be identified and  
1739 analyzed and existing recreational or conservation uses, known  
1740 pollution problems, including hazardous wastes, and the  
1741 potential for conservation, recreation, use, or protection shall  
1742 also be identified:

1743 a. Rivers, bays, lakes, wetlands including estuarine  
1744 marshes, groundwaters, and springs, including information on  
1745 quality of the resource available.

1746 b. Floodplains.

1747 c. Known sources of commercially valuable minerals.

1748 d. Areas known to have experienced soil erosion problems.

1749 e. Areas that are the location of recreationally and  
1750 commercially important fish or shellfish, wildlife, marine  
1751 habitats, and vegetative communities, including forests,  
1752 indicating known dominant species present and species listed by  
1753 federal, state, or local government agencies as endangered,  
1754 threatened, or species of special concern.

1755 2. The element must contain principles, guidelines, and  
1756 standards for conservation that provide long-term goals and  
1757 which:

1758 a. Protects air quality.

1759 b. Conserves, appropriately uses, and protects the quality  
1760 and quantity of current and projected water sources and waters  
1761 that flow into estuarine waters or oceanic waters and protect

1762 from activities and land uses known to affect adversely the  
1763 quality and quantity of identified water sources, including  
1764 natural groundwater recharge areas, wellhead protection areas,  
1765 and surface waters used as a source of public water supply.

1766 c. Provides for the emergency conservation of water  
1767 sources in accordance with the plans of the regional water  
1768 management district.

1769 d. Conserves, appropriately uses, and protects minerals,  
1770 soils, and native vegetative communities, including forests,  
1771 from destruction by development activities.

1772 e. Conserves, appropriately uses, and protects fisheries,  
1773 wildlife, wildlife habitat, and marine habitat and restricts  
1774 activities known to adversely affect the survival of endangered  
1775 and threatened wildlife.

1776 f. Protects existing natural reservations identified in  
1777 the recreation and open space element.

1778 g. Maintains cooperation with adjacent local governments  
1779 to conserve, appropriately use, or protect unique vegetative  
1780 communities located within more than one local jurisdiction.

1781 h. Designates environmentally sensitive lands for  
1782 protection based on locally determined criteria which further  
1783 the goals and objectives of the conservation element.

1784 i. Manages hazardous waste to protect natural resources.

1785 j. Protects and conserves wetlands and the natural  
1786 functions of wetlands.

1787 k. Directs future land uses that are incompatible with the  
1788 protection and conservation of wetlands and wetland functions  
1789 away from wetlands. The type, intensity or density, extent,



1790 distribution, and location of allowable land uses and the types,  
1791 values, functions, sizes, conditions, and locations of wetlands  
1792 are land use factors that shall be considered when directing  
1793 incompatible land uses away from wetlands. Land uses shall be  
1794 distributed in a manner that minimizes the effect and impact on  
1795 wetlands. The protection and conservation of wetlands by the  
1796 direction of incompatible land uses away from wetlands shall  
1797 occur in combination with other principles, guidelines,  
1798 standards, and strategies in the comprehensive plan. Where  
1799 incompatible land uses are allowed to occur, mitigation shall be  
1800 considered as one means to compensate for loss of wetlands  
1801 functions.

1802 3. Local governments shall assess their Current and, as  
1803 well as projected, water needs and sources for at least a 10-  
1804 year period based on the demands for industrial, agricultural,  
1805 and potable water use and the quality and quantity of water  
1806 available to meet these demands shall be analyzed. The analysis  
1807 shall consider the existing levels of water conservation, use,  
1808 and protection and applicable policies of the regional water  
1809 management district and further must consider, considering the  
1810 appropriate regional water supply plan approved pursuant to s.  
1811 373.709, or, in the absence of an approved regional water supply  
1812 plan, the district water management plan approved pursuant to s.  
1813 373.036(2). This information shall be submitted to the  
1814 appropriate agencies. The land use map or map series contained  
1815 in the future land use element shall generally identify and  
1816 depict the following:

1817 1. Existing and planned waterwells and cones of influence

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~~where applicable.~~

~~2. Beaches and shores, including estuarine systems.~~

~~3. Rivers, bays, lakes, flood plains, and harbors.~~

~~4. Wetlands.~~

~~5. Minerals and soils.~~

~~6. Energy conservation.~~

~~The land uses identified on such maps shall be consistent with applicable state law and rules.~~

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of ~~standards, plans, and principles~~, guidelines, standards, and strategies to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3) ~~(h)-(j)~~, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

1846 e. Provision for relocation housing and identification of  
1847 historically significant and other housing for purposes of  
1848 conservation, rehabilitation, or replacement.

1849 f. The formulation of housing implementation programs.

1850 g. The creation or preservation of affordable housing to  
1851 minimize the need for additional local services and avoid the  
1852 concentration of affordable housing units only in specific areas  
1853 of the jurisdiction.

1854 ~~h. Energy efficiency in the design and construction of new~~  
1855 ~~housing.~~

1856 ~~i. Use of renewable energy resources.~~

1857 ~~j. Each county in which the gap between the buying power~~  
1858 ~~of a family of four and the median county home sale price~~  
1859 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~  
1860 ~~Corporation, and which is not designated as an area of critical~~  
1861 ~~state concern shall adopt a plan for ensuring affordable~~  
1862 ~~workforce housing. At a minimum, the plan shall identify~~  
1863 ~~adequate sites for such housing. For purposes of this sub-~~  
1864 ~~subparagraph, the term "workforce housing" means housing that is~~  
1865 ~~affordable to natural persons or families whose total household~~  
1866 ~~income does not exceed 140 percent of the area median income,~~  
1867 ~~adjusted for household size.~~

1868 ~~k. As a precondition to receiving any state affordable~~  
1869 ~~housing funding or allocation for any project or program within~~  
1870 ~~the jurisdiction of a county that is subject to sub-subparagraph~~  
1871 ~~j., a county must, by July 1 of each year, provide certification~~  
1872 ~~that the county has complied with the requirements of sub-~~  
1873 ~~subparagraph j.~~

1874        2. The principles, guidelines, standards, and strategies  
1875 ~~goals, objectives, and policies~~ of the housing element must be  
1876 based on the data and analysis prepared on housing needs,  
1877 including an inventory taken from the latest decennial United  
1878 States Census or more recent estimates, which shall include the  
1879 number and distribution of dwelling units by type, tenure, age,  
1880 rent, value, monthly cost of owner-occupied units, and rent or  
1881 cost to income ratio, and shall show the number of dwelling  
1882 units that are substandard. The inventory shall also include the  
1883 methodology used to estimate the condition of housing, a  
1884 projection of the anticipated number of households by size,  
1885 income range, and age of residents derived from the population  
1886 projections, and the minimum housing need of the current and  
1887 anticipated future residents of the jurisdiction ~~the affordable~~  
1888 ~~housing needs assessment.~~

1889        3. The housing element must express principles,  
1890 guidelines, standards, and strategies that reflect, as needed,  
1891 the creation and preservation of affordable housing for all  
1892 current and anticipated future residents of the jurisdiction,  
1893 elimination of substandard housing conditions, adequate sites,  
1894 and distribution of housing for a range of incomes and types,  
1895 including mobile and manufactured homes. The element must  
1896 provide for specific programs and actions to partner with  
1897 private and nonprofit sectors to address housing needs in the  
1898 jurisdiction, streamline the permitting process, and minimize  
1899 costs and delays for affordable housing, establish standards to  
1900 address the quality of housing, stabilization of neighborhoods,  
1901 and identification and improvement of historically significant

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housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

~~2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.~~

(g)~~4.~~ For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies ~~policies~~ that shall guide the local government's decisions and program implementation with respect to the following objectives:

1.a. Maintain, restore, and enhance ~~Maintenance,~~

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1930 ~~restoration, and enhancement of the overall quality of the~~  
1931 coastal zone environment, including, but not limited to, its  
1932 amenities and aesthetic values.

1933 ~~2.b.~~ 2.b. Preserve the continued existence of viable  
1934 populations of all species of wildlife and marine life.

1935 ~~3.e.~~ 3.e. Protect the orderly and balanced utilization and  
1936 preservation, consistent with sound conservation principles, of  
1937 all living and nonliving coastal zone resources.

1938 ~~4.d.~~ 4.d. Avoid ~~Avoidance of~~ irreversible and irretrievable  
1939 loss of coastal zone resources.

1940 ~~5.e.~~ 5.e. Use ecological planning principles and assumptions ~~to~~  
1941 ~~be used~~ in the determination of the suitability ~~and extent~~ of  
1942 permitted development.

1943 ~~f.~~ ~~Proposed management and regulatory techniques.~~

1944 ~~6.g.~~ 6.g. Limit ~~Limitation of~~ public expenditures that  
1945 subsidize development in ~~high-hazard~~ coastal high-hazard areas.

1946 ~~7.h.~~ 7.h. Protect ~~Protection of~~ human life against the effects  
1947 of natural disasters.

1948 ~~8.i.~~ 8.i. Direct the orderly development, maintenance, and use  
1949 of ports identified in s. 403.021(9) to facilitate deepwater  
1950 commercial navigation and other related activities.

1951 ~~9.j.~~ 9.j. Preserve historic and archaeological resources, which  
1952 include the ~~Preservation, including~~ sensitive adaptive use of  
1953 these ~~historic and archaeological~~ resources.

1954 ~~2. As part of this element, a local government that has a~~  
1955 ~~coastal management element in its comprehensive plan is~~  
1956 ~~encouraged to adopt recreational surface water use policies that~~  
1957 ~~include applicable criteria for and consider such factors as~~

1958 ~~natural resources, manatee protection needs, protection of~~  
1959 ~~working waterfronts and public access to the water, and~~  
1960 ~~recreation and economic demands. Criteria for manatee protection~~  
1961 ~~in the recreational surface water use policies should reflect~~  
1962 ~~applicable guidance outlined in the Boat Facility Siting Guide~~  
1963 ~~prepared by the Fish and Wildlife Conservation Commission. If~~  
1964 ~~the local government elects to adopt recreational surface water~~  
1965 ~~use policies by comprehensive plan amendment, such comprehensive~~  
1966 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~  
1967 ~~Local governments that wish to adopt recreational surface water~~  
1968 ~~use policies may be eligible for assistance with the development~~  
1969 ~~of such policies through the Florida Coastal Management Program.~~  
1970 ~~The Office of Program Policy Analysis and Government~~  
1971 ~~Accountability shall submit a report on the adoption of~~  
1972 ~~recreational surface water use policies under this subparagraph~~  
1973 ~~to the President of the Senate, the Speaker of the House of~~  
1974 ~~Representatives, and the majority and minority leaders of the~~  
1975 ~~Senate and the House of Representatives no later than December~~  
1976 ~~1, 2010.~~

1977 (h)1. An intergovernmental coordination element showing  
1978 relationships and stating principles and guidelines to be used  
1979 in coordinating the adopted comprehensive plan with the plans of  
1980 school boards, regional water supply authorities, and other  
1981 units of local government providing services but not having  
1982 regulatory authority over the use of land, with the  
1983 comprehensive plans of adjacent municipalities, the county,  
1984 adjacent counties, or the region, with the state comprehensive  
1985 plan and with the applicable regional water supply plan approved

1986 pursuant to s. 373.709, as the case may require and as such  
1987 adopted plans or plans in preparation may exist. This element of  
1988 the local comprehensive plan must demonstrate consideration of  
1989 the particular effects of the local plan, when adopted, upon the  
1990 development of adjacent municipalities, the county, adjacent  
1991 counties, or the region, or upon the state comprehensive plan,  
1992 as the case may require.

1993 a. The intergovernmental coordination element must provide  
1994 procedures for identifying and implementing joint planning  
1995 areas, especially for the purpose of annexation, municipal  
1996 incorporation, and joint infrastructure service areas.

1997 ~~b. The intergovernmental coordination element must provide~~  
1998 ~~for recognition of campus master plans prepared pursuant to s.~~  
1999 ~~1013.30 and airport master plans under paragraph (k).~~

2000 ~~e.~~ The intergovernmental coordination element shall  
2001 provide for a dispute resolution process, as established  
2002 pursuant to s. 186.509, for bringing intergovernmental disputes  
2003 to closure in a timely manner.

2004 ~~c.~~d. The intergovernmental coordination element shall  
2005 provide for interlocal agreements as established pursuant to s.  
2006 333.03(1)(b).

2007 2. The intergovernmental coordination element shall also  
2008 state principles and guidelines to be used in coordinating the  
2009 adopted comprehensive plan with the plans of school boards and  
2010 other units of local government providing facilities and  
2011 services but not having regulatory authority over the use of  
2012 land. In addition, the intergovernmental coordination element  
2013 must describe joint processes for collaborative planning and



2014 decisionmaking on population projections and public school  
2015 siting, the location and extension of public facilities subject  
2016 to concurrency, and siting facilities with countywide  
2017 significance, including locally unwanted land uses whose nature  
2018 and identity are established in an agreement.

2019 3. Within 1 year after adopting their intergovernmental  
2020 coordination elements, each county, all the municipalities  
2021 within that county, the district school board, and any unit of  
2022 local government service providers in that county shall  
2023 establish by interlocal or other formal agreement executed by  
2024 all affected entities, the joint processes described in this  
2025 subparagraph consistent with their adopted intergovernmental  
2026 coordination elements. The element must:

2027 a. Ensure that the local government addresses through  
2028 coordination mechanisms the impacts of development proposed in  
2029 the local comprehensive plan upon development in adjacent  
2030 municipalities, the county, adjacent counties, the region, and  
2031 the state. The area of concern for municipalities shall include  
2032 adjacent municipalities, the county, and counties adjacent to  
2033 the municipality. The area of concern for counties shall include  
2034 all municipalities within the county, adjacent counties, and  
2035 adjacent municipalities.

2036 b. Ensure coordination in establishing level of service  
2037 standards for public facilities with any state, regional, or  
2038 local entity having operational and maintenance responsibility  
2039 for such facilities.

2040 ~~3. To foster coordination between special districts and~~  
2041 ~~local general-purpose governments as local general-purpose~~

~~governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.~~

~~4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).~~

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

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

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

~~6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate~~

~~regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.~~

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

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

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

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

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

~~3. Parking facilities.~~

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

~~5. The availability of facilities and services to serve existing land uses and the compatibility between future land use~~

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2098 ~~and transportation elements.~~

2099 ~~6. The capability to evacuate the coastal population prior~~  
2100 ~~to an impending natural disaster.~~

2101 ~~7. Airports, projected airport and aviation development,~~  
2102 ~~and land use compatibility around airports, which includes areas~~  
2103 ~~defined in ss. 333.01 and 333.02.~~

2104 ~~8. An identification of land use densities, building~~  
2105 ~~intensities, and transportation management programs to promote~~  
2106 ~~public transportation systems in designated public~~  
2107 ~~transportation corridors so as to encourage population densities~~  
2108 ~~sufficient to support such systems.~~

2109 ~~9. May include transportation corridors, as defined in s.~~  
2110 ~~334.03, intended for future transportation facilities designated~~  
2111 ~~pursuant to s. 337.273. If transportation corridors are~~  
2112 ~~designated, the local government may adopt a transportation~~  
2113 ~~corridor management ordinance.~~

2114 ~~10. The incorporation of transportation strategies to~~  
2115 ~~address reduction in greenhouse gas emissions from the~~  
2116 ~~transportation sector.~~

2117 ~~(k) An airport master plan, and any subsequent amendments~~  
2118 ~~to the airport master plan, prepared by a licensed publicly~~  
2119 ~~owned and operated airport under s. 333.06 may be incorporated~~  
2120 ~~into the local government comprehensive plan by the local~~  
2121 ~~government having jurisdiction under this act for the area in~~  
2122 ~~which the airport or projected airport development is located by~~  
2123 ~~the adoption of a comprehensive plan amendment. In the amendment~~  
2124 ~~to the local comprehensive plan that integrates the airport~~  
2125 ~~master plan, the comprehensive plan amendment shall address land~~

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~~use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrence; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may abandon its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order is void.~~

~~(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:~~

~~(a) As a part of the circulation element of paragraph~~

2154 ~~(6) (b) or as a separate element, a mass transit element showing~~  
2155 ~~proposed methods for the moving of people, rights-of-way,~~  
2156 ~~terminals, related facilities, and fiscal considerations for the~~  
2157 ~~accomplishment of the element.~~

2158 ~~(b) As a part of the circulation element of paragraph~~  
2159 ~~(6) (b) or as a separate element, plans for port, aviation, and~~  
2160 ~~related facilities coordinated with the general circulation and~~  
2161 ~~transportation element.~~

2162 ~~(c) As a part of the circulation element of paragraph~~  
2163 ~~(6) (b) and in coordination with paragraph (6) (c), where~~  
2164 ~~applicable, a plan element for the circulation of recreational~~  
2165 ~~traffic, including bicycle facilities, exercise trails, riding~~  
2166 ~~facilities, and such other matters as may be related to the~~  
2167 ~~improvement and safety of movement of all types of recreational~~  
2168 ~~traffic.~~

2169 ~~(d) As a part of the circulation element of paragraph~~  
2170 ~~(6) (b) or as a separate element, a plan element for the~~  
2171 ~~development of offstreet parking facilities for motor vehicles~~  
2172 ~~and the fiscal considerations for the accomplishment of the~~  
2173 ~~element.~~

2174 ~~(e) A public buildings and related facilities element~~  
2175 ~~showing locations and arrangements of civic and community~~  
2176 ~~centers, public schools, hospitals, libraries, police and fire~~  
2177 ~~stations, and other public buildings. This plan element should~~  
2178 ~~show particularly how it is proposed to effect coordination with~~  
2179 ~~governmental units, such as school boards or hospital~~  
2180 ~~authorities, having public development and service~~  
2181 ~~responsibilities, capabilities, and potential but not having~~

land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.

~~(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.~~

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

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

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

~~(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the~~

2210 ~~area. The element may detail the type of commercial and~~  
2211 ~~industrial development sought, correlated to the present and~~  
2212 ~~projected employment needs of the area and to other elements of~~  
2213 ~~the plans, and may set forth methods by which a balanced and~~  
2214 ~~stable economic base will be pursued.~~

2215 ~~(k) Such other elements as may be peculiar to, and~~  
2216 ~~necessary for, the area concerned and as are added to the~~  
2217 ~~comprehensive plan by the governing body upon the recommendation~~  
2218 ~~of the local planning agency.~~

2219 ~~(l) Local governments that are not required to prepare~~  
2220 ~~coastal management elements under s. 163.3178 are encouraged to~~  
2221 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~  
2222 ~~plans should, at a minimum, establish long-term policies~~  
2223 ~~regarding redevelopment, infrastructure, densities,~~  
2224 ~~nonconforming uses, and future land use patterns. Grants to~~  
2225 ~~assist local governments in the preparation of these hazard~~  
2226 ~~mitigation/postdisaster redevelopment plans shall be available~~  
2227 ~~through the Emergency Management Preparedness and Assistance~~  
2228 ~~Account in the Grants and Donations Trust Fund administered by~~  
2229 ~~the department, if such account is created by law. The plans~~  
2230 ~~must be in compliance with the requirements of this act and~~  
2231 ~~chapter 252.~~

2232 ~~(8) All elements of the comprehensive plan, whether~~  
2233 ~~mandatory or optional, shall be based upon data appropriate to~~  
2234 ~~the element involved. Surveys and studies utilized in the~~  
2235 ~~preparation of the comprehensive plan shall not be deemed a part~~  
2236 ~~of the comprehensive plan unless adopted as a part of it. Copies~~  
2237 ~~of such studies, surveys, and supporting documents shall be made~~



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2238 ~~available to public inspection, and copies of such plans shall~~  
2239 ~~be made available to the public upon payment of reasonable~~  
2240 ~~charges for reproduction.~~

2241 ~~(9) The state land planning agency shall, by February 15,~~  
2242 ~~1986, adopt by rule minimum criteria for the review and~~  
2243 ~~determination of compliance of the local government~~  
2244 ~~comprehensive plan elements required by this act. Such rules~~  
2245 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~  
2246 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~  
2247 ~~become effective only after they have been submitted to the~~  
2248 ~~President of the Senate and the Speaker of the House of~~  
2249 ~~Representatives for review by the Legislature no later than 30~~  
2250 ~~days prior to the next regular session of the Legislature. In~~  
2251 ~~its review the Legislature may reject, modify, or take no action~~  
2252 ~~relative to the rules. The agency shall conform the rules to the~~  
2253 ~~changes made by the Legislature, or, if no action was taken, the~~  
2254 ~~agency rules shall become effective. The rule shall include~~  
2255 ~~criteria for determining whether:~~

2256 ~~(a) Proposed elements are in compliance with the~~  
2257 ~~requirements of part II, as amended by this act.~~

2258 ~~(b) Other elements of the comprehensive plan are related~~  
2259 ~~to and consistent with each other.~~

2260 ~~(c) The local government comprehensive plan elements are~~  
2261 ~~consistent with the state comprehensive plan and the appropriate~~  
2262 ~~regional policy plan pursuant to s. 186.508.~~

2263 ~~(d) Certain bays, estuaries, and harbors that fall under~~  
2264 ~~the jurisdiction of more than one local government are managed~~  
2265 ~~in a consistent and coordinated manner in the case of local~~

2266 ~~governments required to include a coastal management element in~~  
2267 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2268 ~~(e) Proposed elements identify the mechanisms and~~  
2269 ~~procedures for monitoring, evaluating, and appraising~~  
2270 ~~implementation of the plan. Specific measurable objectives are~~  
2271 ~~included to provide a basis for evaluating effectiveness as~~  
2272 ~~required by s. 163.3191.~~

2273 ~~(f) Proposed elements contain policies to guide future~~  
2274 ~~decisions in a consistent manner.~~

2275 ~~(g) Proposed elements contain programs and activities to~~  
2276 ~~ensure that comprehensive plans are implemented.~~

2277 ~~(h) Proposed elements identify the need for and the~~  
2278 ~~processes and procedures to ensure coordination of all~~  
2279 ~~development activities and services with other units of local~~  
2280 ~~government, regional planning agencies, water management~~  
2281 ~~districts, and state and federal agencies as appropriate.~~

2282  
2283 ~~The state land planning agency may adopt procedural rules that~~  
2284 ~~are consistent with this section and chapter 120 for the review~~  
2285 ~~of local government comprehensive plan elements required under~~  
2286 ~~this section. The state land planning agency shall provide model~~  
2287 ~~plans and ordinances and, upon request, other assistance to~~  
2288 ~~local governments in the adoption and implementation of their~~  
2289 ~~revised local government comprehensive plans. The review and~~  
2290 ~~comment provisions applicable prior to October 1, 1985, shall~~  
2291 ~~continue in effect until the criteria for review and~~  
2292 ~~determination are adopted pursuant to this subsection and the~~  
2293 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2294       ~~(10) The Legislature recognizes the importance and~~  
2295       ~~significance of chapter 9J-5, Florida Administrative Code, the~~  
2296       ~~Minimum Criteria for Review of Local Government Comprehensive~~  
2297       ~~Plans and Determination of Compliance of the Department of~~  
2298       ~~Community Affairs that will be used to determine compliance of~~  
2299       ~~local comprehensive plans. The Legislature reserved unto itself~~  
2300       ~~the right to review chapter 9J-5, Florida Administrative Code,~~  
2301       ~~and to reject, modify, or take no action relative to this rule.~~  
2302       ~~Therefore, pursuant to subsection (9), the Legislature hereby~~  
2303       ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~  
2304       ~~expresses the following legislative intent:~~

2305       ~~(a) The Legislature finds that in order for the department~~  
2306       ~~to review local comprehensive plans, it is necessary to define~~  
2307       ~~the term "consistency." Therefore, for the purpose of~~  
2308       ~~determining whether local comprehensive plans are consistent~~  
2309       ~~with the state comprehensive plan and the appropriate regional~~  
2310       ~~policy plan, a local plan shall be consistent with such plans if~~  
2311       ~~the local plan is "compatible with" and "furthers" such plans.~~  
2312       ~~The term "compatible with" means that the local plan is not in~~  
2313       ~~conflict with the state comprehensive plan or appropriate~~  
2314       ~~regional policy plan. The term "furthers" means to take action~~  
2315       ~~in the direction of realizing goals or policies of the state or~~  
2316       ~~regional plan. For the purposes of determining consistency of~~  
2317       ~~the local plan with the state comprehensive plan or the~~  
2318       ~~appropriate regional policy plan, the state or regional plan~~  
2319       ~~shall be construed as a whole and no specific goal and policy~~  
2320       ~~shall be construed or applied in isolation from the other goals~~  
2321       ~~and policies in the plans.~~

~~(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination, as set forth in paragraph (6) (h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.~~

~~(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.~~

~~(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.~~

~~(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology~~

2350 utilized in data collection or whether a particular methodology  
2351 is professionally accepted. However, the department shall not  
2352 evaluate whether one accepted methodology is better than  
2353 another. Chapter 9J-5, Florida Administrative Code, shall not be  
2354 construed to require original data collection by local  
2355 governments; however, Local governments are not to be  
2356 discouraged from utilizing original data so long as  
2357 methodologies are professionally accepted.

2358 ~~(f) The Legislature recognizes that under this section,~~  
2359 ~~local governments are charged with setting levels of service for~~  
2360 ~~public facilities in their comprehensive plans in accordance~~  
2361 ~~with which development orders and permits will be issued~~  
2362 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~  
2363 ~~the authority of state, regional, or local agencies as otherwise~~  
2364 ~~provided by law.~~

2365 ~~(g) Definitions contained in chapter 9J-5, Florida~~  
2366 ~~Administrative Code, are not intended to modify or amend the~~  
2367 ~~definitions utilized for purposes of other programs or rules or~~  
2368 ~~to establish or limit regulatory authority. Local governments~~  
2369 ~~may establish alternative definitions in local comprehensive~~  
2370 ~~plans, as long as such definitions accomplish the intent of this~~  
2371 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2372 ~~(h) It is the intent of the Legislature that public~~  
2373 ~~facilities and services needed to support development shall be~~  
2374 ~~available concurrent with the impacts of such development in~~  
2375 ~~accordance with s. 163.3180. In meeting this intent, public~~  
2376 ~~facility and service availability shall be deemed sufficient if~~  
2377 ~~the public facilities and services for a development are phased,~~

2378 ~~or the development is phased, so that the public facilities and~~  
2379 ~~those related services which are deemed necessary by the local~~  
2380 ~~government to operate the facilities necessitated by that~~  
2381 ~~development are available concurrent with the impacts of the~~  
2382 ~~development. The public facilities and services, unless already~~  
2383 ~~available, are to be consistent with the capital improvements~~  
2384 ~~element of the local comprehensive plan as required by paragraph~~  
2385 ~~(3) (a) or guaranteed in an enforceable development agreement.~~  
2386 ~~This shall include development agreements pursuant to this~~  
2387 ~~chapter or in an agreement or a development order issued~~  
2388 ~~pursuant to chapter 380. Nothing herein shall be construed to~~  
2389 ~~require a local government to address services in its capital~~  
2390 ~~improvements plan or to limit a local government's ability to~~  
2391 ~~address any service in its capital improvements plan that it~~  
2392 ~~deems necessary.~~

2393 ~~(i) The department shall take into account the factors~~  
2394 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~  
2395 ~~it provides assistance to local governments and applies the rule~~  
2396 ~~in specific situations with regard to the detail of the data and~~  
2397 ~~analysis required.~~

2398 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~  
2399 ~~effective pursuant to subsection (9). The Legislature hereby~~  
2400 ~~directs the department to adopt amendments as necessary which~~  
2401 ~~conform chapter 9J-5, Florida Administrative Code, with the~~  
2402 ~~requirements of this legislative intent by October 1, 1986.~~

2403 ~~(k) In order for local governments to prepare and adopt~~  
2404 ~~comprehensive plans with knowledge of the rules that are applied~~  
2405 ~~to determine consistency of the plans with this part, there~~

2406 ~~should be no doubt as to the legal standing of chapter 9J-5,~~  
2407 ~~Florida Administrative Code, at the close of the 1986~~  
2408 ~~legislative session. Therefore, the Legislature declares that~~  
2409 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~  
2410 ~~subject to rule challenges under s. 120.56(2), or to drawout~~  
2411 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~  
2412 ~~Florida Administrative Code, as amended, is subject to rule~~  
2413 ~~challenges under s. 120.56(3), as nothing herein indicates~~  
2414 ~~approval or disapproval of any portion of chapter 9J-5 not~~  
2415 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~  
2416 ~~Florida Administrative Code, exclusive of the amendments adopted~~  
2417 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~  
2418 ~~to the full chapter 120 process. All amendments shall have~~  
2419 ~~effective dates as provided in chapter 120 and submission to the~~  
2420 ~~President of the Senate and Speaker of the House of~~  
2421 ~~Representatives shall not be required.~~

2422 ~~(1) The state land planning agency shall consider land use~~  
2423 ~~compatibility issues in the vicinity of all airports in~~  
2424 ~~coordination with the Department of Transportation and adjacent~~  
2425 ~~to or in close proximity to all military installations in~~  
2426 ~~coordination with the Department of Defense.~~

2427 ~~(11)(a) The Legislature recognizes the need for innovative~~  
2428 ~~planning and development strategies which will address the~~  
2429 ~~anticipated demands of continued urbanization of Florida's~~  
2430 ~~coastal and other environmentally sensitive areas, and which~~  
2431 ~~will accommodate the development of less populated regions of~~  
2432 ~~the state which seek economic development and which have~~  
2433 ~~suitable land and water resources to accommodate growth in an~~

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2434 ~~environmentally acceptable manner. The Legislature further~~  
2435 ~~recognizes the substantial advantages of innovative approaches~~  
2436 ~~to development which may better serve to protect environmentally~~  
2437 ~~sensitive areas, maintain the economic viability of agricultural~~  
2438 ~~and other predominantly rural land uses, and provide for the~~  
2439 ~~cost-efficient delivery of public facilities and services.~~

2440       ~~(b) It is the intent of the Legislature that the local~~  
2441 ~~government comprehensive plans and plan amendments adopted~~  
2442 ~~pursuant to the provisions of this part provide for a planning~~  
2443 ~~process which allows for land use efficiencies within existing~~  
2444 ~~urban areas and which also allows for the conversion of rural~~  
2445 ~~lands to other uses, where appropriate and consistent with the~~  
2446 ~~other provisions of this part and the affected local~~  
2447 ~~comprehensive plans, through the application of innovative and~~  
2448 ~~flexible planning and development strategies and creative land~~  
2449 ~~use planning techniques, which may include, but not be limited~~  
2450 ~~to, urban villages, new towns, satellite communities, area-based~~  
2451 ~~allocations, clustering and open space provisions, mixed-use~~  
2452 ~~development, and sector planning.~~

2453       ~~(c) It is the further intent of the Legislature that local~~  
2454 ~~government comprehensive plans and implementing land development~~  
2455 ~~regulations shall provide strategies which maximize the use of~~  
2456 ~~existing facilities and services through redevelopment, urban~~  
2457 ~~infill development, and other strategies for urban~~  
2458 ~~revitalization.~~

2459       ~~(d)1. The department, in cooperation with the Department~~  
2460 ~~of Agriculture and Consumer Services, the Department of~~  
2461 ~~Environmental Protection, water management districts, and~~



~~regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(1), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may include, but is not limited to:~~

~~a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;~~

~~b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and~~

~~c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do~~

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2490 ~~not have the staff or planning budgets to create a rural land~~  
2491 ~~stewardship area.~~

2492 ~~2. The department shall encourage participation by local~~  
2493 ~~governments of different sizes and rural characteristics in~~  
2494 ~~establishing and implementing rural land stewardship areas. It~~  
2495 ~~is the intent of the Legislature that rural land stewardship~~  
2496 ~~areas be used to further the following broad principles of rural~~  
2497 ~~sustainability: restoration and maintenance of the economic~~  
2498 ~~value of rural land; control of urban sprawl; identification and~~  
2499 ~~protection of ecosystems, habitats, and natural resources;~~  
2500 ~~promotion of rural economic activity; maintenance of the~~  
2501 ~~viability of Florida's agricultural economy; and protection of~~  
2502 ~~the character of rural areas of Florida. Rural land stewardship~~  
2503 ~~areas may be multicounty in order to encourage coordinated~~  
2504 ~~regional stewardship planning.~~

2505 ~~3. A local government, in conjunction with a regional~~  
2506 ~~planning council, a stakeholder organization of private land~~  
2507 ~~owners, or another local government, shall notify the department~~  
2508 ~~in writing of its intent to designate a rural land stewardship~~  
2509 ~~area. The written notification shall describe the basis for the~~  
2510 ~~designation, including the extent to which the rural land~~  
2511 ~~stewardship area enhances rural land values, controls urban~~  
2512 ~~sprawl, provides necessary open space for agriculture and~~  
2513 ~~protection of the natural environment, promotes rural economic~~  
2514 ~~activity, and maintains rural character and the economic~~  
2515 ~~viability of agriculture.~~

2516 ~~4. A rural land stewardship area shall be not less than~~  
2517 ~~10,000 acres and shall be located outside of municipalities and~~

2518 ~~established urban growth boundaries, and shall be designated by~~  
2519 ~~plan amendment. The plan amendment designating a rural land~~  
2520 ~~stewardship area shall be subject to review by the Department of~~  
2521 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~  
2522 ~~the following:~~

2523 ~~a. Criteria for the designation of receiving areas within~~  
2524 ~~rural land stewardship areas in which innovative planning and~~  
2525 ~~development strategies may be applied. Criteria shall at a~~  
2526 ~~minimum provide for the following: adequacy of suitable land to~~  
2527 ~~accommodate development so as to avoid conflict with~~  
2528 ~~environmentally sensitive areas, resources, and habitats;~~  
2529 ~~compatibility between and transition from higher density uses to~~  
2530 ~~lower intensity rural uses; the establishment of receiving area~~  
2531 ~~service boundaries which provide for a separation between~~  
2532 ~~receiving areas and other land uses within the rural land~~  
2533 ~~stewardship area through limitations on the extension of~~  
2534 ~~services; and connection of receiving areas with the rest of the~~  
2535 ~~rural land stewardship area using rural design and rural road~~  
2536 ~~corridors.~~

2537 ~~b. Goals, objectives, and policies setting forth the~~  
2538 ~~innovative planning and development strategies to be applied~~  
2539 ~~within rural land stewardship areas pursuant to the provisions~~  
2540 ~~of this section.~~

2541 ~~c. A process for the implementation of innovative planning~~  
2542 ~~and development strategies within the rural land stewardship~~  
2543 ~~area, including those described in this subsection and rule 9J-~~  
2544 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~  
2545 ~~functional mix of land uses, including adequate available~~

2546 ~~workforce housing, including low, very low and moderate income~~  
2547 ~~housing for the development anticipated in the receiving area~~  
2548 ~~and which are applied through the adoption by the local~~  
2549 ~~government of zoning and land development regulations applicable~~  
2550 ~~to the rural land stewardship area.~~

2551 ~~d. A process which encourages visioning pursuant to s.~~  
2552 ~~163.3167(11) to ensure that innovative planning and development~~  
2553 ~~strategies comply with the provisions of this section.~~

2554 ~~e. The control of sprawl through the use of innovative~~  
2555 ~~strategies and creative land use techniques consistent with the~~  
2556 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~  
2557 ~~Administrative Code.~~

2558 ~~5. A receiving area shall be designated by the adoption of~~  
2559 ~~a land development regulation. Prior to the designation of a~~  
2560 ~~receiving area, the local government shall provide the~~  
2561 ~~Department of Community Affairs a period of 30 days in which to~~  
2562 ~~review a proposed receiving area for consistency with the rural~~  
2563 ~~land stewardship area plan amendment and to provide comments to~~  
2564 ~~the local government. At the time of designation of a~~  
2565 ~~stewardship receiving area, a listed species survey will be~~  
2566 ~~performed. If listed species occur on the receiving area site,~~  
2567 ~~the developer shall coordinate with each appropriate local,~~  
2568 ~~state, or federal agency to determine if adequate provisions~~  
2569 ~~have been made to protect those species in accordance with~~  
2570 ~~applicable regulations. In determining the adequacy of~~  
2571 ~~provisions for the protection of listed species and their~~  
2572 ~~habitats, the rural land stewardship area shall be considered as~~  
2573 ~~a whole, and the impacts to areas to be developed as receiving~~

2574 ~~areas shall be considered together with the environmental~~  
2575 ~~benefits of areas protected as sending areas in fulfilling this~~  
2576 ~~criteria.~~

2577 ~~6. Upon the adoption of a plan amendment creating a rural~~  
2578 ~~land stewardship area, the local government shall, by ordinance,~~  
2579 ~~establish the methodology for the creation, conveyance, and use~~  
2580 ~~of transferable rural land use credits, otherwise referred to as~~  
2581 ~~stewardship credits, the application of which shall not~~  
2582 ~~constitute a right to develop land, nor increase density of~~  
2583 ~~land, except as provided by this section. The total amount of~~  
2584 ~~transferable rural land use credits within the rural land~~  
2585 ~~stewardship area must enable the realization of the long-term~~  
2586 ~~vision and goals for the 25-year or greater projected population~~  
2587 ~~of the rural land stewardship area, which may take into~~  
2588 ~~consideration the anticipated effect of the proposed receiving~~  
2589 ~~areas. Transferable rural land use credits are subject to the~~  
2590 ~~following limitations:~~

2591 ~~a. Transferable rural land use credits may only exist~~  
2592 ~~within a rural land stewardship area.~~

2593 ~~b. Transferable rural land use credits may only be used on~~  
2594 ~~lands designated as receiving areas and then solely for the~~  
2595 ~~purpose of implementing innovative planning and development~~  
2596 ~~strategies and creative land use planning techniques adopted by~~  
2597 ~~the local government pursuant to this section.~~

2598 ~~c. Transferable rural land use credits assigned to a~~  
2599 ~~parcel of land within a rural land stewardship area shall cease~~  
2600 ~~to exist if the parcel of land is removed from the rural land~~  
2601 ~~stewardship area by plan amendment.~~

2602       ~~d. Neither the creation of the rural land stewardship area~~  
2603 ~~by plan amendment nor the assignment of transferable rural land~~  
2604 ~~use credits by the local government shall operate to displace~~  
2605 ~~the underlying density of land uses assigned to a parcel of land~~  
2606 ~~within the rural land stewardship area; however, if transferable~~  
2607 ~~rural land use credits are transferred from a parcel for use~~  
2608 ~~within a designated receiving area, the underlying density~~  
2609 ~~assigned to the parcel of land shall cease to exist.~~

2610       ~~e. The underlying density on each parcel of land located~~  
2611 ~~within a rural land stewardship area shall not be increased or~~  
2612 ~~decreased by the local government, except as a result of the~~  
2613 ~~conveyance or use of transferable rural land use credits, as~~  
2614 ~~long as the parcel remains within the rural land stewardship~~  
2615 ~~area.~~

2616       ~~f. Transferable rural land use credits shall cease to~~  
2617 ~~exist on a parcel of land where the underlying density assigned~~  
2618 ~~to the parcel of land is utilized.~~

2619       ~~g. An increase in the density of use on a parcel of land~~  
2620 ~~located within a designated receiving area may occur only~~  
2621 ~~through the assignment or use of transferable rural land use~~  
2622 ~~credits and shall not require a plan amendment.~~

2623       ~~h. A change in the density of land use on parcels located~~  
2624 ~~within receiving areas shall be specified in a development order~~  
2625 ~~which reflects the total number of transferable rural land use~~  
2626 ~~credits assigned to the parcel of land and the infrastructure~~  
2627 ~~and support services necessary to provide for a functional mix~~  
2628 ~~of land uses corresponding to the plan of development.~~

2629       ~~i. Land within a rural land stewardship area may be~~

2630 ~~removed from the rural land stewardship area through a plan~~  
2631 ~~amendment.~~

2632 ~~j. Transferable rural land use credits may be assigned at~~  
2633 ~~different ratios of credits per acre according to the natural~~  
2634 ~~resource or other beneficial use characteristics of the land and~~  
2635 ~~according to the land use remaining following the transfer of~~  
2636 ~~credits, with the highest number of credits per acre assigned to~~  
2637 ~~the most environmentally valuable land or, in locations where~~  
2638 ~~the retention of open space and agricultural land is a priority,~~  
2639 ~~to such lands.~~

2640 ~~k. The use or conveyance of transferable rural land use~~  
2641 ~~credits must be recorded in the public records of the county in~~  
2642 ~~which the property is located as a covenant or restrictive~~  
2643 ~~easement running with the land in favor of the county and either~~  
2644 ~~the Department of Environmental Protection, Department of~~  
2645 ~~Agriculture and Consumer Services, a water management district,~~  
2646 ~~or a recognized statewide land trust.~~

2647 ~~7. Owners of land within rural land stewardship areas~~  
2648 ~~should be provided incentives to enter into rural land~~  
2649 ~~stewardship agreements, pursuant to existing law and rules~~  
2650 ~~adopted thereto, with state agencies, water management~~  
2651 ~~districts, and local governments to achieve mutually agreed upon~~  
2652 ~~conservation objectives. Such incentives may include, but not be~~  
2653 ~~limited to, the following:~~

2654 ~~a. Opportunity to accumulate transferable mitigation~~  
2655 ~~credits.~~

2656 ~~b. Extended permit agreements.~~

2657 ~~c. Opportunities for recreational leases and ecotourism.~~

2658 ~~d. Payment for specified land management services on~~  
2659 ~~publicly owned land, or property under covenant or restricted~~  
2660 ~~easement in favor of a public entity.~~

2661 ~~e. Option agreements for sale to public entities or~~  
2662 ~~private land conservation entities, in either fee or easement,~~  
2663 ~~upon achievement of conservation objectives.~~

2664 ~~8. The department shall report to the Legislature on an~~  
2665 ~~annual basis on the results of implementation of rural land~~  
2666 ~~stewardship areas authorized by the department, including~~  
2667 ~~successes and failures in achieving the intent of the~~  
2668 ~~Legislature as expressed in this paragraph.~~

2669 ~~(c) The Legislature finds that mixed-use, high-density~~  
2670 ~~development is appropriate for urban infill and redevelopment~~  
2671 ~~areas. Mixed-use projects accommodate a variety of uses,~~  
2672 ~~including residential and commercial, and usually at higher~~  
2673 ~~densities that promote pedestrian-friendly, sustainable~~  
2674 ~~communities. The Legislature recognizes that mixed-use, high-~~  
2675 ~~density development improves the quality of life for residents~~  
2676 ~~and businesses in urban areas. The Legislature finds that mixed-~~  
2677 ~~use, high-density redevelopment and infill benefits residents by~~  
2678 ~~creating a livable community with alternative modes of~~  
2679 ~~transportation. Furthermore, the Legislature finds that local~~  
2680 ~~zoning ordinances often discourage mixed-use, high-density~~  
2681 ~~development in areas that are appropriate for urban infill and~~  
2682 ~~redevelopment. The Legislature intends to discourage single-use~~  
2683 ~~zoning in urban areas which often leads to lower-density, land-~~  
2684 ~~intensive development outside an urban service area. Therefore,~~  
2685 ~~the Department of Community Affairs shall provide technical~~



2686 ~~assistance to local governments in order to encourage mixed-use,~~  
2687 ~~high-density urban infill and redevelopment projects.~~

2688 ~~(f) The Legislature finds that a program for the transfer~~  
2689 ~~of development rights is a useful tool to preserve historic~~  
2690 ~~buildings and create public open spaces in urban areas. A~~  
2691 ~~program for the transfer of development rights allows the~~  
2692 ~~transfer of density credits from historic properties and public~~  
2693 ~~open spaces to areas designated for high-density development.~~  
2694 ~~The Legislature recognizes that high-density development is~~  
2695 ~~integral to the success of many urban infill and redevelopment~~  
2696 ~~projects. The Legislature intends to encourage high-density~~  
2697 ~~urban infill and redevelopment while preserving historic~~  
2698 ~~structures and open spaces. Therefore, the Department of~~  
2699 ~~Community Affairs shall provide technical assistance to local~~  
2700 ~~governments in order to promote the transfer of development~~  
2701 ~~rights within urban areas for high-density infill and~~  
2702 ~~redevelopment projects.~~

2703 ~~(g) The implementation of this subsection shall be subject~~  
2704 ~~to the provisions of this chapter, chapters 186 and 187, and~~  
2705 ~~applicable agency rules.~~

2706 ~~(h) The department may adopt rules necessary to implement~~  
2707 ~~the provisions of this subsection.~~

2708 ~~(12) A public school facilities element adopted to~~  
2709 ~~implement a school concurrency program shall meet the~~  
2710 ~~requirements of this subsection. Each county and each~~  
2711 ~~municipality within the county, unless exempt or subject to a~~  
2712 ~~waiver, must adopt a public school facilities element that is~~  
2713 ~~consistent with those adopted by the other local governments~~

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2714 ~~within the county and enter the interlocal agreement pursuant to~~  
2715 ~~s. 163.31777.~~

2716 ~~(a) The state land planning agency may provide a waiver to~~  
2717 ~~a county and to the municipalities within the county if the~~  
2718 ~~capacity rate for all schools within the school district is no~~  
2719 ~~greater than 100 percent and the projected 5-year capital outlay~~  
2720 ~~full-time equivalent student growth rate is less than 10~~  
2721 ~~percent. The state land planning agency may allow for a~~  
2722 ~~projected 5-year capital outlay full-time equivalent student~~  
2723 ~~growth rate to exceed 10 percent when the projected 10-year~~  
2724 ~~capital outlay full-time equivalent student enrollment is less~~  
2725 ~~than 2,000 students and the capacity rate for all schools within~~  
2726 ~~the school district in the tenth year will not exceed the 100-~~  
2727 ~~percent limitation. The state land planning agency may allow for~~  
2728 ~~a single school to exceed the 100-percent limitation if it can~~  
2729 ~~be demonstrated that the capacity rate for that single school is~~  
2730 ~~not greater than 105 percent. In making this determination, the~~  
2731 ~~state land planning agency shall consider the following~~  
2732 ~~criteria:~~

2733 ~~1. Whether the exceedance is due to temporary~~  
2734 ~~circumstances;~~

2735 ~~2. Whether the projected 5-year capital outlay full time~~  
2736 ~~equivalent student growth rate for the school district is~~  
2737 ~~approaching the 10-percent threshold;~~

2738 ~~3. Whether one or more additional schools within the~~  
2739 ~~school district are at or approaching the 100-percent threshold;~~  
2740 ~~and~~

2741 ~~4. The adequacy of the data and analysis submitted to~~

2742 ~~support the waiver request.~~

2743 ~~(b) A municipality in a nonexempt county is exempt if the~~  
2744 ~~municipality meets all of the following criteria for having no~~  
2745 ~~significant impact on school attendance:~~

2746 ~~1. The municipality has issued development orders for~~  
2747 ~~fewer than 50 residential dwelling units during the preceding 5~~  
2748 ~~years, or the municipality has generated fewer than 25~~  
2749 ~~additional public school students during the preceding 5 years.~~

2750 ~~2. The municipality has not annexed new land during the~~  
2751 ~~preceding 5 years in land use categories that permit residential~~  
2752 ~~uses that will affect school attendance rates.~~

2753 ~~3. The municipality has no public schools located within~~  
2754 ~~its boundaries.~~

2755 ~~(c) A public school facilities element shall be based upon~~  
2756 ~~data and analyses that address, among other items, how level of~~  
2757 ~~service standards will be achieved and maintained. Such data and~~  
2758 ~~analyses must include, at a minimum, such items as: the~~  
2759 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~  
2760 ~~year school district facilities work program adopted pursuant to~~  
2761 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~  
2762 ~~1013.31 and an existing educational and ancillary plant map or~~  
2763 ~~map series; information on existing development and development~~  
2764 ~~anticipated for the next 5 years and the long term planning~~  
2765 ~~period; an analysis of problems and opportunities for existing~~  
2766 ~~schools and schools anticipated in the future; an analysis of~~  
2767 ~~opportunities to collocate future schools with other public~~  
2768 ~~facilities such as parks, libraries, and community centers; an~~  
2769 ~~analysis of the need for supporting public facilities for~~

2770 ~~existing and future schools; an analysis of opportunities to~~  
2771 ~~locate schools to serve as community focal points; projected~~  
2772 ~~future population and associated demographics, including~~  
2773 ~~development patterns year by year for the upcoming 5-year and~~  
2774 ~~long-term planning periods; and anticipated educational and~~  
2775 ~~ancillary plants with land area requirements.~~

2776 ~~(d) The element shall contain one or more goals which~~  
2777 ~~establish the long-term end toward which public school programs~~  
2778 ~~and activities are ultimately directed.~~

2779 ~~(e) The element shall contain one or more objectives for~~  
2780 ~~each goal, setting specific, measurable, intermediate ends that~~  
2781 ~~are achievable and mark progress toward the goal.~~

2782 ~~(f) The element shall contain one or more policies for~~  
2783 ~~each objective which establish the way in which programs and~~  
2784 ~~activities will be conducted to achieve an identified goal.~~

2785 ~~(g) The objectives and policies shall address items such~~  
2786 ~~as:~~

- 2787 ~~1. The procedure for an annual update process;~~
- 2788 ~~2. The procedure for school site selection;~~
- 2789 ~~3. The procedure for school permitting;~~
- 2790 ~~4. Provision for infrastructure necessary to support~~  
2791 ~~proposed schools, including potable water, wastewater, drainage,~~  
2792 ~~solid waste, transportation, and means by which to assure safe~~  
2793 ~~access to schools, including sidewalks, bicycle paths, turn~~  
2794 ~~lanes, and signalization;~~
- 2795 ~~5. Provision for colocation of other public facilities,~~  
2796 ~~such as parks, libraries, and community centers, in proximity to~~  
2797 ~~public schools;~~

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~~6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;~~

~~7. Measures to ensure compatibility of school sites and surrounding land uses;~~

~~8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and~~

~~9. Coordination with the future land use element.~~

~~(h) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.~~

~~(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.3177. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).~~

~~(j) The state land planning agency may issue a notice to the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement provisions relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).~~

~~(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.~~

~~(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community~~

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2854 ~~organizations, businesses, private property owners, housing and~~  
2855 ~~development interests, and environmental organizations.~~

2856 ~~(b) The local government must, at a minimum, discuss five~~  
2857 ~~of the following topics as part of the workshops and public~~  
2858 ~~meetings required under paragraph (a):~~

2859 ~~1. Future growth in the area using population forecasts~~  
2860 ~~from the Bureau of Economic and Business Research;~~

2861 ~~2. Priorities for economic development;~~

2862 ~~3. Preservation of open space, environmentally sensitive~~  
2863 ~~lands, and agricultural lands;~~

2864 ~~4. Appropriate areas and standards for mixed-use~~  
2865 ~~development;~~

2866 ~~5. Appropriate areas and standards for high-density~~  
2867 ~~commercial and residential development;~~

2868 ~~6. Appropriate areas and standards for economic~~  
2869 ~~development opportunities and employment centers;~~

2870 ~~7. Provisions for adequate workforce housing;~~

2871 ~~8. An efficient, interconnected multimodal transportation~~  
2872 ~~system; and~~

2873 ~~9. Opportunities to create land use patterns that~~  
2874 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2875 ~~(c) As part of the workshops and public meetings, the~~  
2876 ~~local government must discuss strategies for addressing the~~  
2877 ~~topics discussed under paragraph (b), including:~~

2878 ~~1. Strategies to preserve open space and environmentally~~  
2879 ~~sensitive lands, and to encourage a healthy agricultural~~  
2880 ~~economy, including innovative planning and development~~  
2881 ~~strategies, such as the transfer of development rights;~~

2882       ~~2. Incentives for mixed-use development, including~~  
2883 ~~increased height and intensity standards for buildings that~~  
2884 ~~provide residential use in combination with office or commercial~~  
2885 ~~space;~~

2886       ~~3. Incentives for workforce housing;~~

2887       ~~4. Designation of an urban service boundary pursuant to~~  
2888 ~~subsection (2); and~~

2889       ~~5. Strategies to provide mobility within the community and~~  
2890 ~~to protect the Strategic Intermodal System, including the~~  
2891 ~~development of a transportation corridor management plan under~~  
2892 ~~s. 337.273.~~

2893       ~~(d) The community vision must reflect the community's~~  
2894 ~~shared concept for growth and development of the community,~~  
2895 ~~including visual representations depicting the desired land use~~  
2896 ~~patterns and character of the community during a 10-year~~  
2897 ~~planning timeframe. The community vision must also take into~~  
2898 ~~consideration economic viability of the vision and private~~  
2899 ~~property interests.~~

2900       ~~(e) After the workshops and public meetings required under~~  
2901 ~~paragraph (a) are held, the local government may amend its~~  
2902 ~~comprehensive plan to include the community vision as a~~  
2903 ~~component in the plan. This plan amendment must be transmitted~~  
2904 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~  
2905 ~~163.3189 at public hearings of the governing body other than~~  
2906 ~~those identified in paragraph (a).~~

2907       ~~(f) Amendments submitted under this subsection are exempt~~  
2908 ~~from the limitation on the frequency of plan amendments in s.~~  
2909 ~~163.3187.~~



2910       ~~(g) A local government that has developed a community~~  
2911 ~~vision or completed a visioning process after July 1, 2000, and~~  
2912 ~~before July 1, 2005, which substantially accomplishes the goals~~  
2913 ~~set forth in this subsection and the appropriate goals,~~  
2914 ~~policies, or objectives have been adopted as part of the~~  
2915 ~~comprehensive plan or reflected in subsequently adopted land~~  
2916 ~~development regulations and the plan amendment incorporating the~~  
2917 ~~community vision as a component has been found in compliance is~~  
2918 ~~eligible for the incentives in s. 163.3184(17).~~

2919       ~~(14) Local governments are also encouraged to designate an~~  
2920 ~~urban service boundary. This area must be appropriate for~~  
2921 ~~compact, contiguous urban development within a 10-year planning~~  
2922 ~~timeframe. The urban service area boundary must be identified on~~  
2923 ~~the future land use map or map series. The local government~~  
2924 ~~shall demonstrate that the land included within the urban~~  
2925 ~~service boundary is served or is planned to be served with~~  
2926 ~~adequate public facilities and services based on the local~~  
2927 ~~government's adopted level of service standards by adopting a~~  
2928 ~~10-year facilities plan in the capital improvements element~~  
2929 ~~which is financially feasible. The local government shall~~  
2930 ~~demonstrate that the amount of land within the urban service~~  
2931 ~~boundary does not exceed the amount of land needed to~~  
2932 ~~accommodate the projected population growth at densities~~  
2933 ~~consistent with the adopted comprehensive plan within the 10-~~  
2934 ~~year planning timeframe.~~

2935       ~~(a) As part of the process of establishing an urban~~  
2936 ~~service boundary, the local government must hold two public~~  
2937 ~~meetings with at least one of those meetings before the local~~

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2938 ~~planning agency. Before those public meetings, the local~~  
2939 ~~government must hold at least one public workshop with~~  
2940 ~~stakeholder groups such as neighborhood associations, community~~  
2941 ~~organizations, businesses, private property owners, housing and~~  
2942 ~~development interests, and environmental organizations.~~

2943 ~~(b)1. After the workshops and public meetings required~~  
2944 ~~under paragraph (a) are held, the local government may amend its~~  
2945 ~~comprehensive plan to include the urban service boundary. This~~  
2946 ~~plan amendment must be transmitted and adopted pursuant to the~~  
2947 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~  
2948 ~~governing body other than those required under paragraph (a).~~

2949 ~~2. This subsection does not prohibit new development~~  
2950 ~~outside an urban service boundary. However, a local government~~  
2951 ~~that establishes an urban service boundary under this subsection~~  
2952 ~~is encouraged to require a full-cost accounting analysis for any~~  
2953 ~~new development outside the boundary and to consider the results~~  
2954 ~~of that analysis when adopting a plan amendment for property~~  
2955 ~~outside the established urban service boundary.~~

2956 ~~(c) Amendments submitted under this subsection are exempt~~  
2957 ~~from the limitation on the frequency of plan amendments in s.~~  
2958 ~~163.3187.~~

2959 ~~(d) A local government that has adopted an urban service~~  
2960 ~~boundary before July 1, 2005, which substantially accomplishes~~  
2961 ~~the goals set forth in this subsection is not required to comply~~  
2962 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
2963 ~~to be eligible for the incentives under s. 163.3184(17). In~~  
2964 ~~order to satisfy the provisions of this paragraph, the local~~  
2965 ~~government must secure a determination from the state land~~

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

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

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

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

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

2994 communities and the state from the economic upheaval that would  
2995 result from short-term or long-term adverse changes in the  
2996 agricultural economy. To protect these communities and promote  
2997 viable agriculture for the long term, it is essential to  
2998 encourage and permit diversification of existing rural  
2999 agricultural industrial centers by providing for jobs that are  
3000 not solely dependent upon, but are compatible with and  
3001 complement, existing agricultural industrial operations and to  
3002 encourage the creation and expansion of industries that use  
3003 agricultural products in innovative ways. However, the expansion  
3004 and diversification of these existing centers must be  
3005 accomplished in a manner that does not promote urban sprawl into  
3006 surrounding agricultural and rural areas.

3007       (b) As used in this subsection, the term "rural  
3008 agricultural industrial center" means a developed parcel of land  
3009 in an unincorporated area on which there exists an operating  
3010 agricultural industrial facility or facilities that employ at  
3011 least 200 full-time employees in the aggregate and process and  
3012 prepare for transport a farm product, as defined in s. 163.3162,  
3013 or any biomass material that could be used, directly or  
3014 indirectly, for the production of fuel, renewable energy,  
3015 bioenergy, or alternative fuel as defined by law. The center may  
3016 also include land contiguous to the facility site which is not  
3017 used for the cultivation of crops, but on which other existing  
3018 activities essential to the operation of such facility or  
3019 facilities are located or conducted. The parcel of land must be  
3020 located within, or within 10 miles of, a rural area of critical  
3021 economic concern.

3022           (c)1. A landowner whose land is located within a rural  
3023 agricultural industrial center may apply for an amendment to the  
3024 local government comprehensive plan for the purpose of  
3025 designating and expanding the existing agricultural industrial  
3026 uses of facilities located within the center or expanding the  
3027 existing center to include industrial uses or facilities that  
3028 are not dependent upon but are compatible with agriculture and  
3029 the existing uses and facilities. A local government  
3030 comprehensive plan amendment under this paragraph must:

3031           a. Not increase the physical area of the existing rural  
3032 agricultural industrial center by more than 50 percent or 320  
3033 acres, whichever is greater.

3034           b. Propose a project that would, upon completion, create  
3035 at least 50 new full-time jobs.

3036           c. Demonstrate that sufficient infrastructure capacity  
3037 exists or will be provided to support the expanded center at the  
3038 level-of-service standards adopted in the local government  
3039 comprehensive plan.

3040           d. Contain goals, objectives, and policies that will  
3041 ensure that any adverse environmental impacts of the expanded  
3042 center will be adequately addressed and mitigation implemented  
3043 or demonstrate that the local government comprehensive plan  
3044 contains such provisions.

3045           2. Within 6 months after receiving an application as  
3046 provided in this paragraph, the local government shall transmit  
3047 the application to the state land planning agency for review  
3048 pursuant to this chapter together with any needed amendments to  
3049 the applicable sections of its comprehensive plan to include

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goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed not to be urban sprawl as defined in s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida Administrative Code.~~ This presumption may be rebutted by a preponderance of the evidence.

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

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

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

163.31777 Public schools interlocal agreement.—

(1) ~~(a)~~ The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be~~

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3078 ~~submitted to the state land planning agency and the Office of~~  
3079 ~~Educational Facilities in accordance with a schedule published~~  
3080 ~~by the state land planning agency.~~

3081 ~~(b) The schedule must establish staggered due dates for~~  
3082 ~~submission of interlocal agreements that are executed by both~~  
3083 ~~the local government and the district school board, commencing~~  
3084 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
3085 ~~set the same date for all governmental entities within a school~~  
3086 ~~district. However, if the county where the school district is~~  
3087 ~~located contains more than 20 municipalities, the state land~~  
3088 ~~planning agency may establish staggered due dates for the~~  
3089 ~~submission of interlocal agreements by these municipalities. The~~  
3090 ~~schedule must begin with those areas where both the number of~~  
3091 ~~districtwide capital-outlay full-time-equivalent students equals~~  
3092 ~~80 percent or more of the current year's school capacity and the~~  
3093 ~~projected 5-year student growth is 1,000 or greater, or where~~  
3094 ~~the projected 5-year student growth rate is 10 percent or~~  
3095 ~~greater.~~

3096 ~~(c) If the student population has declined over the 5-year~~  
3097 ~~period preceding the due date for submittal of an interlocal~~  
3098 ~~agreement by the local government and the district school board,~~  
3099 ~~the local government and the district school board may petition~~  
3100 ~~the state land planning agency for a waiver of one or more~~  
3101 ~~requirements of subsection (2). The waiver must be granted if~~  
3102 ~~the procedures called for in subsection (2) are unnecessary~~  
3103 ~~because of the school district's declining school age~~  
3104 ~~population, considering the district's 5-year facilities work~~  
3105 ~~program prepared pursuant to s. 1013.35. The state land planning~~

3106 ~~agency may modify or revoke the waiver upon a finding that the~~  
3107 ~~conditions upon which the waiver was granted no longer exist.~~  
3108 ~~The district school board and local governments must submit an~~  
3109 ~~interlocal agreement within 1 year after notification by the~~  
3110 ~~state land planning agency that the conditions for a waiver no~~  
3111 ~~longer exist.~~

3112 ~~(d) Interlocal agreements between local governments and~~  
3113 ~~district school boards adopted pursuant to s. 163.3177 before~~  
3114 ~~the effective date of this section must be updated and executed~~  
3115 ~~pursuant to the requirements of this section, if necessary.~~  
3116 ~~Amendments to interlocal agreements adopted pursuant to this~~  
3117 ~~section must be submitted to the state land planning agency~~  
3118 ~~within 30 days after execution by the parties for review~~  
3119 ~~consistent with this section.~~ Local governments and the district  
3120 school board in each school district are encouraged to adopt a  
3121 single interlocal agreement to which all join as parties. The  
3122 state land planning agency shall assemble and make available  
3123 model interlocal agreements meeting the requirements of this  
3124 section and notify local governments and, jointly with the  
3125 Department of Education, the district school boards of the  
3126 requirements of this section, the dates for compliance, and the  
3127 sanctions for noncompliance. The state land planning agency  
3128 shall be available to informally review proposed interlocal  
3129 agreements. If the state land planning agency has not received a  
3130 proposed interlocal agreement for informal review, the state  
3131 land planning agency shall, at least 60 days before the deadline  
3132 for submission of the executed agreement, renotify the local  
3133 government and the district school board of the upcoming



3134 ~~deadline and the potential for sanctions.~~

3135 (2) At a minimum, the interlocal agreement must address  
3136 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~  
3137 ~~for exempt local governments as provided in s. 163.3177(12), and~~  
3138 ~~must address~~ the following issues:

3139 (a) A process by which each local government and the  
3140 district school board agree and base their plans on consistent  
3141 projections of the amount, type, and distribution of population  
3142 growth and student enrollment. The geographic distribution of  
3143 jurisdiction-wide growth forecasts is a major objective of the  
3144 process.

3145 (b) A process to coordinate and share information relating  
3146 to existing and planned public school facilities, including  
3147 school renovations and closures, and local government plans for  
3148 development and redevelopment.

3149 (c) Participation by affected local governments with the  
3150 district school board in the process of evaluating potential  
3151 school closures, significant renovations to existing schools,  
3152 and new school site selection before land acquisition. Local  
3153 governments shall advise the district school board as to the  
3154 consistency of the proposed closure, renovation, or new site  
3155 with the local comprehensive plan, including appropriate  
3156 circumstances and criteria under which a district school board  
3157 may request an amendment to the comprehensive plan for school  
3158 siting.

3159 (d) A process for determining the need for and timing of  
3160 onsite and offsite improvements to support new, proposed  
3161 expansion, or redevelopment of existing schools. The process

3162 must address identification of the party or parties responsible  
3163 for the improvements.

3164 (e) A process for the school board to inform the local  
3165 government regarding the effect of comprehensive plan amendments  
3166 on school capacity. The capacity reporting must be consistent  
3167 with laws and rules relating to measurement of school facility  
3168 capacity and must also identify how the district school board  
3169 will meet the public school demand based on the facilities work  
3170 program adopted pursuant to s. 1013.35.

3171 (f) Participation of the local governments in the  
3172 preparation of the annual update to the district school board's  
3173 5-year district facilities work program and educational plant  
3174 survey prepared pursuant to s. 1013.35.

3175 (g) A process for determining where and how joint use of  
3176 either school board or local government facilities can be shared  
3177 for mutual benefit and efficiency.

3178 (h) A procedure for the resolution of disputes between the  
3179 district school board and local governments, which may include  
3180 the dispute resolution processes contained in chapters 164 and  
3181 186.

3182 (i) An oversight process, including an opportunity for  
3183 public participation, for the implementation of the interlocal  
3184 agreement.

3185 ~~(3) (a) The Office of Educational Facilities shall submit~~  
3186 ~~any comments or concerns regarding the executed interlocal~~  
3187 ~~agreement to the state land planning agency within 30 days after~~  
3188 ~~receipt of the executed interlocal agreement. The state land~~  
3189 ~~planning agency shall review the executed interlocal agreement~~

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3190 ~~to determine whether it is consistent with the requirements of~~  
3191 ~~subsection (2), the adopted local government comprehensive plan,~~  
3192 ~~and other requirements of law. Within 60 days after receipt of~~  
3193 ~~an executed interlocal agreement, the state land planning agency~~  
3194 ~~shall publish a notice of intent in the Florida Administrative~~  
3195 ~~Weekly and shall post a copy of the notice on the agency's~~  
3196 ~~Internet site. The notice of intent must state whether the~~  
3197 ~~interlocal agreement is consistent or inconsistent with the~~  
3198 ~~requirements of subsection (2) and this subsection, as~~  
3199 ~~appropriate.~~

3200 ~~(b) The state land planning agency's notice is subject to~~  
3201 ~~challenge under chapter 120; however, an affected person, as~~  
3202 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~  
3203 ~~administrative proceeding, and this proceeding is the sole means~~  
3204 ~~available to challenge the consistency of an interlocal~~  
3205 ~~agreement required by this section with the criteria contained~~  
3206 ~~in subsection (2) and this subsection. In order to have~~  
3207 ~~standing, each person must have submitted oral or written~~  
3208 ~~comments, recommendations, or objections to the local government~~  
3209 ~~or the school board before the adoption of the interlocal~~  
3210 ~~agreement by the school board and local government. The district~~  
3211 ~~school board and local governments are parties to any such~~  
3212 ~~proceeding. In this proceeding, when the state land planning~~  
3213 ~~agency finds the interlocal agreement to be consistent with the~~  
3214 ~~criteria in subsection (2) and this subsection, the interlocal~~  
3215 ~~agreement shall be determined to be consistent with subsection~~  
3216 ~~(2) and this subsection if the local government's and school~~  
3217 ~~board's determination of consistency is fairly debatable. When~~

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3218 ~~the state planning agency finds the interlocal agreement to be~~  
3219 ~~inconsistent with the requirements of subsection (2) and this~~  
3220 ~~subsection, the local government's and school board's~~  
3221 ~~determination of consistency shall be sustained unless it is~~  
3222 ~~shown by a preponderance of the evidence that the interlocal~~  
3223 ~~agreement is inconsistent.~~

3224 ~~(c) If the state land planning agency enters a final order~~  
3225 ~~that finds that the interlocal agreement is inconsistent with~~  
3226 ~~the requirements of subsection (2) or this subsection, it shall~~  
3227 ~~forward it to the Administration Commission, which may impose~~  
3228 ~~sanctions against the local government pursuant to s.~~  
3229 ~~163.3184(11) and may impose sanctions against the district~~  
3230 ~~school board by directing the Department of Education to~~  
3231 ~~withhold from the district school board an equivalent amount of~~  
3232 ~~funds for school construction available pursuant to ss. 1013.65,~~  
3233 ~~1013.68, 1013.70, and 1013.72.~~

3234 ~~(4) If an executed interlocal agreement is not timely~~  
3235 ~~submitted to the state land planning agency for review, the~~  
3236 ~~state land planning agency shall, within 15 working days after~~  
3237 ~~the deadline for submittal, issue to the local government and~~  
3238 ~~the district school board a Notice to Show Cause why sanctions~~  
3239 ~~should not be imposed for failure to submit an executed~~  
3240 ~~interlocal agreement by the deadline established by the agency.~~  
3241 ~~The agency shall forward the notice and the responses to the~~  
3242 ~~Administration Commission, which may enter a final order citing~~  
3243 ~~the failure to comply and imposing sanctions against the local~~  
3244 ~~government and district school board by directing the~~  
3245 ~~appropriate agencies to withhold at least 5 percent of state~~

3246 ~~funds pursuant to s. 163.3184(11) and by directing the~~  
3247 ~~Department of Education to withhold from the district school~~  
3248 ~~board at least 5 percent of funds for school construction~~  
3249 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~  
3250 ~~1013.72.~~

3251 ~~(5) Any local government transmitting a public school~~  
3252 ~~element to implement school concurrency pursuant to the~~  
3253 ~~requirements of s. 163.3180 before the effective date of this~~  
3254 ~~section is not required to amend the element or any interlocal~~  
3255 ~~agreement to conform with the provisions of this section if the~~  
3256 ~~element is adopted prior to or within 1 year after the effective~~  
3257 ~~date of this section and remains in effect until the county~~  
3258 ~~conducts its evaluation and appraisal report and identifies~~  
3259 ~~changes necessary to more fully conform to the provisions of~~  
3260 ~~this section.~~

3261 ~~(6) Except as provided in subsection (7), municipalities~~  
3262 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
3263 ~~from the requirements of subsections (1), (2), and (3).~~

3264 ~~(7) At the time of the evaluation and appraisal report,~~  
3265 ~~each exempt municipality shall assess the extent to which it~~  
3266 ~~continues to meet the criteria for exemption under s.~~  
3267 ~~163.3177(12). If the municipality continues to meet these~~  
3268 ~~eriteria, the municipality shall continue to be exempt from the~~  
3269 ~~interlocal-agreement requirement. Each municipality exempt under~~  
3270 ~~s. 163.3177(12) must comply with the provisions of this section~~  
3271 ~~within 1 year after the district school board proposes, in its~~  
3272 ~~5-year district facilities work program, a new school within the~~  
3273 ~~municipality's jurisdiction.~~

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

163.3178 Coastal management.—

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

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

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

3. Appropriate mitigation is provided that will satisfy ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may ~~shall~~ not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by

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July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

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

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

163.3180 Concurrency.—

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

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order

3330 for a local government to rescind any optional concurrency  
3331 provisions, a comprehensive plan amendment is required. An  
3332 amendment rescinding optional concurrency issues is not subject  
3333 to state review.

3334 (b) The local government comprehensive plan must  
3335 demonstrate, for required or optional concurrency requirements,  
3336 that the levels of service adopted can be reasonably met.  
3337 Infrastructure needed to ensure that adopted level-of-service  
3338 standards are achieved and maintained for the 5-year period of  
3339 the capital improvement schedule must be identified pursuant to  
3340 the requirements of s. 163.3177(3). The comprehensive plan must  
3341 include principles, guidelines, standards, and strategies for  
3342 the establishment of a concurrency management system.

3343 ~~(b) Local governments shall use professionally accepted~~  
3344 ~~techniques for measuring level of service for automobiles,~~  
3345 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~  
3346 ~~be used to evaluate increased accessibility by multiple modes~~  
3347 ~~and reductions in vehicle miles of travel in an area or zone.~~  
3348 ~~The Department of Transportation shall develop methodologies to~~  
3349 ~~assist local governments in implementing this multimodal level-~~  
3350 ~~of-service analysis. The Department of Community Affairs and the~~  
3351 ~~Department of Transportation shall provide technical assistance~~  
3352 ~~to local governments in applying these methodologies.~~

3353 (2)(a) Consistent with public health and safety, sanitary  
3354 sewer, solid waste, drainage, adequate water supplies, and  
3355 potable water facilities shall be in place and available to  
3356 serve new development no later than the issuance by the local  
3357 government of a certificate of occupancy or its functional



3358 equivalent. Prior to approval of a building permit or its  
3359 functional equivalent, the local government shall consult with  
3360 the applicable water supplier to determine whether adequate  
3361 water supplies to serve the new development will be available no  
3362 later than the anticipated date of issuance by the local  
3363 government of a certificate of occupancy or its functional  
3364 equivalent. A local government may meet the concurrency  
3365 requirement for sanitary sewer through the use of onsite sewage  
3366 treatment and disposal systems approved by the Department of  
3367 Health to serve new development.

3368 ~~(b) Consistent with the public welfare, and except as~~  
3369 ~~otherwise provided in this section, parks and recreation~~  
3370 ~~facilities to serve new development shall be in place or under~~  
3371 ~~actual construction no later than 1 year after issuance by the~~  
3372 ~~local government of a certificate of occupancy or its functional~~  
3373 ~~equivalent. However, the acreage for such facilities shall be~~  
3374 ~~dedicated or be acquired by the local government prior to~~  
3375 ~~issuance by the local government of a certificate of occupancy~~  
3376 ~~or its functional equivalent, or funds in the amount of the~~  
3377 ~~developer's fair share shall be committed no later than the~~  
3378 ~~local government's approval to commence construction.~~

3379 ~~(c) Consistent with the public welfare, and except as~~  
3380 ~~otherwise provided in this section, transportation facilities~~  
3381 ~~needed to serve new development shall be in place or under~~  
3382 ~~actual construction within 3 years after the local government~~  
3383 ~~approves a building permit or its functional equivalent that~~  
3384 ~~results in traffic generation.~~

3385 (3) Governmental entities that are not responsible for

3386 providing, financing, operating, or regulating public facilities  
3387 needed to serve development may not establish binding level-of-  
3388 service standards on governmental entities that do bear those  
3389 responsibilities. ~~This subsection does not limit the authority~~  
3390 ~~of any agency to recommend or make objections, recommendations,~~  
3391 ~~comments, or determinations during reviews conducted under s.~~  
3392 ~~163.3184.~~

3393 (4) ~~(a)~~ The concurrency requirement as implemented in local  
3394 comprehensive plans applies to state and other public facilities  
3395 and development to the same extent that it applies to all other  
3396 facilities and development, as provided by law.

3397 ~~(b) The concurrency requirement as implemented in local~~  
3398 ~~comprehensive plans does not apply to public transit facilities.~~  
3399 ~~For the purposes of this paragraph, public transit facilities~~  
3400 ~~include transit stations and terminals; transit station parking;~~  
3401 ~~park-and-ride lots; intermodal public transit connection or~~  
3402 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~  
3403 ~~airport passenger terminals and concourses, air cargo~~  
3404 ~~facilities, and hangars for the assembly, manufacture,~~  
3405 ~~maintenance, or storage of aircraft. As used in this paragraph,~~  
3406 ~~the terms "terminals" and "transit facilities" do not include~~  
3407 ~~seaports or commercial or residential development constructed in~~  
3408 ~~conjunction with a public transit facility.~~

3409 ~~(c) The concurrency requirement, except as it relates to~~  
3410 ~~transportation facilities and public schools, as implemented in~~  
3411 ~~local government comprehensive plans, may be waived by a local~~  
3412 ~~government for urban infill and redevelopment areas designated~~  
3413 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~

~~public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.~~

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

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

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

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify

3442 facilities necessary to meet adopted levels of service during a  
3443 5-year period.

3444 (e) If a local government applies transportation  
3445 concurrency in its jurisdiction, it is encouraged to develop  
3446 policy guidelines and techniques to address potential negative  
3447 impacts on future development:

3448 1. In urban infill and redevelopment, and urban service  
3449 areas.

3450 2. With special part-time demands on the transportation  
3451 system.

3452 3. With de minimis impacts.

3453 4. On community desired types of development, such as  
3454 redevelopment, or job creation projects.

3455 (f) Local governments are encouraged to develop tools and  
3456 techniques to complement the application of transportation  
3457 concurrency such as:

3458 1. Adoption of long-term strategies to facilitate  
3459 development patterns that support multimodal solutions,  
3460 including urban design, and appropriate land use mixes,  
3461 including intensity and density.

3462 2. Adoption of an areawide level of service not dependent  
3463 on any single road segment function.

3464 3. Exempting or discounting impacts of locally desired  
3465 development, such as development in urban areas, redevelopment,  
3466 job creation, and mixed use on the transportation system.

3467 4. Assigning secondary priority to vehicle mobility and  
3468 primary priority to ensuring a safe, comfortable, and attractive  
3469 pedestrian environment, with convenient interconnection to

transit.

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

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

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

(h) Local governments that implement transportation concurrency must:

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

2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development

constructed in conjunction with a public transit facility.

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

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

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

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

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

(A) The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the

3526 peak hour maximum service volume of roadways resulting from  
3527 construction of an improvement necessary to maintain or achieve  
3528 the adopted level of service, multiplied by the construction  
3529 cost, at the time of development payment, of the improvement  
3530 necessary to maintain or achieve the adopted level of service.

3531 (B) In using the proportionate-share formula provided in  
3532 this subparagraph, the applicant, in its traffic analysis, shall  
3533 identify those roads or facilities that have a transportation  
3534 deficiency in accordance with the transportation deficiency as  
3535 defined in sub-subparagraph e. The proportionate-share formula  
3536 provided in this subparagraph shall be applied only to those  
3537 facilities that are determined to be significantly impacted by  
3538 the project traffic under review. If any road is determined to  
3539 be transportation deficient without the project traffic under  
3540 review, the costs of correcting that deficiency shall be removed  
3541 from the project's proportionate-share calculation and the  
3542 necessary transportation improvements to correct that deficiency  
3543 shall be considered to be in place for purposes of the  
3544 proportionate-share calculation. The improvement necessary to  
3545 correct the transportation deficiency is the funding  
3546 responsibility of the entity that has maintenance responsibility  
3547 for the facility. The development's proportionate share shall be  
3548 calculated only for the needed transportation improvements that  
3549 are greater than the identified deficiency.

3550 (C) When the provisions of this subparagraph have been  
3551 satisfied for a particular stage or phase of development, all  
3552 transportation impacts from that stage or phase for which  
3553 mitigation was required and provided shall be deemed fully

3554 mitigated in any transportation analysis for a subsequent stage  
3555 or phase of development. Trips from a previous stage or phase  
3556 that did not result in impacts for which mitigation was required  
3557 or provided may be cumulatively analyzed with trips from a  
3558 subsequent stage or phase to determine whether an impact  
3559 requires mitigation for the subsequent stage or phase.

3560 (D) In projecting the number of trips to be generated by  
3561 the development under review, any trips assigned to a toll-  
3562 financed facility shall be eliminated from the analysis.

3563 (E) The applicant shall receive a credit on a dollar-for-  
3564 dollar basis for impact fees, mobility fees, and other  
3565 transportation concurrency mitigation requirements paid or  
3566 payable in the future for the project. The credit shall be  
3567 reduced up to 20 percent by the percentage share that the  
3568 project's traffic represents of the added capacity of the  
3569 selected improvement, or by the amount specified by local  
3570 ordinance, whichever yields the greater credit.

3571 d. This subsection does not require a local government to  
3572 approve a development that is not otherwise qualified for  
3573 approval pursuant to the applicable local comprehensive plan and  
3574 land development regulations.

3575 e. As used in this subsection, the term "transportation  
3576 deficiency" means a facility or facilities on which the adopted  
3577 level-of-service standard is exceeded by the existing,  
3578 committed, and vested trips, plus additional projected  
3579 background trips from any source other than the development  
3580 project under review, and trips that are forecast by established  
3581 traffic standards, including traffic modeling, consistent with



3582 the University of Florida's Bureau of Economic and Business  
3583 Research medium population projections. Additional projected  
3584 background trips are to be coincident with the particular stage  
3585 or phase of development under review.

3586 ~~(a) The Legislature finds that under limited~~  
3587 ~~circumstances, countervailing planning and public policy goals~~  
3588 ~~may come into conflict with the requirement that adequate public~~  
3589 ~~transportation facilities and services be available concurrent~~  
3590 ~~with the impacts of such development. The Legislature further~~  
3591 ~~finds that the unintended result of the concurrency requirement~~  
3592 ~~for transportation facilities is often the discouragement of~~  
3593 ~~urban infill development and redevelopment. Such unintended~~  
3594 ~~results directly conflict with the goals and policies of the~~  
3595 ~~state comprehensive plan and the intent of this part. The~~  
3596 ~~Legislature also finds that in urban centers transportation~~  
3597 ~~cannot be effectively managed and mobility cannot be improved~~  
3598 ~~solely through the expansion of roadway capacity, that the~~  
3599 ~~expansion of roadway capacity is not always physically or~~  
3600 ~~financially possible, and that a range of transportation~~  
3601 ~~alternatives is essential to satisfy mobility needs, reduce~~  
3602 ~~congestion, and achieve healthy, vibrant centers.~~

3603 ~~(b)1. The following are transportation concurrency~~  
3604 ~~exception areas:~~

3605 ~~a. A municipality that qualifies as a dense urban land~~  
3606 ~~area under s. 163.3164;~~

3607 ~~b. An urban service area under s. 163.3164 that has been~~  
3608 ~~adopted into the local comprehensive plan and is located within~~  
3609 ~~a county that qualifies as a dense urban land area under s.~~

~~163.3164; and~~

~~e. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.~~

~~2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Community redevelopment areas as defined in s. 163.340;~~

~~c. Downtown revitalization areas as defined in s. 163.3164;~~

~~d. Urban infill and redevelopment under s. 163.2517; or~~

~~e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).~~

~~3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Urban infill and redevelopment under s. 163.2517; or~~

~~c. Urban service areas as defined in s. 163.3164.~~

~~4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local~~

comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.

5. ~~Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.~~

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

7. ~~A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph~~

~~1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:~~

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

~~(c) The Legislature also finds that developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.~~

3694       ~~(d) Except for transportation concurrency exception areas~~  
3695 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~  
3696 ~~or subparagraph (b)3., the following requirements apply:~~

3697       ~~1. The local government shall both adopt into the~~  
3698 ~~comprehensive plan and implement long-term strategies to support~~  
3699 ~~and fund mobility within the designated exception area,~~  
3700 ~~including alternative modes of transportation. The plan~~  
3701 ~~amendment must also demonstrate how strategies will support the~~  
3702 ~~purpose of the exception and how mobility within the designated~~  
3703 ~~exception area will be provided.~~

3704       ~~2. The strategies must address urban design; appropriate~~  
3705 ~~land use mixes, including intensity and density; and network~~  
3706 ~~connectivity plans needed to promote urban infill,~~  
3707 ~~redevelopment, or downtown revitalization. The comprehensive~~  
3708 ~~plan amendment designating the concurrency exception area must~~  
3709 ~~be accompanied by data and analysis supporting the local~~  
3710 ~~government's determination of the boundaries of the~~  
3711 ~~transportation concurrency exception area.~~

3712       ~~(e) Before designating a concurrency exception area~~  
3713 ~~pursuant to subparagraph (b)7., the state land planning agency~~  
3714 ~~and the Department of Transportation shall be consulted by the~~  
3715 ~~local government to assess the impact that the proposed~~  
3716 ~~exception area is expected to have on the adopted level of~~  
3717 ~~service standards established for regional transportation~~  
3718 ~~facilities identified pursuant to s. 186.507, including the~~  
3719 ~~Strategic Intermodal System and roadway facilities funded in~~  
3720 ~~accordance with s. 339.2819. Further, the local government shall~~  
3721 ~~provide a plan for the mitigation of impacts to the Strategic~~

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Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures.

~~(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29) (c).~~

~~(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.~~

~~(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the~~

3750 ~~projected volumes from approved projects on a transportation~~  
3751 ~~facility would exceed 110 percent of the maximum volume at the~~  
3752 ~~adopted level of service of the affected transportation~~  
3753 ~~facility; provided however, that an impact of a single family~~  
3754 ~~home on an existing lot will constitute a de minimis impact on~~  
3755 ~~all roadways regardless of the level of the deficiency of the~~  
3756 ~~roadway. Further, no impact will be de minimis if it would~~  
3757 ~~exceed the adopted level of service standard of any affected~~  
3758 ~~designated hurricane evacuation routes. Each local government~~  
3759 ~~shall maintain sufficient records to ensure that the 110-percent~~  
3760 ~~criterion is not exceeded. Each local government shall submit~~  
3761 ~~annually, with its updated capital improvements element, a~~  
3762 ~~summary of the de minimis records. If the state land planning~~  
3763 ~~agency determines that the 110-percent criterion has been~~  
3764 ~~exceeded, the state land planning agency shall notify the local~~  
3765 ~~government of the exceedance and that no further de minimis~~  
3766 ~~exceptions for the applicable roadway may be granted until such~~  
3767 ~~time as the volume is reduced below the 110 percent. The local~~  
3768 ~~government shall provide proof of this reduction to the state~~  
3769 ~~land planning agency before issuing further de minimis~~  
3770 ~~exceptions.~~

3771 ~~(7) In order to promote infill development and~~  
3772 ~~redevelopment, one or more transportation concurrency management~~  
3773 ~~areas may be designated in a local government comprehensive~~  
3774 ~~plan. A transportation concurrency management area must be a~~  
3775 ~~compact geographic area with an existing network of roads where~~  
3776 ~~multiple, viable alternative travel paths or modes are available~~  
3777 ~~for common trips. A local government may establish an areawide~~

3778 ~~level of service standard for such a transportation concurrency~~  
3779 ~~management area based upon an analysis that provides for a~~  
3780 ~~justification for the areawide level of service, how urban~~  
3781 ~~infill development or redevelopment will be promoted, and how~~  
3782 ~~mobility will be accomplished within the transportation~~  
3783 ~~concurrency management area. Prior to the designation of a~~  
3784 ~~concurrency management area, the Department of Transportation~~  
3785 ~~shall be consulted by the local government to assess the impact~~  
3786 ~~that the proposed concurrency management area is expected to~~  
3787 ~~have on the adopted level of service standards established for~~  
3788 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~  
3789 ~~and roadway facilities funded in accordance with s. 339.2819.~~  
3790 ~~Further, the local government shall, in cooperation with the~~  
3791 ~~Department of Transportation, develop a plan to mitigate any~~  
3792 ~~impacts to the Strategic Intermodal System, including, if~~  
3793 ~~appropriate, the development of a long-term concurrency~~  
3794 ~~management system pursuant to subsection (9) and s.~~  
3795 ~~163.3177(3)(d). Transportation concurrency management areas~~  
3796 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
3797 ~~provisions of this section by July 1, 2006, or at the time of~~  
3798 ~~the comprehensive plan update pursuant to the evaluation and~~  
3799 ~~appraisal report, whichever occurs last. The state land planning~~  
3800 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~  
3801 ~~be consistent with this subsection.~~

3802 ~~(8) When assessing the transportation impacts of proposed~~  
3803 ~~urban redevelopment within an established existing urban service~~  
3804 ~~area, 110 percent of the actual transportation impact caused by~~  
3805 ~~the previously existing development must be reserved for the~~



3806 ~~redevelopment, even if the previously existing development has a~~  
3807 ~~lesser or nonexistent impact pursuant to the calculations of the~~  
3808 ~~local government. Redevelopment requiring less than 110 percent~~  
3809 ~~of the previously existing capacity shall not be prohibited due~~  
3810 ~~to the reduction of transportation levels of service below the~~  
3811 ~~adopted standards. This does not preclude the appropriate~~  
3812 ~~assessment of fees or accounting for the impacts within the~~  
3813 ~~concurrency management system and capital improvements program~~  
3814 ~~of the affected local government. This paragraph does not affect~~  
3815 ~~local government requirements for appropriate development~~  
3816 ~~permits.~~

3817 ~~(9)(a) Each local government may adopt as a part of its~~  
3818 ~~plan, long-term transportation and school concurrency management~~  
3819 ~~systems with a planning period of up to 10 years for specially~~  
3820 ~~designated districts or areas where significant backlogs exist.~~  
3821 ~~The plan may include interim level-of-service standards on~~  
3822 ~~certain facilities and shall rely on the local government's~~  
3823 ~~schedule of capital improvements for up to 10 years as a basis~~  
3824 ~~for issuing development orders that authorize commencement of~~  
3825 ~~construction in these designated districts or areas. The~~  
3826 ~~concurrency management system must be designed to correct~~  
3827 ~~existing deficiencies and set priorities for addressing~~  
3828 ~~backlogged facilities. The concurrency management system must be~~  
3829 ~~financially feasible and consistent with other portions of the~~  
3830 ~~adopted local plan, including the future land use map.~~

3831 ~~(b) If a local government has a transportation or school~~  
3832 ~~facility backlog for existing development which cannot be~~  
3833 ~~adequately addressed in a 10-year plan, the state land planning~~

3834 ~~agency may allow it to develop a plan and long-term schedule of~~  
3835 ~~capital improvements covering up to 15 years for good and~~  
3836 ~~sufficient cause, based on a general comparison between that~~  
3837 ~~local government and all other similarly situated local~~  
3838 ~~jurisdictions, using the following factors:~~

- 3839       ~~1. The extent of the backlog.~~  
3840       ~~2. For roads, whether the backlog is on local or state~~  
3841 ~~roads.~~  
3842       ~~3. The cost of eliminating the backlog.~~  
3843       ~~4. The local government's tax and other revenue-raising~~  
3844 ~~efforts.~~

3845       ~~(c) The local government may issue approvals to commence~~  
3846 ~~construction notwithstanding this section, consistent with and~~  
3847 ~~in areas that are subject to a long-term concurrency management~~  
3848 ~~system.~~

3849       ~~(d) If the local government adopts a long-term concurrency~~  
3850 ~~management system, it must evaluate the system periodically. At~~  
3851 ~~a minimum, the local government must assess its progress toward~~  
3852 ~~improving levels of service within the long-term concurrency~~  
3853 ~~management district or area in the evaluation and appraisal~~  
3854 ~~report and determine any changes that are necessary to~~  
3855 ~~accelerate progress in meeting acceptable levels of service.~~

3856       ~~(10) Except in transportation concurrency exception areas,~~  
3857 ~~with regard to roadway facilities on the Strategic Intermodal~~  
3858 ~~System designated in accordance with s. 339.63, local~~  
3859 ~~governments shall adopt the level-of-service standard~~  
3860 ~~established by the Department of Transportation by rule.~~  
3861 ~~However, if the Office of Tourism, Trade, and Economic~~

~~Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level of service standard that need not be consistent with any level of service standard established by the Department of Transportation. In establishing adequate level of service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level of service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.~~

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

~~(a) The local government with jurisdiction over the~~

3890 ~~property has adopted a local comprehensive plan that is in~~  
3891 ~~compliance.~~

3892 ~~(b) The proposed development would be consistent with the~~  
3893 ~~future land use designation for the specific property and with~~  
3894 ~~pertinent portions of the adopted local plan, as determined by~~  
3895 ~~the local government.~~

3896 ~~(c) The local plan includes a financially feasible capital~~  
3897 ~~improvements element that provides for transportation facilities~~  
3898 ~~adequate to serve the proposed development, and the local~~  
3899 ~~government has not implemented that element.~~

3900 ~~(d) The local government has provided a means by which the~~  
3901 ~~landowner will be assessed a fair share of the cost of providing~~  
3902 ~~the transportation facilities necessary to serve the proposed~~  
3903 ~~development.~~

3904 ~~(e) The landowner has made a binding commitment to the~~  
3905 ~~local government to pay the fair share of the cost of providing~~  
3906 ~~the transportation facilities to serve the proposed development.~~

3907 ~~(12) (a) A development of regional impact may satisfy the~~  
3908 ~~transportation concurrency requirements of the local~~  
3909 ~~comprehensive plan, the local government's concurrency~~  
3910 ~~management system, and s. 380.06 by payment of a proportionate~~  
3911 ~~share contribution for local and regionally significant traffic~~  
3912 ~~impacts, if:~~

3913 ~~1. The development of regional impact which, based on its~~  
3914 ~~location or mix of land uses, is designed to encourage~~  
3915 ~~pedestrian or other nonautomotive modes of transportation;~~

3916 ~~2. The proportionate share contribution for local and~~  
3917 ~~regionally significant traffic impacts is sufficient to pay for~~

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~~one or more required mobility improvements that will benefit a regionally significant transportation facility;~~

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

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

~~The proportionate share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of~~

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3946 ~~the improvement. Proportionate share mitigation shall be limited~~  
3947 ~~to ensure that a development of regional impact meeting the~~  
3948 ~~requirements of this subsection mitigates its impact on the~~  
3949 ~~transportation system but is not responsible for the additional~~  
3950 ~~cost of reducing or eliminating backlogs. This subsection also~~  
3951 ~~applies to Florida Quality Developments pursuant to s. 380.061~~  
3952 ~~and to detailed specific area plans implementing optional sector~~  
3953 ~~plans pursuant to s. 163.3245.~~

3954 ~~(b) As used in this subsection, the term "backlog" means a~~  
3955 ~~facility or facilities on which the adopted level of service~~  
3956 ~~standard is exceeded by the existing trips, plus additional~~  
3957 ~~projected background trips from any source other than the~~  
3958 ~~development project under review that are forecast by~~  
3959 ~~established traffic standards, including traffic modeling,~~  
3960 ~~consistent with the University of Florida Bureau of Economic and~~  
3961 ~~Business Research medium population projections. Additional~~  
3962 ~~projected background trips are to be coincident with the~~  
3963 ~~particular stage or phase of development under review.~~

3964 ~~(13) School concurrency shall be established on a~~  
3965 ~~districtwide basis and shall include all public schools in the~~  
3966 ~~district and all portions of the district, whether located in a~~  
3967 ~~municipality or an unincorporated area unless exempt from the~~  
3968 ~~public school facilities element pursuant to s. 163.3177(12).~~

3969 (6) (a) If concurrency is applied to public education  
3970 facilities, ~~The application of school concurrency to development~~  
3971 ~~shall be based upon the adopted comprehensive plan, as amended.~~  
3972 ~~all local governments within a county, except as provided in~~  
3973 ~~paragraph (i) (f), shall include principles, guidelines,~~

standards, and strategies, including adopted levels of service, in their comprehensive plans and ~~adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal~~ agreements. If the county and one or more municipalities have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency. ~~agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:~~

~~(a) Public school facilities element. A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b).~~ All local government provisions included in comprehensive plans regarding school concurrency ~~public school facilities plan elements~~ within a county must be consistent with each other as well as the requirements of this part.

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

~~1.~~ Local governments and school boards imposing school

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4002 concurrency shall exercise authority in conjunction with each  
4003 other to establish jointly adequate level-of-service standards,  
4004 ~~as defined in chapter 9J-5, Florida Administrative Code,~~  
4005 necessary to implement the adopted local government  
4006 comprehensive plan, based on data and analysis.

4007 (c)2. Public school level-of-service standards shall be  
4008 included and adopted into the capital improvements element of  
4009 the local comprehensive plan and shall apply districtwide to all  
4010 schools of the same type. Types of schools may include  
4011 elementary, middle, and high schools as well as special purpose  
4012 facilities such as magnet schools.

4013 (d)3. Local governments and school boards may ~~shall have~~  
4014 ~~the option to~~ utilize tiered level-of-service standards to allow  
4015 time to achieve an adequate and desirable level of service as  
4016 circumstances warrant.

4017 (e)4. ~~For the purpose of determining whether levels of~~  
4018 ~~service have been achieved, for the first 3 years of school~~  
4019 ~~concurrency implementation,~~ A school district that includes  
4020 relocatable facilities in its inventory of student stations  
4021 shall include the capacity of such relocatable facilities as  
4022 provided in s. 1013.35(2)(b)2.f., provided the relocatable  
4023 facilities were purchased after 1998 and the relocatable  
4024 facilities meet the standards for long-term use pursuant to s.  
4025 1013.20.

4026 ~~(e) Service areas. The Legislature recognizes that an~~  
4027 ~~essential requirement for a concurrency system is a designation~~  
4028 ~~of the area within which the level of service will be measured~~  
4029 ~~when an application for a residential development permit is~~



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~~reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level of service standards.~~

(f)1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged, if they elect to adopt school concurrency, to initially apply school concurrency to development ~~only~~ on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. ~~To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency,~~

2. If a local government elects to ~~governments shall~~ apply school concurrency on a less than districtwide basis, by such as using school attendance zones or concurrency service areas; ~~as provided in subparagraph 2.~~

a.2. ~~For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas,~~ Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service

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4058 area boundaries selected by local governments and school boards,  
4059 the service area boundaries, together with the standards for  
4060 establishing those boundaries, shall be identified and included  
4061 as supporting data and analysis for the comprehensive plan.

4062 b.3. Where school capacity is available on a districtwide  
4063 basis but school concurrency is applied on a less than  
4064 districtwide basis in the form of concurrency service areas, if  
4065 the adopted level-of-service standard cannot be met in a  
4066 particular service area as applied to an application for a  
4067 development permit and if the needed capacity for the particular  
4068 service area is available in one or more contiguous service  
4069 areas, as adopted by the local government, then the local  
4070 government may not deny an application for site plan or final  
4071 subdivision approval or the functional equivalent for a  
4072 development or phase of a development on the basis of school  
4073 concurrency, and if issued, development impacts shall be  
4074 subtracted from the shifted to contiguous service area's areas  
4075 with schools having available capacity totals. Students from the  
4076 development may not be required to go to the adjacent service  
4077 area unless the school board rezones the area in which the  
4078 development occurs.

4079 (g)(d) ~~Financial feasibility. The Legislature recognizes~~  
4080 ~~that financial feasibility is an important issue because The~~  
4081 ~~premise of concurrency is that the public facilities will be~~  
4082 ~~provided in order to achieve and maintain the adopted level-of-~~  
4083 ~~service standard. This part and chapter 9J-5, Florida~~  
4084 ~~Administrative Code, contain specific standards to determine the~~  
4085 ~~financial feasibility of capital programs. These standards were~~

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4086 ~~adopted to make concurrency more predictable and local~~  
4087 ~~governments more accountable.~~

4088 ~~1. A comprehensive plan that imposes amendment seeking to~~  
4089 ~~impose~~ school concurrency shall contain appropriate amendments  
4090 to the capital improvements element of the comprehensive plan,  
4091 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~  
4092 ~~5.016, Florida Administrative Code.~~ The capital improvements  
4093 element shall identify facilities necessary to meet adopted  
4094 levels of service during a 5-year period consistent with the  
4095 school board's educational ~~set forth a financially feasible~~  
4096 ~~public school capital facilities plan program, established in~~  
4097 ~~conjunction with the school board, that demonstrates that the~~  
4098 ~~adopted level-of-service standards will be achieved and~~  
4099 ~~maintained.~~

4100 (h)1. In order to limit the liability of local  
4101 governments, a local government may allow a landowner to proceed  
4102 with development of a specific parcel of land notwithstanding a  
4103 failure of the development to satisfy school concurrency, if all  
4104 the following factors are shown to exist:

4105 a. The proposed development would be consistent with the  
4106 future land use designation for the specific property and with  
4107 pertinent portions of the adopted local plan, as determined by  
4108 the local government.

4109 b. The local government's capital improvements element and  
4110 the school board's educational facilities plan provide for  
4111 school facilities adequate to serve the proposed development,  
4112 and the local government or school board has not implemented  
4113 that element or the project includes a plan that demonstrates

4114 that the capital facilities needed as a result of the project  
4115 can be reasonably provided.

4116 c. The local government and school board have provided a  
4117 means by which the landowner will be assessed a proportionate  
4118 share of the cost of providing the school facilities necessary  
4119 to serve the proposed development.

4120 ~~2. Such amendments shall demonstrate that the public~~  
4121 ~~school capital facilities program meets all of the financial~~  
4122 ~~feasibility standards of this part and chapter 9J-5, Florida~~  
4123 ~~Administrative Code, that apply to capital programs which~~  
4124 ~~provide the basis for mandatory concurrency on other public~~  
4125 ~~facilities and services.~~

4126 ~~3. When the financial feasibility of a public school~~  
4127 ~~capital facilities program is evaluated by the state land~~  
4128 ~~planning agency for purposes of a compliance determination, the~~  
4129 ~~evaluation shall be based upon the service areas selected by the~~  
4130 ~~local governments and school board.~~

4131 ~~2.(c) Availability standard. Consistent with the public~~  
4132 ~~welfare, If a local government applies school concurrency, it~~  
4133 ~~may not deny an application for site plan, final subdivision~~  
4134 ~~approval, or the functional equivalent for a development or~~  
4135 ~~phase of a development authorizing residential development for~~  
4136 ~~failure to achieve and maintain the level-of-service standard~~  
4137 ~~for public school capacity in a local school concurrency~~  
4138 ~~management system where adequate school facilities will be in~~  
4139 ~~place or under actual construction within 3 years after the~~  
4140 ~~issuance of final subdivision or site plan approval, or the~~  
4141 ~~functional equivalent. School concurrency is satisfied if the~~

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developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan ~~public school facilities element~~ and the interlocal agreement pursuant to s. 163.31777.

a.1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b.2. If the interlocal agreement ~~education facilities plan~~

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4170 and the local government comprehensive plan ~~public educational~~  
4171 ~~facilities element~~ authorize a contribution of land; the  
4172 construction, expansion, or payment for land acquisition; the  
4173 construction or expansion of a public school facility, or a  
4174 portion thereof; or the construction of a charter school that  
4175 complies with the requirements of s. 1002.33(18), as  
4176 proportionate-share mitigation, the local government shall  
4177 credit such a contribution, construction, expansion, or payment  
4178 toward any other impact fee or exaction imposed by local  
4179 ordinance for the same need, on a dollar-for-dollar basis at  
4180 fair market value.

4181 c.3. Any proportionate-share mitigation must be directed  
4182 by the school board toward a school capacity improvement  
4183 identified in the a financially feasible 5-year school board's  
4184 educational facilities ~~district work~~ plan that satisfies the  
4185 demands created by the development in accordance with a binding  
4186 developer's agreement.

4187 ~~4. If a development is precluded from commencing because~~  
4188 ~~there is inadequate classroom capacity to mitigate the impacts~~  
4189 ~~of the development, the development may nevertheless commence if~~  
4190 ~~there are accelerated facilities in an approved capital~~  
4191 ~~improvement element scheduled for construction in year four or~~  
4192 ~~later of such plan which, when built, will mitigate the proposed~~  
4193 ~~development, or if such accelerated facilities will be in the~~  
4194 ~~next annual update of the capital facilities element, the~~  
4195 ~~developer enters into a binding, financially guaranteed~~  
4196 ~~agreement with the school district to construct an accelerated~~  
4197 ~~facility within the first 3 years of an approved capital~~

4198 ~~improvement plan, and the cost of the school facility is equal~~  
4199 ~~to or greater than the development's proportionate share. When~~  
4200 ~~the completed school facility is conveyed to the school~~  
4201 ~~district, the developer shall receive impact fee credits usable~~  
4202 ~~within the zone where the facility is constructed or any~~  
4203 ~~attendance zone contiguous with or adjacent to the zone where~~  
4204 ~~the facility is constructed.~~

4205 3.5. This paragraph does not limit the authority of a  
4206 local government to deny a development permit or its functional  
4207 equivalent pursuant to its home rule regulatory powers, except  
4208 as provided in this part.

4209 ~~(i) (f) Intergovernmental coordination.—~~

4210 ~~1. When establishing concurrency requirements for public~~  
4211 ~~schools, a local government shall satisfy the requirements for~~  
4212 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~  
4213 ~~and 2., except that~~ A municipality is not required to be a  
4214 signatory to the interlocal agreement required by paragraph (j)  
4215 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for  
4216 imposition of school concurrency, and as a nonsignatory, may  
4217 ~~shall~~ not participate in the adopted local school concurrency  
4218 system, if the municipality meets all of the following criteria  
4219 for having no significant impact on school attendance:

4220 1.a. The municipality has issued development orders for  
4221 fewer than 50 residential dwelling units during the preceding 5  
4222 years, or the municipality has generated fewer than 25  
4223 additional public school students during the preceding 5 years.

4224 2.b. The municipality has not annexed new land during the  
4225 preceding 5 years in land use categories which permit

residential uses that will affect school attendance rates.

3.e. The municipality has no public schools located within its boundaries.

4.d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

~~2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.3177(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

(j)(g) Interlocal agreement for school concurrency. When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and



development orders. ~~The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.31777,~~ The interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's school concurrency related provisions of the comprehensive plan ~~public school facilities element~~ with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

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

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

~~3.5.~~ Define the geographic application of school

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4282 concurrency. If school concurrency is to be applied on a less  
4283 than districtwide basis in the form of concurrency service  
4284 areas, the agreement shall establish criteria and standards for  
4285 the establishment and modification of school concurrency service  
4286 areas. ~~The agreement shall also establish a process and schedule~~  
4287 ~~for the mandatory incorporation of the school concurrency~~  
4288 ~~service areas and the criteria and standards for establishment~~  
4289 ~~of the service areas into the local government comprehensive~~  
4290 ~~plans.~~ The agreement shall ensure maximum utilization of school  
4291 capacity, taking into account transportation costs and court-  
4292 approved desegregation plans, as well as other factors. ~~The~~  
4293 ~~agreement shall also ensure the achievement and maintenance of~~  
4294 ~~the adopted level of service standards for the geographic area~~  
4295 ~~of application throughout the 5 years covered by the public~~  
4296 ~~school capital facilities plan and thereafter by adding a new~~  
4297 ~~fifth year during the annual update.~~

4298 4.6. Establish a uniform districtwide procedure for  
4299 implementing school concurrency which provides for:

4300 a. The evaluation of development applications for  
4301 compliance with school concurrency requirements, including  
4302 information provided by the school board on affected schools,  
4303 impact on levels of service, and programmed improvements for  
4304 affected schools and any options to provide sufficient capacity;

4305 b. An opportunity for the school board to review and  
4306 comment on the effect of comprehensive plan amendments and  
4307 rezonings on the public school facilities plan; and

4308 c. The monitoring and evaluation of the school concurrency  
4309 system.

4310       ~~7.—Include provisions relating to amendment of the~~  
4311 ~~agreement.~~

4312       5.8. A process and uniform methodology for determining  
4313 proportionate-share mitigation pursuant to paragraph (h)  
4314 ~~subparagraph (e)1.~~

4315       (k)(h) ~~Local government authority.~~ This subsection does  
4316 not limit the authority of a local government to grant or deny a  
4317 development permit or its functional equivalent prior to the  
4318 implementation of school concurrency.

4319       ~~(14) The state land planning agency shall, by October 1,~~  
4320 ~~1998, adopt by rule minimum criteria for the review and~~  
4321 ~~determination of compliance of a public school facilities~~  
4322 ~~element adopted by a local government for purposes of imposition~~  
4323 ~~of school concurrency.~~

4324       ~~(15)(a) Multimodal transportation districts may be~~  
4325 ~~established under a local government comprehensive plan in areas~~  
4326 ~~delineated on the future land use map for which the local~~  
4327 ~~comprehensive plan assigns secondary priority to vehicle~~  
4328 ~~mobility and primary priority to assuring a safe, comfortable,~~  
4329 ~~and attractive pedestrian environment, with convenient~~  
4330 ~~interconnection to transit. Such districts must incorporate~~  
4331 ~~community design features that will reduce the number of~~  
4332 ~~automobile trips or vehicle miles of travel and will support an~~  
4333 ~~integrated, multimodal transportation system. Prior to the~~  
4334 ~~designation of multimodal transportation districts, the~~  
4335 ~~Department of Transportation shall be consulted by the local~~  
4336 ~~government to assess the impact that the proposed multimodal~~  
4337 ~~district area is expected to have on the adopted level of-~~

~~service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

~~(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.~~

~~(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community~~

4366 ~~design will provide an adequate level of mobility within the~~  
4367 ~~district based upon professionally accepted multimodal level of~~  
4368 ~~service methodologies. The analysis must also demonstrate that~~  
4369 ~~the capital improvements required to promote community design~~  
4370 ~~are financially feasible over the development or redevelopment~~  
4371 ~~timeframe for the district and that community design features~~  
4372 ~~within the district provide convenient interconnection for a~~  
4373 ~~multimodal transportation system. Local governments may issue~~  
4374 ~~development permits in reliance upon all planned community~~  
4375 ~~design capital improvements that are financially feasible over~~  
4376 ~~the development or redevelopment timeframe for the district,~~  
4377 ~~without regard to the period of time between development or~~  
4378 ~~redevelopment and the scheduled construction of the capital~~  
4379 ~~improvements. A determination of financial feasibility shall be~~  
4380 ~~based upon currently available funding or funding sources that~~  
4381 ~~could reasonably be expected to become available over the~~  
4382 ~~planning period.~~

4383 ~~(d) Local governments may reduce impact fees or local~~  
4384 ~~access fees for development within multimodal transportation~~  
4385 ~~districts based on the reduction of vehicle trips per household~~  
4386 ~~or vehicle miles of travel expected from the development pattern~~  
4387 ~~planned for the district.~~

4388 ~~(16) It is the intent of the Legislature to provide a~~  
4389 ~~method by which the impacts of development on transportation~~  
4390 ~~facilities can be mitigated by the cooperative efforts of the~~  
4391 ~~public and private sectors. The methodology used to calculate~~  
4392 ~~proportionate fair share mitigation under this section shall be~~  
4393 ~~as provided for in subsection (12).~~

4394 ~~(a) By December 1, 2006, each local government shall adopt~~  
4395 ~~by ordinance a methodology for assessing proportionate fair-~~  
4396 ~~share mitigation options. By December 1, 2005, the Department of~~  
4397 ~~Transportation shall develop a model transportation concurrency~~  
4398 ~~management ordinance with methodologies for assessing~~  
4399 ~~proportionate fair-share mitigation options.~~

4400 ~~(b)1. In its transportation concurrency management system,~~  
4401 ~~a local government shall, by December 1, 2006, include~~  
4402 ~~methodologies that will be applied to calculate proportionate~~  
4403 ~~fair-share mitigation. A developer may choose to satisfy all~~  
4404 ~~transportation concurrency requirements by contributing or~~  
4405 ~~paying proportionate fair-share mitigation if transportation~~  
4406 ~~facilities or facility segments identified as mitigation for~~  
4407 ~~traffic impacts are specifically identified for funding in the~~  
4408 ~~5-year schedule of capital improvements in the capital~~  
4409 ~~improvements element of the local plan or the long-term~~  
4410 ~~concurrency management system or if such contributions or~~  
4411 ~~payments to such facilities or segments are reflected in the 5-~~  
4412 ~~year schedule of capital improvements in the next regularly~~  
4413 ~~scheduled update of the capital improvements element. Updates to~~  
4414 ~~the 5-year capital improvements element which reflect~~  
4415 ~~proportionate fair-share contributions may not be found not in~~  
4416 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~  
4417 ~~additional contributions, payments or funding sources are~~  
4418 ~~reasonably anticipated during a period not to exceed 10 years to~~  
4419 ~~fully mitigate impacts on the transportation facilities.~~

4420 ~~2. Proportionate fair-share mitigation shall be applied as~~  
4421 ~~a credit against impact fees to the extent that all or a portion~~

4422 ~~of the proportionate fair share mitigation is used to address~~  
4423 ~~the same capital infrastructure improvements contemplated by the~~  
4424 ~~local government's impact fee ordinance.~~

4425 ~~(c) Proportionate fair share mitigation includes, without~~  
4426 ~~limitation, separately or collectively, private funds,~~  
4427 ~~contributions of land, and construction and contribution of~~  
4428 ~~facilities and may include public funds as determined by the~~  
4429 ~~local government. Proportionate fair share mitigation may be~~  
4430 ~~directed toward one or more specific transportation improvements~~  
4431 ~~reasonably related to the mobility demands created by the~~  
4432 ~~development and such improvements may address one or more modes~~  
4433 ~~of travel. The fair market value of the proportionate fair share~~  
4434 ~~mitigation shall not differ based on the form of mitigation. A~~  
4435 ~~local government may not require a development to pay more than~~  
4436 ~~its proportionate fair share contribution regardless of the~~  
4437 ~~method of mitigation. Proportionate fair share mitigation shall~~  
4438 ~~be limited to ensure that a development meeting the requirements~~  
4439 ~~of this section mitigates its impact on the transportation~~  
4440 ~~system but is not responsible for the additional cost of~~  
4441 ~~reducing or eliminating backlogs.~~

4442 ~~(d) This subsection does not require a local government to~~  
4443 ~~approve a development that is not otherwise qualified for~~  
4444 ~~approval pursuant to the applicable local comprehensive plan and~~  
4445 ~~land development regulations.~~

4446 ~~(e) Mitigation for development impacts to facilities on~~  
4447 ~~the Strategic Intermodal System made pursuant to this subsection~~  
4448 ~~requires the concurrence of the Department of Transportation.~~

4449 ~~(f) If the funds in an adopted 5-year capital improvements~~

4450 ~~element are insufficient to fully fund construction of a~~  
4451 ~~transportation improvement required by the local government's~~  
4452 ~~concurrency management system, a local government and a~~  
4453 ~~developer may still enter into a binding proportionate share~~  
4454 ~~agreement authorizing the developer to construct that amount of~~  
4455 ~~development on which the proportionate share is calculated if~~  
4456 ~~the proportionate share amount in such agreement is sufficient~~  
4457 ~~to pay for one or more improvements which will, in the opinion~~  
4458 ~~of the governmental entity or entities maintaining the~~  
4459 ~~transportation facilities, significantly benefit the impacted~~  
4460 ~~transportation system. The improvements funded by the~~  
4461 ~~proportionate share component must be adopted into the 5-year~~  
4462 ~~capital improvements schedule of the comprehensive plan at the~~  
4463 ~~next annual capital improvements element update. The funding of~~  
4464 ~~any improvements that significantly benefit the impacted~~  
4465 ~~transportation system satisfies concurrency requirements as a~~  
4466 ~~mitigation of the development's impact upon the overall~~  
4467 ~~transportation system even if there remains a failure of~~  
4468 ~~concurrency on other impacted facilities.~~

4469 ~~(g) Except as provided in subparagraph (b)1., this section~~  
4470 ~~may not prohibit the Department of Community Affairs from~~  
4471 ~~finding other portions of the capital improvements element~~  
4472 ~~amendments not in compliance as provided in this chapter.~~

4473 ~~(h) The provisions of this subsection do not apply to a~~  
4474 ~~development of regional impact satisfying the requirements of~~  
4475 ~~subsection (12).~~

4476 ~~(i) As used in this subsection, the term "backlog" means a~~  
4477 ~~facility or facilities on which the adopted level of service~~



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standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

~~(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip-generation entitlements of an approved development-of-regional-impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full-time employees.~~

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

163.3182 Transportation deficiencies ~~concurrency~~ backlogs.—

4506 (1) DEFINITIONS.—For purposes of this section, the term:

4507 (a) "Transportation deficiency ~~concurrency backlog~~ area"

4508 means the geographic area within the unincorporated portion of a

4509 county or within the municipal boundary of a municipality

4510 designated in a local government comprehensive plan for which a

4511 transportation development ~~concurrency backlog~~ authority is

4512 created pursuant to this section. A transportation deficiency

4513 ~~concurrency backlog~~ area created within the corporate boundary

4514 of a municipality shall be made pursuant to an interlocal

4515 agreement between a county, a municipality or municipalities,

4516 and any affected taxing authority or authorities.

4517 (b) "Authority" or "transportation development ~~concurrency~~

4518 ~~backlog~~ authority" means the governing body of a county or

4519 municipality within which an authority is created.

4520 (c) "Governing body" means the council, commission, or

4521 other legislative body charged with governing the county or

4522 municipality within which an ~~a transportation concurrency~~

4523 ~~backlog~~ authority is created pursuant to this section.

4524 (d) "Transportation deficiency ~~concurrency backlog~~" means

4525 an identified need ~~deficiency~~ where the existing and projected

4526 extent of traffic volume exceeds the level of service standard

4527 adopted in a local government comprehensive plan for a

4528 transportation facility.

4529 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"

4530 means the plan adopted as part of a local government

4531 comprehensive plan by the governing body of a county or

4532 municipality acting as a transportation development ~~concurrency~~

4533 ~~backlog~~ authority.

4534 (f) "Transportation ~~concurrency backlog~~ project" means any  
4535 designated transportation project identified for construction  
4536 within the jurisdiction of a transportation development  
4537 ~~concurrency backlog~~ authority.

4538 (g) "Debt service millage" means any millage levied  
4539 pursuant to s. 12, Art. VII of the State Constitution.

4540 (h) "Increment revenue" means the amount calculated  
4541 pursuant to subsection (5).

4542 (i) "Taxing authority" means a public body that levies or  
4543 is authorized to levy an ad valorem tax on real property located  
4544 within a transportation deficiency ~~concurrency backlog~~ area,  
4545 except a school district.

4546 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
4547 ~~BACKLOG~~ AUTHORITIES.—

4548 (a) A county or municipality may create a transportation  
4549 development ~~concurrency backlog~~ authority if it has an  
4550 identified transportation deficiency ~~concurrency backlog~~.

4551 (b) Acting as the transportation development ~~concurrency~~  
4552 ~~backlog~~ authority within the authority's jurisdictional  
4553 boundary, the governing body of a county or municipality shall  
4554 adopt and implement a plan to eliminate all identified  
4555 transportation deficiencies ~~concurrency backlogs~~ within the  
4556 authority's jurisdiction using funds provided pursuant to  
4557 subsection (5) and as otherwise provided pursuant to this  
4558 section.

4559 (c) The Legislature finds and declares that there exist in  
4560 many counties and municipalities areas that have significant  
4561 transportation deficiencies and inadequate transportation

4562 facilities; that many insufficiencies and inadequacies severely  
4563 limit or prohibit the satisfaction of transportation level of  
4564 service ~~concurrency~~ standards; that the transportation  
4565 insufficiencies and inadequacies affect the health, safety, and  
4566 welfare of the residents of these counties and municipalities;  
4567 that the transportation insufficiencies and inadequacies  
4568 adversely affect economic development and growth of the tax base  
4569 for the areas in which these insufficiencies and inadequacies  
4570 exist; and that the elimination of transportation deficiencies  
4571 and inadequacies and the satisfaction of transportation  
4572 concurrency standards are paramount public purposes for the  
4573 state and its counties and municipalities.

4574 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
4575 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~  
4576 ~~backlog~~ authority created pursuant to this section has the  
4577 powers necessary or convenient to carry out the purposes of this  
4578 section, including the following powers in addition to others  
4579 granted in this section:

4580 (a) To make and execute contracts and other instruments  
4581 necessary or convenient to the exercise of its powers under this  
4582 section.

4583 (b) To undertake and carry out transportation ~~concurrency~~  
4584 ~~backlog~~ projects for transportation facilities designed to  
4585 relieve transportation deficiencies ~~that have a concurrency~~  
4586 ~~backlog~~ within the authority's jurisdiction. Transportation  
4587 ~~Concurrency backlog~~ projects may include transportation  
4588 facilities that provide for alternative modes of travel  
4589 including sidewalks, bikeways, and mass transit which are

4590 related to a deficient ~~backlogged~~ transportation facility.

4591 (c) To invest any transportation ~~concurrency backlog~~ funds  
4592 held in reserve, sinking funds, or any such funds not required  
4593 for immediate disbursement in property or securities in which  
4594 savings banks may legally invest funds subject to the control of  
4595 the authority and to redeem such bonds as have been issued  
4596 pursuant to this section at the redemption price established  
4597 therein, or to purchase such bonds at less than redemption  
4598 price. All such bonds redeemed or purchased shall be canceled.

4599 (d) To borrow money, including, but not limited to,  
4600 issuing debt obligations such as, but not limited to, bonds,  
4601 notes, certificates, and similar debt instruments; to apply for  
4602 and accept advances, loans, grants, contributions, and any other  
4603 forms of financial assistance from the Federal Government or the  
4604 state, county, or any other public body or from any sources,  
4605 public or private, for the purposes of this part; to give such  
4606 security as may be required; to enter into and carry out  
4607 contracts or agreements; and to include in any contracts for  
4608 financial assistance with the Federal Government for or with  
4609 respect to a transportation ~~concurrency backlog~~ project and  
4610 related activities such conditions imposed under federal laws as  
4611 the transportation development ~~concurrency backlog~~ authority  
4612 considers reasonable and appropriate and which are not  
4613 inconsistent with the purposes of this section.

4614 (e) To make or have made all surveys and plans necessary  
4615 to the carrying out of the purposes of this section; to contract  
4616 with any persons, public or private, in making and carrying out  
4617 such plans; and to adopt, approve, modify, or amend such

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4618 transportation sufficiency ~~concurrency backlog~~ plans.

4619 (f) To appropriate such funds and make such expenditures  
4620 as are necessary to carry out the purposes of this section, and  
4621 to enter into agreements with other public bodies, which  
4622 agreements may extend over any period notwithstanding any  
4623 provision or rule of law to the contrary.

4624 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4625 ~~(a)~~ Each transportation development ~~concurrency backlog~~  
4626 authority shall adopt a transportation sufficiency ~~concurrency~~  
4627 ~~backlog~~ plan as a part of the local government comprehensive  
4628 plan within 6 months after the creation of the authority. The  
4629 plan must:

4630 (a)1. Identify all transportation facilities that have  
4631 been designated as deficient and require the expenditure of  
4632 moneys to upgrade, modify, or mitigate the deficiency.

4633 (b)2. Include a priority listing of all transportation  
4634 facilities that have been designated as deficient and do not  
4635 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and  
4636 the applicable local government comprehensive plan.

4637 (c)3. Establish a schedule for financing and construction  
4638 of transportation ~~concurrency backlog~~ projects that will  
4639 eliminate transportation deficiencies ~~concurrency backlogs~~  
4640 within the jurisdiction of the authority within 10 years after  
4641 the transportation sufficiency ~~concurrency backlog~~ plan  
4642 adoption. The schedule shall be adopted as part of the local  
4643 government comprehensive plan.

4644 ~~(b) The adoption of the transportation concurrency backlog~~  
4645 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4646  
4647 Notwithstanding such schedule requirements, as long as the  
4648 schedule provides for the elimination of all transportation  
4649 deficiencies ~~concurrency backlog~~ within 10 years after the  
4650 adoption of the transportation sufficiency ~~concurrency backlog~~  
4651 plan, the final maturity date of any debt incurred to finance or  
4652 refinance the related projects may be no later than 40 years  
4653 after the date the debt is incurred and the authority may  
4654 continue operations and administer the trust fund established as  
4655 provided in subsection (5) for as long as the debt remains  
4656 outstanding.

4657 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
4658 development ~~concurrency backlog~~ authority shall establish a  
4659 local transportation ~~concurrency backlog~~ trust fund upon  
4660 creation of the authority. Each local trust fund shall be  
4661 administered by the transportation development ~~concurrency~~  
4662 ~~backlog~~ authority within which a transportation deficiencies  
4663 have ~~concurrency backlog~~ ~~has~~ been identified. Each local trust  
4664 fund must continue to be funded under this section for as long  
4665 as the projects set forth in the related transportation  
4666 sufficiency ~~concurrency backlog~~ plan remain to be completed or  
4667 until any debt incurred to finance or refinance the related  
4668 projects is no longer outstanding, whichever occurs later.  
4669 Beginning in the first fiscal year after the creation of the  
4670 authority, each local trust fund shall be funded by the proceeds  
4671 of an ad valorem tax increment collected within each  
4672 transportation deficiency ~~concurrency backlog~~ area to be  
4673 determined annually and shall be a minimum of 25 percent of the

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difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation development ~~concurrency~~ ~~backlog~~ authority and within the transportation deficiency ~~backlog~~ area; and

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

(6) EXEMPTIONS.—

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

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

2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time



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an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district are ~~shall~~ not be deemed available.

3. A library district.

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

5. A metropolitan transportation authority.

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

7. A community redevelopment agency.

(b) A transportation development ~~concurrency exemption~~ authority may also exempt from this section a special district that levies ad valorem taxes within the transportation deficiency ~~concurrency backlog~~ area pursuant to s. 163.387(2) (d) .

(7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption of a transportation sufficiency ~~concurrency backlog~~ plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level-of-service standards, ~~and to have met requirements for financial feasibility for transportation facilities, and for the purpose of proposed development transportation concurrency has been satisfied.~~ Proportionate fair-share mitigation shall be limited to ensure that a development inside a transportation deficiency ~~concurrency backlog~~ area is not responsible for the additional costs of eliminating deficiencies ~~backlogs~~.

(8) DISSOLUTION.—Upon completion of all transportation

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4730 ~~concurrency backlog~~ projects identified in the transportation  
4731 sufficiency plan and repayment or defeasance of all debt issued  
4732 to finance or refinance such projects, a transportation  
4733 development ~~concurrency backlog~~ authority shall be dissolved,  
4734 and its assets and liabilities transferred to the county or  
4735 municipality within which the authority is located. All  
4736 remaining assets of the authority must be used for  
4737 implementation of transportation projects within the  
4738 jurisdiction of the authority. The local government  
4739 comprehensive plan shall be amended to remove the transportation  
4740 concurrency backlog plan.

4741 Section 17. Section 163.3184, Florida Statutes, is amended  
4742 to read:

4743 163.3184 Process for adoption of comprehensive plan or  
4744 plan amendment.—

4745 (1) DEFINITIONS.—As used in this section, the term:

4746 (a) "Affected person" includes the affected local  
4747 government; persons owning property, residing, or owning or  
4748 operating a business within the boundaries of the local  
4749 government whose plan is the subject of the review; owners of  
4750 real property abutting real property that is the subject of a  
4751 proposed change to a future land use map; and adjoining local  
4752 governments that can demonstrate that the plan or plan amendment  
4753 will produce substantial impacts on the increased need for  
4754 publicly funded infrastructure or substantial impacts on areas  
4755 designated for protection or special treatment within their  
4756 jurisdiction. Each person, other than an adjoining local  
4757 government, in order to qualify under this definition, shall

also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and 163.3245, and 163.3248~~ with the state comprehensive plan, with the appropriate strategic regional policy plan, ~~and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part~~ and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) "Reviewing agencies" means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;
5. The Department of State;
6. The Department of Transportation;
7. In the case of plan amendments relating to public schools, the Department of Education;
8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;
9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

4786        10. In the case of municipal plans and plan amendments,  
4787 the county in which the municipality is located.

4788        (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4789        (a) Plan amendments adopted by local governments shall  
4790 follow the expedited state review process in subsection (3),  
4791 except as set forth in paragraphs (b) and (c).

4792        (b) Plan amendments that qualify as small-scale  
4793 development amendments may follow the small-scale review process  
4794 in s. 163.3187.

4795        (c) Plan amendments that are in an area of critical state  
4796 concern designated pursuant to s. 380.05; propose a rural land  
4797 stewardship area pursuant to s. 163.3248; propose a sector plan  
4798 pursuant to s. 163.3245; update a comprehensive plan based on an  
4799 evaluation and appraisal pursuant to s. 163.3191; or are new  
4800 plans for newly incorporated municipalities adopted pursuant to  
4801 s. 163.3167 shall follow the state coordinated review process in  
4802 subsection (4).

4803        (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
4804 COMPREHENSIVE PLAN AMENDMENTS.—

4805        (a) The process for amending a comprehensive plan  
4806 described in this subsection shall apply to all amendments  
4807 except as provided in paragraphs (2)(b) and (c) and shall be  
4808 applicable statewide.

4809        (b)1. The local government, after the initial public  
4810 hearing held pursuant to subsection (11), shall transmit within  
4811 10 days the amendment or amendments and appropriate supporting  
4812 data and analyses to the reviewing agencies. The local governing  
4813 body shall also transmit a copy of the amendments and supporting

4814 data and analyses to any other local government or governmental  
4815 agency that has filed a written request with the governing body.

4816 2. The reviewing agencies and any other local government  
4817 or governmental agency specified in subparagraph 1. may provide  
4818 comments regarding the amendment or amendments to the local  
4819 government. State agencies shall only comment on important state  
4820 resources and facilities that will be adversely impacted by the  
4821 amendment if adopted. Comments provided by state agencies shall  
4822 state with specificity how the plan amendment will adversely  
4823 impact an important state resource or facility and shall  
4824 identify measures the local government may take to eliminate,  
4825 reduce, or mitigate the adverse impacts. Such comments, if not  
4826 resolved, may result in a challenge by the state land planning  
4827 agency to the plan amendment. Agencies and local governments  
4828 must transmit their comments to the affected local government  
4829 such that they are received by the local government not later  
4830 than 30 days from the date on which the agency or government  
4831 received the amendment or amendments. Reviewing agencies shall  
4832 also send a copy of their comments to the state land planning  
4833 agency.

4834 3. Comments to the local government from a regional  
4835 planning council, county, or municipality shall be limited as  
4836 follows:

4837 a. The regional planning council review and comments shall  
4838 be limited to adverse effects on regional resources or  
4839 facilities identified in the strategic regional policy plan and  
4840 extrajurisdictional impacts that would be inconsistent with the  
4841 comprehensive plan of any affected local government within the

4842 region. A regional planning council may not review and comment  
4843 on a proposed comprehensive plan amendment prepared by such  
4844 council unless the plan amendment has been changed by the local  
4845 government subsequent to the preparation of the plan amendment  
4846 by the regional planning council.

4847 b. County comments shall be in the context of the  
4848 relationship and effect of the proposed plan amendments on the  
4849 county plan.

4850 c. Municipal comments shall be in the context of the  
4851 relationship and effect of the proposed plan amendments on the  
4852 municipal plan.

4853 d. Military installation comments shall be provided in  
4854 accordance with s. 163.3175.

4855 4. Comments to the local government from state agencies  
4856 shall be limited to the following subjects as they relate to  
4857 important state resources and facilities that will be adversely  
4858 impacted by the amendment if adopted:

4859 a. The Department of Environmental Protection shall limit  
4860 its comments to the subjects of air and water pollution;  
4861 wetlands and other surface waters of the state; federal and  
4862 state-owned lands and interest in lands, including state parks,  
4863 greenways and trails, and conservation easements; solid waste;  
4864 water and wastewater treatment; and the Everglades ecosystem  
4865 restoration.

4866 b. The Department of State shall limit its comments to the  
4867 subjects of historic and archeological resources.

4868 c. The Department of Transportation shall limit its  
4869 comments to the subject of the strategic intermodal system.

4870        d. The Fish and Wildlife Conservation Commission shall  
4871 limit its comments to subjects relating to fish and wildlife  
4872 habitat and listed species and their habitat.

4873        e. The Department of Agriculture and Consumer Services  
4874 shall limit its comments to the subjects of agriculture,  
4875 forestry, and aquaculture issues.

4876        f. The Department of Education shall limit its comments to  
4877 the subject of public school facilities.

4878        g. The appropriate water management district shall limit  
4879 its comments to flood protection and floodplain management,  
4880 wetlands and other surface waters, and regional water supply.

4881        h. The state land planning agency shall limit its comments  
4882 to important state resources and facilities outside the  
4883 jurisdiction of other commenting state agencies and may include  
4884 comments on countervailing planning policies and objectives  
4885 served by the plan amendment that should be balanced against  
4886 potential adverse impacts to important state resources and  
4887 facilities.

4888        (c)1. The local government shall hold its second public  
4889 hearing, which shall be a hearing on whether to adopt one or  
4890 more comprehensive plan amendments pursuant to subsection (11).  
4891 If the local government fails, within 180 days after receipt of  
4892 agency comments, to hold the second public hearing, the  
4893 amendments shall be deemed withdrawn unless extended by  
4894 agreement with notice to the state land planning agency and any  
4895 affected person that provided comments on the amendment. The  
4896 180-day limitation does not apply to amendments processed  
4897 pursuant to s. 380.06.

4898        2. All comprehensive plan amendments adopted by the  
4899 governing body, along with the supporting data and analysis,  
4900 shall be transmitted within 10 days after the second public  
4901 hearing to the state land planning agency and any other agency  
4902 or local government that provided timely comments under  
4903 subparagraph (b)2.

4904        3. The state land planning agency shall notify the local  
4905 government of any deficiencies within 5 working days after  
4906 receipt of an amendment package. For purposes of completeness,  
4907 an amendment shall be deemed complete if it contains a full,  
4908 executed copy of the adoption ordinance or ordinances; in the  
4909 case of a text amendment, a full copy of the amended language in  
4910 legislative format with new words inserted in the text  
4911 underlined, and words deleted stricken with hyphens; in the case  
4912 of a future land use map amendment, a copy of the future land  
4913 use map clearly depicting the parcel, its existing future land  
4914 use designation, and its adopted designation; and a copy of any  
4915 data and analyses the local government deems appropriate.

4916        4. An amendment adopted under this paragraph does not  
4917 become effective until 31 days after the state land planning  
4918 agency notifies the local government that the plan amendment  
4919 package is complete. If timely challenged, an amendment does not  
4920 become effective until the state land planning agency or the  
4921 Administration Commission enters a final order determining the  
4922 adopted amendment to be in compliance.

4923        (4) STATE COORDINATED REVIEW PROCESS.—

4924        (a) ~~(2)~~ Coordination.—The state land planning agency shall  
4925 only use the state coordinated review process described in this



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4926 subsection for review of comprehensive plans and plan amendments  
4927 described in paragraph (2)(c). Each comprehensive plan or plan  
4928 amendment proposed to be adopted pursuant to this subsection  
4929 ~~part~~ shall be transmitted, adopted, and reviewed in the manner  
4930 prescribed in this subsection ~~section~~. The state land planning  
4931 agency shall have responsibility for plan review, coordination,  
4932 and the preparation and transmission of comments, pursuant to  
4933 this subsection ~~section~~, to the local governing body responsible  
4934 for the comprehensive plan or plan amendment. ~~The state land~~  
4935 ~~planning agency shall maintain a single file concerning any~~  
4936 ~~proposed or adopted plan amendment submitted by a local~~  
4937 ~~government for any review under this section. Copies of all~~  
4938 ~~correspondence, papers, notes, memoranda, and other documents~~  
4939 ~~received or generated by the state land planning agency must be~~  
4940 ~~placed in the appropriate file. Paper copies of all electronic~~  
4941 ~~mail correspondence must be placed in the file. The file and its~~  
4942 ~~contents must be available for public inspection and copying as~~  
4943 ~~provided in chapter 119.~~

4944 (b)(3) Local government transmittal of proposed plan or  
4945 amendment.—

4946 ~~(a)~~ Each local governing body proposing a plan or plan  
4947 amendment specified in paragraph (2)(c) shall transmit the  
4948 complete proposed comprehensive plan or plan amendment to the  
4949 reviewing agencies ~~state land planning agency, the appropriate~~  
4950 ~~regional planning council and water management district, the~~  
4951 ~~Department of Environmental Protection, the Department of State,~~  
4952 ~~and the Department of Transportation, and, in the case of~~  
4953 ~~municipal plans, to the appropriate county, and, in the case of~~

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4954 ~~county plans, to the Fish and Wildlife Conservation Commission~~  
4955 ~~and the Department of Agriculture and Consumer Services,~~  
4956 immediately following the first ~~a~~ public hearing pursuant to  
4957 subsection (11). The transmitted document shall clearly indicate  
4958 on the cover sheet that this plan amendment is subject to the  
4959 state coordinated review process of s. 163.3184(4) (15) as  
4960 ~~specified in the state land planning agency's procedural rules.~~  
4961 The local governing body shall also transmit a copy of the  
4962 complete proposed comprehensive plan or plan amendment to any  
4963 other unit of local government or government agency in the state  
4964 that has filed a written request with the governing body for the  
4965 plan or plan amendment. ~~The local government may request a~~  
4966 ~~review by the state land planning agency pursuant to subsection~~  
4967 ~~(6) at the time of the transmittal of an amendment.~~

4968 ~~(b) A local governing body shall not transmit portions of~~  
4969 ~~a plan or plan amendment unless it has previously provided to~~  
4970 ~~all state agencies designated by the state land planning agency~~  
4971 ~~a complete copy of its adopted comprehensive plan pursuant to~~  
4972 ~~subsection (7) and as specified in the agency's procedural~~  
4973 ~~rules. In the case of comprehensive plan amendments, the local~~  
4974 ~~governing body shall transmit to the state land planning agency,~~  
4975 ~~the appropriate regional planning council and water management~~  
4976 ~~district, the Department of Environmental Protection, the~~  
4977 ~~Department of State, and the Department of Transportation, and,~~  
4978 ~~in the case of municipal plans, to the appropriate county and,~~  
4979 ~~in the case of county plans, to the Fish and Wildlife~~  
4980 ~~Conservation Commission and the Department of Agriculture and~~  
4981 ~~Consumer Services the materials specified in the state land~~

4982 ~~planning agency's procedural rules and, in cases in which the~~  
4983 ~~plan amendment is a result of an evaluation and appraisal report~~  
4984 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~  
4985 ~~appraisal report. Local governing bodies shall consolidate all~~  
4986 ~~proposed plan amendments into a single submission for each of~~  
4987 ~~the two plan amendment adoption dates during the calendar year~~  
4988 ~~pursuant to s. 163.3187.~~

4989 ~~(c) A local government may adopt a proposed plan amendment~~  
4990 ~~previously transmitted pursuant to this subsection, unless~~  
4991 ~~review is requested or otherwise initiated pursuant to~~  
4992 ~~subsection (6).~~

4993 ~~(d) In cases in which a local government transmits~~  
4994 ~~multiple individual amendments that can be clearly and legally~~  
4995 ~~separated and distinguished for the purpose of determining~~  
4996 ~~whether to review the proposed amendment, and the state land~~  
4997 ~~planning agency elects to review several or a portion of the~~  
4998 ~~amendments and the local government chooses to immediately adopt~~  
4999 ~~the remaining amendments not reviewed, the amendments~~  
5000 ~~immediately adopted and any reviewed amendments that the local~~  
5001 ~~government subsequently adopts together constitute one amendment~~  
5002 ~~cycle in accordance with s. 163.3187(1).~~

5003 ~~(e) At the request of an applicant, a local government~~  
5004 ~~shall consider an application for zoning changes that would be~~  
5005 ~~required to properly enact the provisions of any proposed plan~~  
5006 ~~amendment transmitted pursuant to this subsection. Zoning~~  
5007 ~~changes approved by the local government are contingent upon the~~  
5008 ~~comprehensive plan or plan amendment transmitted becoming~~  
5009 ~~effective.~~

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5010        (c) (4) Reviewing agency comments INTERGOVERNMENTAL  
5011 REVIEW.—The ~~governmental~~ agencies specified in paragraph (b) may  
5012 paragraph (3) (a) shall provide comments regarding the plan or  
5013 plan amendments in accordance with subparagraphs (3) (b) 2.-4.  
5014 However, comments on plans or plan amendments required to be  
5015 reviewed under the state coordinated review process shall be  
5016 sent to the state land planning agency within 30 days after  
5017 receipt by the state land planning agency of the complete  
5018 proposed plan or plan amendment from the local government. If  
5019 the state land planning agency comments on a plan or plan  
5020 amendment adopted under the state coordinated review process, it  
5021 shall provide comments according to paragraph (d). Any other  
5022 unit of local government or government agency specified in  
5023 paragraph (b) may provide comments to the state land planning  
5024 agency in accordance with subparagraphs (3) (b) 2.-4. within 30  
5025 days after receipt by the state land planning agency of the  
5026 complete proposed plan or plan amendment. If the plan or plan  
5027 amendment includes or relates to the public school facilities  
5028 element pursuant to s. 163.3177(12), the state land planning  
5029 agency shall submit a copy to the Office of Educational  
5030 Facilities of the Commissioner of Education for review and  
5031 comment. The appropriate regional planning council shall also  
5032 provide its written comments to the state land planning agency  
5033 within 30 days after receipt by the state land planning agency  
5034 of the complete proposed plan amendment and shall specify any  
5035 objections, recommendations for modifications, and comments of  
5036 any other regional agencies to which the regional planning  
5037 council may have referred the proposed plan amendment. Written

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5038 comments submitted by the public shall be sent directly to the  
5039 local government ~~within 30 days after notice of transmittal by~~  
5040 ~~the local government of the proposed plan amendment will be~~  
5041 ~~considered as if submitted by governmental agencies. All written~~  
5042 ~~agency and public comments must be made part of the file~~  
5043 ~~maintained under subsection (2).~~

5044 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~  
5045 ~~the regional planning council pursuant to subsection (4) shall~~  
5046 ~~be limited to effects on regional resources or facilities~~  
5047 ~~identified in the strategic regional policy plan and~~  
5048 ~~extrajurisdictional impacts which would be inconsistent with the~~  
5049 ~~comprehensive plan of the affected local government. However,~~  
5050 ~~any inconsistency between a local plan or plan amendment and a~~  
5051 ~~strategic regional policy plan must not be the sole basis for a~~  
5052 ~~notice of intent to find a local plan or plan amendment not in~~  
5053 ~~compliance with this act. A regional planning council shall not~~  
5054 ~~review and comment on a proposed comprehensive plan it prepared~~  
5055 ~~itself unless the plan has been changed by the local government~~  
5056 ~~subsequent to the preparation of the plan by the regional~~  
5057 ~~planning agency. The review of the county land planning agency~~  
5058 ~~pursuant to subsection (4) shall be primarily in the context of~~  
5059 ~~the relationship and effect of the proposed plan amendment on~~  
5060 ~~any county comprehensive plan element. Any review by~~  
5061 ~~municipalities will be primarily in the context of the~~  
5062 ~~relationship and effect on the municipal plan.~~

5063 (d)(6) State land planning agency review.-

5064 ~~(a) The state land planning agency shall review a proposed~~  
5065 ~~plan amendment upon request of a regional planning council,~~

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5066 ~~affected person, or local government transmitting the plan~~  
5067 ~~amendment. The request from the regional planning council or~~  
5068 ~~affected person must be received within 30 days after~~  
5069 ~~transmittal of the proposed plan amendment pursuant to~~  
5070 ~~subsection (3). A regional planning council or affected person~~  
5071 ~~requesting a review shall do so by submitting a written request~~  
5072 ~~to the agency with a notice of the request to the local~~  
5073 ~~government and any other person who has requested notice.~~

5074 ~~(b) The state land planning agency may review any proposed~~  
5075 ~~plan amendment regardless of whether a request for review has~~  
5076 ~~been made, if the agency gives notice to the local government,~~  
5077 ~~and any other person who has requested notice, of its intention~~  
5078 ~~to conduct such a review within 35 days after receipt of the~~  
5079 ~~complete proposed plan amendment.~~

5080 ~~1.(c) The state land planning agency shall establish by~~  
5081 ~~rule a schedule for receipt of comments from the various~~  
5082 ~~government agencies, as well as written public comments,~~  
5083 ~~pursuant to subsection (4). If the state land planning agency~~  
5084 ~~elects to review a plan or plan the amendment or the agency is~~  
5085 ~~required to review the amendment as specified in paragraph~~  
5086 ~~(2)(c)(a), the agency shall issue a report giving its~~  
5087 ~~objections, recommendations, and comments regarding the proposed~~  
5088 ~~plan or plan amendment within 60 days after receipt of the~~  
5089 ~~complete proposed plan or plan amendment by the state land~~  
5090 ~~planning agency. Notwithstanding the limitation on comments in~~  
5091 ~~sub-subparagraph (3)(b)4.g., the state land planning agency may~~  
5092 ~~make objections, recommendations, and comments in its report~~  
5093 ~~regarding whether the plan or plan amendment is in compliance~~

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5094 and whether the plan or plan amendment will adversely impact  
5095 important state resources and facilities. Any objection  
5096 regarding an important state resource or facility that will be  
5097 adversely impacted by the adopted plan or plan amendment shall  
5098 also state with specificity how the plan or plan amendment will  
5099 adversely impact the important state resource or facility and  
5100 shall identify measures the local government may take to  
5101 eliminate, reduce, or mitigate the adverse impacts. When a  
5102 federal, state, or regional agency has implemented a permitting  
5103 program, ~~the state land planning agency shall not require a~~  
5104 local government is not required to duplicate or exceed that  
5105 permitting program in its comprehensive plan or to implement  
5106 such a permitting program in its land development regulations.  
5107 This subparagraph does not ~~Nothing contained herein shall~~  
5108 prohibit the state land planning agency in conducting its review  
5109 of local plans or plan amendments from making objections,  
5110 recommendations, and comments ~~or making compliance~~  
5111 ~~determinations~~ regarding densities and intensities consistent  
5112 with ~~the provisions of~~ this part. In preparing its comments, the  
5113 state land planning agency shall only base its considerations on  
5114 written, and not oral, comments, ~~from any source.~~

5115 2.(d) The state land planning agency review shall identify  
5116 all written communications with the agency regarding the  
5117 proposed plan amendment. ~~If the state land planning agency does~~  
5118 ~~not issue such a review, it shall identify in writing to the~~  
5119 ~~local government all written communications received 30 days~~  
5120 ~~after transmittal.~~ The written identification must include a  
5121 list of all documents received or generated by the agency, which

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list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. ~~The list of documents must be made a part of the public records of the state land planning agency.~~

(e) ~~(7)~~ Local government review of comments; adoption of plan or amendments and transmittal.—

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

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis,



5150 shall be transmitted within 10 days after the second public  
5151 hearing to the state land planning agency and any other agency  
5152 or local government that provided timely comments under  
5153 paragraph (c).

5154 3. The state land planning agency shall notify the local  
5155 government of any deficiencies within 5 working days after  
5156 receipt of a plan or plan amendment package. For purposes of  
5157 completeness, a plan or plan amendment shall be deemed complete  
5158 if it contains a full, executed copy of the adoption ordinance  
5159 or ordinances; in the case of a text amendment, a full copy of  
5160 the amended language in legislative format with new words  
5161 inserted in the text underlined, and words deleted stricken with  
5162 hyphens; in the case of a future land use map amendment, a copy  
5163 of the future land use map clearly depicting the parcel, its  
5164 existing future land use designation, and its adopted  
5165 designation; and a copy of any data and analyses the local  
5166 government deems appropriate.

5167 4. After the state land planning agency makes a  
5168 determination of completeness regarding the adopted plan or plan  
5169 amendment, the state land planning agency shall have 45 days to  
5170 determine if the plan or plan amendment is in compliance with  
5171 this act. Unless the plan or plan amendment is substantially  
5172 changed from the one commented on, the state land planning  
5173 agency's compliance determination shall be limited to objections  
5174 raised in the objections, recommendations, and comments report.  
5175 During the period provided for in this subparagraph, the state  
5176 land planning agency shall issue, through a senior administrator  
5177 or the secretary, a notice of intent to find that the plan or

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5178 plan amendment is in compliance or not in compliance. The state  
5179 land planning agency shall post a copy of the notice of intent  
5180 on the agency's Internet site. Publication by the state land  
5181 planning agency of the notice of intent on the state land  
5182 planning agency's Internet site shall be prima facie evidence of  
5183 compliance with the publication requirements of this  
5184 subparagraph.

5185 5. A plan or plan amendment adopted under the state  
5186 coordinated review process shall go into effect pursuant to the  
5187 state land planning agency's notice of intent. If timely  
5188 challenged, an amendment does not become effective until the  
5189 state land planning agency or the Administration Commission  
5190 enters a final order determining the adopted amendment to be in  
5191 compliance.

5192 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
5193 AMENDMENTS.—

5194 (a) Any affected person as defined in paragraph (1)(a) may  
5195 file a petition with the Division of Administrative Hearings  
5196 pursuant to ss. 120.569 and 120.57, with a copy served on the  
5197 affected local government, to request a formal hearing to  
5198 challenge whether the plan or plan amendments are in compliance  
5199 as defined in paragraph (1)(b). This petition must be filed with  
5200 the division within 30 days after the local government adopts  
5201 the amendment. The state land planning agency may not intervene  
5202 in a proceeding initiated by an affected person.

5203 (b) The state land planning agency may file a petition  
5204 with the Division of Administrative Hearings pursuant to ss.  
5205 120.569 and 120.57, with a copy served on the affected local

5206 government, to request a formal hearing to challenge whether the  
5207 plan or plan amendment is in compliance as defined in paragraph  
5208 (1) (b). The state land planning agency's petition must clearly  
5209 state the reasons for the challenge. This petition must be filed  
5210 with the division within 30 days after the state land planning  
5211 agency notifies the local government that the plan amendment  
5212 package is complete according to subparagraph (3) (c)3.

5213 1. The state land planning agency's challenge to plan  
5214 amendments adopted under the expedited state review process  
5215 shall be limited to the comments provided by the reviewing  
5216 agencies pursuant to subparagraphs (3) (b)2.-4., upon a  
5217 determination by the state land planning agency that an  
5218 important state resource or facility will be adversely impacted  
5219 by the adopted plan amendment. The state land planning agency's  
5220 petition shall state with specificity how the plan amendment  
5221 will adversely impact the important state resource or facility.  
5222 The state land planning agency may challenge a plan amendment  
5223 that has substantially changed from the version on which the  
5224 agencies provided comments but only upon a determination by the  
5225 state land planning agency that an important state resource or  
5226 facility will be adversely impacted.

5227 2. If the state land planning agency issues a notice of  
5228 intent to find the comprehensive plan or plan amendment not in  
5229 compliance with this act, the notice of intent shall be  
5230 forwarded to the Division of Administrative Hearings of the  
5231 Department of Management Services, which shall conduct a  
5232 proceeding under ss. 120.569 and 120.57 in the county of and  
5233 convenient to the affected local jurisdiction. The parties to

5234 the proceeding shall be the state land planning agency, the  
5235 affected local government, and any affected person who  
5236 intervenes. No new issue may be alleged as a reason to find a  
5237 plan or plan amendment not in compliance in an administrative  
5238 pleading filed more than 21 days after publication of notice  
5239 unless the party seeking that issue establishes good cause for  
5240 not alleging the issue within that time period. Good cause does  
5241 not include excusable neglect.

5242 (c) An administrative law judge shall hold a hearing in  
5243 the affected local jurisdiction on whether the plan or plan  
5244 amendment is in compliance.

5245 1. In challenges filed by an affected person, the  
5246 comprehensive plan or plan amendment shall be determined to be  
5247 in compliance if the local government's determination of  
5248 compliance is fairly debatable.

5249 2.a. In challenges filed by the state land planning  
5250 agency, the local government's determination that the  
5251 comprehensive plan or plan amendment is in compliance is  
5252 presumed to be correct, and the local government's determination  
5253 shall be sustained unless it is shown by a preponderance of the  
5254 evidence that the comprehensive plan or plan amendment is not in  
5255 compliance.

5256 b. In challenges filed by the state land planning agency,  
5257 the local government's determination that elements of its plan  
5258 are related to and consistent with each other shall be sustained  
5259 if the determination is fairly debatable.

5260 3. In challenges filed by the state land planning agency  
5261 that require a determination by the agency that an important

5262 state resource or facility will be adversely impacted by the  
5263 adopted plan or plan amendment, the local government may contest  
5264 the agency's determination of an important state resource or  
5265 facility. The state land planning agency shall prove its  
5266 determination by clear and convincing evidence.

5267 (d) If the administrative law judge recommends that the  
5268 amendment be found not in compliance, the judge shall submit the  
5269 recommended order to the Administration Commission for final  
5270 agency action. The Administration Commission shall enter a final  
5271 order within 45 days after its receipt of the recommended order.

5272 (e) If the administrative law judge recommends that the  
5273 amendment be found in compliance, the judge shall submit the  
5274 recommended order to the state land planning agency.

5275 1. If the state land planning agency determines that the  
5276 plan amendment should be found not in compliance, the agency  
5277 shall refer, within 30 days after receipt of the recommended  
5278 order, the recommended order and its determination to the  
5279 Administration Commission for final agency action.

5280 2. If the state land planning agency determines that the  
5281 plan amendment should be found in compliance, the agency shall  
5282 enter its final order not later than 30 days after receipt of  
5283 the recommended order.

5284 (f) Parties to a proceeding under this subsection may  
5285 enter into compliance agreements using the process in subsection  
5286 (6).

5287 (6) COMPLIANCE AGREEMENT.—

5288 (a) At any time after the filing of a challenge, the state  
5289 land planning agency and the local government may voluntarily

5290 enter into a compliance agreement to resolve one or more of the  
5291 issues raised in the proceedings. Affected persons who have  
5292 initiated a formal proceeding or have intervened in a formal  
5293 proceeding may also enter into a compliance agreement with the  
5294 local government. All parties granted intervenor status shall be  
5295 provided reasonable notice of the commencement of a compliance  
5296 agreement negotiation process and a reasonable opportunity to  
5297 participate in such negotiation process. Negotiation meetings  
5298 with local governments or intervenors shall be open to the  
5299 public. The state land planning agency shall provide each party  
5300 granted intervenor status with a copy of the compliance  
5301 agreement within 10 days after the agreement is executed. The  
5302 compliance agreement shall list each portion of the plan or plan  
5303 amendment that has been challenged, and shall specify remedial  
5304 actions that the local government has agreed to complete within  
5305 a specified time in order to resolve the challenge, including  
5306 adoption of all necessary plan amendments. The compliance  
5307 agreement may also establish monitoring requirements and  
5308 incentives to ensure that the conditions of the compliance  
5309 agreement are met.

5310 (b) Upon the filing of a compliance agreement executed by  
5311 the parties to a challenge and the local government with the  
5312 Division of Administrative Hearings, any administrative  
5313 proceeding under ss. 120.569 and 120.57 regarding the plan or  
5314 plan amendment covered by the compliance agreement shall be  
5315 stayed.

5316 (c) Before its execution of a compliance agreement, the  
5317 local government must approve the compliance agreement at a

5318 public hearing advertised at least 10 days before the public  
5319 hearing in a newspaper of general circulation in the area in  
5320 accordance with the advertisement requirements of chapter 125 or  
5321 chapter 166, as applicable.

5322 (d) The local government shall hold a single public  
5323 hearing for adopting remedial amendments.

5324 (e) For challenges to amendments adopted under the  
5325 expedited review process, if the local government adopts a  
5326 comprehensive plan amendment pursuant to a compliance agreement,  
5327 an affected person or the state land planning agency may file a  
5328 revised challenge with the Division of Administrative Hearings  
5329 within 15 days after the adoption of the remedial amendment.

5330 (f) For challenges to amendments adopted under the state  
5331 coordinated process, the state land planning agency, upon  
5332 receipt of a plan or plan amendment adopted pursuant to a  
5333 compliance agreement, shall issue a cumulative notice of intent  
5334 addressing both the remedial amendment and the plan or plan  
5335 amendment that was the subject of the agreement.

5336 1. If the local government adopts a comprehensive plan or  
5337 plan amendment pursuant to a compliance agreement and a notice  
5338 of intent to find the plan amendment in compliance is issued,  
5339 the state land planning agency shall forward the notice of  
5340 intent to the Division of Administrative Hearings and the  
5341 administrative law judge shall realign the parties in the  
5342 pending proceeding under ss. 120.569 and 120.57, which shall  
5343 thereafter be governed by the process contained in paragraph  
5344 (5) (a) and subparagraph (5) (c)1., including provisions relating  
5345 to challenges by an affected person, burden of proof, and issues

5346 of a recommended order and a final order. Parties to the  
5347 original proceeding at the time of realignment may continue as  
5348 parties without being required to file additional pleadings to  
5349 initiate a proceeding, but may timely amend their pleadings to  
5350 raise any challenge to the amendment that is the subject of the  
5351 cumulative notice of intent, and must otherwise conform to the  
5352 rules of procedure of the Division of Administrative Hearings.  
5353 Any affected person not a party to the realigned proceeding may  
5354 challenge the plan amendment that is the subject of the  
5355 cumulative notice of intent by filing a petition with the agency  
5356 as provided in subsection (5). The agency shall forward the  
5357 petition filed by the affected person not a party to the  
5358 realigned proceeding to the Division of Administrative Hearings  
5359 for consolidation with the realigned proceeding. If the  
5360 cumulative notice of intent is not challenged, the state land  
5361 planning agency shall request that the Division of  
5362 Administrative Hearings relinquish jurisdiction to the state  
5363 land planning agency for issuance of a final order.

5364 2. If the local government adopts a comprehensive plan  
5365 amendment pursuant to a compliance agreement and a notice of  
5366 intent is issued that finds the plan amendment not in  
5367 compliance, the state land planning agency shall forward the  
5368 notice of intent to the Division of Administrative Hearings,  
5369 which shall consolidate the proceeding with the pending  
5370 proceeding and immediately set a date for a hearing in the  
5371 pending proceeding under ss. 120.569 and 120.57. Affected  
5372 persons who are not a party to the underlying proceeding under  
5373 ss. 120.569 and 120.57 may challenge the plan amendment adopted



5374 pursuant to the compliance agreement by filing a petition  
5375 pursuant to paragraph (5) (a).

5376 (g) This subsection does not prohibit a local government  
5377 from amending portions of its comprehensive plan other than  
5378 those that are the subject of a challenge. However, such  
5379 amendments to the plan may not be inconsistent with the  
5380 compliance agreement.

5381 (h) This subsection does not require settlement by any  
5382 party against its will or preclude the use of other informal  
5383 dispute resolution methods in the course of or in addition to  
5384 the method described in this subsection.

5385 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5386 (a) At any time after the matter has been forwarded to the  
5387 Division of Administrative Hearings, the local government  
5388 proposing the amendment may demand formal mediation or the local  
5389 government proposing the amendment or an affected person who is  
5390 a party to the proceeding may demand informal mediation or  
5391 expeditious resolution of the amendment proceedings by serving  
5392 written notice on the state land planning agency if a party to  
5393 the proceeding, all other parties to the proceeding, and the  
5394 administrative law judge.

5395 (b) Upon receipt of a notice pursuant to paragraph (a),  
5396 the administrative law judge shall set the matter for final  
5397 hearing no more than 30 days after receipt of the notice. Once a  
5398 final hearing has been set, no continuance in the hearing, and  
5399 no additional time for post-hearing submittals, may be granted  
5400 without the written agreement of the parties absent a finding by  
5401 the administrative law judge of extraordinary circumstances.

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5402 Extraordinary circumstances do not include matters relating to  
5403 workload or need for additional time for preparation,  
5404 negotiation, or mediation.

5405 (c) Absent a showing of extraordinary circumstances, the  
5406 administrative law judge shall issue a recommended order, in a  
5407 case proceeding under subsection (5), within 30 days after  
5408 filing of the transcript, unless the parties agree in writing to  
5409 a longer time.

5410 (d) Absent a showing of extraordinary circumstances, the  
5411 Administration Commission shall issue a final order, in a case  
5412 proceeding under subsection (5), within 45 days after the  
5413 issuance of the recommended order, unless the parties agree in  
5414 writing to a longer time. ~~have 120 days to adopt or adopt with~~  
5415 ~~changes the proposed comprehensive plan or s. 163.3191 plan~~  
5416 ~~amendments. In the case of comprehensive plan amendments other~~  
5417 ~~than those proposed pursuant to s. 163.3191, the local~~  
5418 ~~government shall have 60 days to adopt the amendment, adopt the~~  
5419 ~~amendment with changes, or determine that it will not adopt the~~  
5420 ~~amendment. The adoption of the proposed plan or plan amendment~~  
5421 ~~or the determination not to adopt a plan amendment, other than a~~  
5422 ~~plan amendment proposed pursuant to s. 163.3191, shall be made~~  
5423 ~~in the course of a public hearing pursuant to subsection (15).~~  
5424 ~~The local government shall transmit the complete adopted~~  
5425 ~~comprehensive plan or plan amendment, including the names and~~  
5426 ~~addresses of persons compiled pursuant to paragraph (15)(c), to~~  
5427 ~~the state land planning agency as specified in the agency's~~  
5428 ~~procedural rules within 10 working days after adoption. The~~  
5429 ~~local governing body shall also transmit a copy of the adopted~~

5430 ~~comprehensive plan or plan amendment to the regional planning~~  
5431 ~~agency and to any other unit of local government or governmental~~  
5432 ~~agency in the state that has filed a written request with the~~  
5433 ~~governing body for a copy of the plan or plan amendment.~~

5434 ~~(b) If the adopted plan amendment is unchanged from the~~  
5435 ~~proposed plan amendment transmitted pursuant to subsection (3)~~  
5436 ~~and an affected person as defined in paragraph (1)(a) did not~~  
5437 ~~raise any objection, the state land planning agency did not~~  
5438 ~~review the proposed plan amendment, and the state land planning~~  
5439 ~~agency did not raise any objections during its review pursuant~~  
5440 ~~to subsection (6), the local government may state in the~~  
5441 ~~transmittal letter that the plan amendment is unchanged and was~~  
5442 ~~not the subject of objections.~~

5443 ~~(8) NOTICE OF INTENT.—~~

5444 ~~(a) If the transmittal letter correctly states that the~~  
5445 ~~plan amendment is unchanged and was not the subject of review or~~  
5446 ~~objections pursuant to paragraph (7)(b), the state land planning~~  
5447 ~~agency has 20 days after receipt of the transmittal letter~~  
5448 ~~within which to issue a notice of intent that the plan amendment~~  
5449 ~~is in compliance.~~

5450 ~~(b) Except as provided in paragraph (a) or in s.~~  
5451 ~~163.3187(3), the state land planning agency, upon receipt of a~~  
5452 ~~local government's complete adopted comprehensive plan or plan~~  
5453 ~~amendment, shall have 45 days for review and to determine if the~~  
5454 ~~plan or plan amendment is in compliance with this act, unless~~  
5455 ~~the amendment is the result of a compliance agreement entered~~  
5456 ~~into under subsection (16), in which case the time period for~~  
5457 ~~review and determination shall be 30 days. If review was not~~

5458 ~~conducted under subsection (6), the agency's determination must~~  
5459 ~~be based upon the plan amendment as adopted. If review was~~  
5460 ~~conducted under subsection (6), the agency's determination of~~  
5461 ~~compliance must be based only upon one or both of the following:~~

5462 ~~1. The state land planning agency's written comments to~~  
5463 ~~the local government pursuant to subsection (6); or~~

5464 ~~2. Any changes made by the local government to the~~  
5465 ~~comprehensive plan or plan amendment as adopted.~~

5466 ~~(c)1. During the time period provided for in this~~  
5467 ~~subsection, the state land planning agency shall issue, through~~  
5468 ~~a senior administrator or the secretary, as specified in the~~  
5469 ~~agency's procedural rules, a notice of intent to find that the~~  
5470 ~~plan or plan amendment is in compliance or not in compliance. A~~  
5471 ~~notice of intent shall be issued by publication in the manner~~  
5472 ~~provided by this paragraph and by mailing a copy to the local~~  
5473 ~~government. The advertisement shall be placed in that portion of~~  
5474 ~~the newspaper where legal notices appear. The advertisement~~  
5475 ~~shall be published in a newspaper that meets the size and~~  
5476 ~~circulation requirements set forth in paragraph (15)(c) and that~~  
5477 ~~has been designated in writing by the affected local government~~  
5478 ~~at the time of transmittal of the amendment. Publication by the~~  
5479 ~~state land planning agency of a notice of intent in the~~  
5480 ~~newspaper designated by the local government shall be prima~~  
5481 ~~facie evidence of compliance with the publication requirements~~  
5482 ~~of this section. The state land planning agency shall post a~~  
5483 ~~copy of the notice of intent on the agency's Internet site. The~~  
5484 ~~agency shall, no later than the date the notice of intent is~~  
5485 ~~transmitted to the newspaper, send by regular mail a courtesy~~

~~informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.~~

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

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

~~(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.~~

~~(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction~~

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5514 ~~and submit a recommended order to the state land planning~~  
5515 ~~agency. The state land planning agency shall allow for the~~  
5516 ~~filing of exceptions to the recommended order and shall issue a~~  
5517 ~~final order after receipt of the recommended order if the state~~  
5518 ~~land planning agency determines that the plan or plan amendment~~  
5519 ~~is in compliance. If the state land planning agency determines~~  
5520 ~~that the plan or plan amendment is not in compliance, the agency~~  
5521 ~~shall submit the recommended order to the Administration~~  
5522 ~~Commission for final agency action.~~

5523 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~  
5524 ~~COMPLIANCE.—~~

5525 ~~(a) If the state land planning agency issues a notice of~~  
5526 ~~intent to find the comprehensive plan or plan amendment not in~~  
5527 ~~compliance with this act, the notice of intent shall be~~  
5528 ~~forwarded to the Division of Administrative Hearings of the~~  
5529 ~~Department of Management Services, which shall conduct a~~  
5530 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~  
5531 ~~convenient to the affected local jurisdiction. The parties to~~  
5532 ~~the proceeding shall be the state land planning agency, the~~  
5533 ~~affected local government, and any affected person who~~  
5534 ~~intervenes. No new issue may be alleged as a reason to find a~~  
5535 ~~plan or plan amendment not in compliance in an administrative~~  
5536 ~~pleading filed more than 21 days after publication of notice~~  
5537 ~~unless the party seeking that issue establishes good cause for~~  
5538 ~~not alleging the issue within that time period. Good cause shall~~  
5539 ~~not include excusable neglect. In the proceeding, the local~~  
5540 ~~government's determination that the comprehensive plan or plan~~  
5541 ~~amendment is in compliance is presumed to be correct. The local~~

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5542 ~~government's determination shall be sustained unless it is shown~~  
5543 ~~by a preponderance of the evidence that the comprehensive plan~~  
5544 ~~or plan amendment is not in compliance. The local government's~~  
5545 ~~determination that elements of its plans are related to and~~  
5546 ~~consistent with each other shall be sustained if the~~  
5547 ~~determination is fairly debatable.~~

5548 ~~(b) The administrative law judge assigned by the division~~  
5549 ~~shall submit a recommended order to the Administration~~  
5550 ~~Commission for final agency action.~~

5551 ~~(c) Prior to the hearing, the state land planning agency~~  
5552 ~~shall afford an opportunity to mediate or otherwise resolve the~~  
5553 ~~dispute. If a party to the proceeding requests mediation or~~  
5554 ~~other alternative dispute resolution, the hearing may not be~~  
5555 ~~held until the state land planning agency advises the~~  
5556 ~~administrative law judge in writing of the results of the~~  
5557 ~~mediation or other alternative dispute resolution. However, the~~  
5558 ~~hearing may not be delayed for longer than 90 days for mediation~~  
5559 ~~or other alternative dispute resolution unless a longer delay is~~  
5560 ~~agreed to by the parties to the proceeding. The costs of the~~  
5561 ~~mediation or other alternative dispute resolution shall be borne~~  
5562 ~~equally by all of the parties to the proceeding.~~

5563 (8) ~~(11)~~ ADMINISTRATION COMMISSION.—

5564 (a) If the Administration Commission, upon a hearing  
5565 pursuant to subsection (5) ~~(9)~~ or subsection ~~(10)~~, finds that the  
5566 comprehensive plan or plan amendment is not in compliance with  
5567 this act, the commission shall specify remedial actions that  
5568 ~~which~~ would bring the comprehensive plan or plan amendment into  
5569 compliance.

5570        (b) The commission may specify the sanctions provided in  
5571 subparagraphs 1. and 2. to which the local government will be  
5572 subject if it elects to make the amendment effective  
5573 notwithstanding the determination of noncompliance.

5574        1. The commission may direct state agencies not to provide  
5575 funds to increase the capacity of roads, bridges, or water and  
5576 sewer systems within the boundaries of those local governmental  
5577 entities which have comprehensive plans or plan elements that  
5578 are determined not to be in compliance. The commission order may  
5579 also specify that the local government is ~~shall~~ not be eligible  
5580 for grants administered under the following programs:

5581        a.1. The Florida Small Cities Community Development Block  
5582 Grant Program, as authorized by ss. 290.0401-290.049.

5583        b.2. The Florida Recreation Development Assistance  
5584 Program, as authorized by chapter 375.

5585        c.3. Revenue sharing pursuant to ss. 206.60, 210.20, and  
5586 218.61 and chapter 212, to the extent not pledged to pay back  
5587 bonds.

5588        2. ~~(b)~~ If the local government is one which is required to  
5589 include a coastal management element in its comprehensive plan  
5590 pursuant to s. 163.3177(6)(g), the commission order may also  
5591 specify that the local government is not eligible for funding  
5592 pursuant to s. 161.091. The commission order may also specify  
5593 that the fact that the coastal management element has been  
5594 determined to be not in compliance shall be a consideration when  
5595 the department considers permits under s. 161.053 and when the  
5596 Board of Trustees of the Internal Improvement Trust Fund  
5597 considers whether to sell, convey any interest in, or lease any



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sovereignty lands or submerged lands until the element is brought into compliance.

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

(9)~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

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

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

~~(11)(15)~~ PUBLIC HEARINGS.—

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

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

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

2. The second public hearing shall be held at the adoption stage ~~pursuant to subsection (7)~~. It shall be held on a weekday

5654 at least 5 days after the day that the second advertisement is  
5655 published pursuant to the requirements of chapter 125 or chapter  
5656 166.

5657 (c) Nothing in this part is intended to prohibit or limit  
5658 the authority of local governments to require a person  
5659 requesting an amendment to pay some or all of the cost of the  
5660 public notice.

5661 (12) CONCURRENT ZONING.—At the request of an applicant, a  
5662 local government shall consider an application for zoning  
5663 changes that would be required to properly enact any proposed  
5664 plan amendment transmitted pursuant to this subsection. Zoning  
5665 changes approved by the local government are contingent upon the  
5666 comprehensive plan or plan amendment transmitted becoming  
5667 effective.

5668 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local  
5669 government comprehensive plan or plan amendment that 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 paragraph (1)(b).

5673 ~~(c) The local government shall provide a sign-in form at~~  
5674 ~~the transmittal hearing and at the adoption hearing for persons~~  
5675 ~~to provide their names and mailing addresses. The sign-in form~~  
5676 ~~must advise that any person providing the requested information~~  
5677 ~~will receive a courtesy informational statement concerning~~  
5678 ~~publications of the state land planning agency's notice of~~  
5679 ~~intent. The local government shall add to the sign-in form the~~  
5680 ~~name and address of any person who submits written comments~~  
5681 ~~concerning the proposed plan or plan amendment during the time~~

5682 ~~period between the commencement of the transmittal hearing and~~  
5683 ~~the end of the adoption hearing. It is the responsibility of the~~  
5684 ~~person completing the form or providing written comments to~~  
5685 ~~accurately, completely, and legibly provide all information~~  
5686 ~~needed in order to receive the courtesy informational statement.~~

5687 ~~(d) The agency shall provide a model sign-in form for~~  
5688 ~~providing the list to the agency which may be used by the local~~  
5689 ~~government to satisfy the requirements of this subsection.~~

5690 ~~(e) If the proposed comprehensive plan or plan amendment~~  
5691 ~~changes the actual list of permitted, conditional, or prohibited~~  
5692 ~~uses within a future land use category or changes the actual~~  
5693 ~~future land use map designation of a parcel or parcels of land,~~  
5694 ~~the required advertisements shall be in the format prescribed by~~  
5695 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~  
5696 ~~municipality.~~

5697 ~~(16) COMPLIANCE AGREEMENTS.—~~

5698 ~~(a) At any time following the issuance of a notice of~~  
5699 ~~intent to find a comprehensive plan or plan amendment not in~~  
5700 ~~compliance with this part or after the initiation of a hearing~~  
5701 ~~pursuant to subsection (9), the state land planning agency and~~  
5702 ~~the local government may voluntarily enter into a compliance~~  
5703 ~~agreement to resolve one or more of the issues raised in the~~  
5704 ~~proceedings. Affected persons who have initiated a formal~~  
5705 ~~proceeding or have intervened in a formal proceeding may also~~  
5706 ~~enter into the compliance agreement. All parties granted~~  
5707 ~~intervenor status shall be provided reasonable notice of the~~  
5708 ~~commencement of a compliance agreement negotiation process and a~~  
5709 ~~reasonable opportunity to participate in such negotiation~~

5710 ~~process. Negotiation meetings with local governments or~~  
5711 ~~intervenors shall be open to the public. The state land planning~~  
5712 ~~agency shall provide each party granted intervenor status with a~~  
5713 ~~copy of the compliance agreement within 10 days after the~~  
5714 ~~agreement is executed. The compliance agreement shall list each~~  
5715 ~~portion of the plan or plan amendment which is not in~~  
5716 ~~compliance, and shall specify remedial actions which the local~~  
5717 ~~government must complete within a specified time in order to~~  
5718 ~~bring the plan or plan amendment into compliance, including~~  
5719 ~~adoption of all necessary plan amendments. The compliance~~  
5720 ~~agreement may also establish monitoring requirements and~~  
5721 ~~incentives to ensure that the conditions of the compliance~~  
5722 ~~agreement are met.~~

5723 ~~(b) Upon filing by the state land planning agency of a~~  
5724 ~~compliance agreement executed by the agency and the local~~  
5725 ~~government with the Division of Administrative Hearings, any~~  
5726 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~  
5727 ~~the plan or plan amendment covered by the compliance agreement~~  
5728 ~~shall be stayed.~~

5729 ~~(c) Prior to its execution of a compliance agreement, the~~  
5730 ~~local government must approve the compliance agreement at a~~  
5731 ~~public hearing advertised at least 10 days before the public~~  
5732 ~~hearing in a newspaper of general circulation in the area in~~  
5733 ~~accordance with the advertisement requirements of subsection~~  
5734 ~~(15).~~

5735 ~~(d) A local government may adopt a plan amendment pursuant~~  
5736 ~~to a compliance agreement in accordance with the requirements of~~  
5737 ~~paragraph (15)(a). The plan amendment shall be exempt from the~~

~~requirements of subsections (2)–(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.~~

~~(c) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).~~

~~(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order,~~

5766 ~~except as provided in subparagraph 2. Parties to the original~~  
5767 ~~proceeding at the time of realignment may continue as parties~~  
5768 ~~without being required to file additional pleadings to initiate~~  
5769 ~~a proceeding, but may timely amend their pleadings to raise any~~  
5770 ~~challenge to the amendment which is the subject of the~~  
5771 ~~cumulative notice of intent, and must otherwise conform to the~~  
5772 ~~rules of procedure of the Division of Administrative Hearings.~~  
5773 ~~Any affected person not a party to the realigned proceeding may~~  
5774 ~~challenge the plan amendment which is the subject of the~~  
5775 ~~cumulative notice of intent by filing a petition with the agency~~  
5776 ~~as provided in subsection (9). The agency shall forward the~~  
5777 ~~petition filed by the affected person not a party to the~~  
5778 ~~realigned proceeding to the Division of Administrative Hearings~~  
5779 ~~for consolidation with the realigned proceeding.~~

5780 ~~2. If any of the issues raised by the state land planning~~  
5781 ~~agency in the original subsection (10) proceeding are not~~  
5782 ~~resolved by the compliance agreement amendments, any intervenor~~  
5783 ~~in the original subsection (10) proceeding may require those~~  
5784 ~~issues to be addressed in the pending consolidated realigned~~  
5785 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~  
5786 ~~issues, the burden of proof shall be governed by subsection~~  
5787 ~~(10).~~

5788 ~~3. If the local government adopts a comprehensive plan~~  
5789 ~~amendment pursuant to a compliance agreement and a notice of~~  
5790 ~~intent to find the plan amendment not in compliance is issued,~~  
5791 ~~the state land planning agency shall forward the notice of~~  
5792 ~~intent to the Division of Administrative Hearings, which shall~~  
5793 ~~consolidate the proceeding with the pending proceeding and~~

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5794 ~~immediately set a date for hearing in the pending proceeding~~  
5795 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~  
5796 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~  
5797 ~~may challenge the plan amendment adopted pursuant to the~~  
5798 ~~compliance agreement by filing a petition pursuant to subsection~~  
5799 ~~(10).~~

5800 ~~(g) If the local government fails to adopt a comprehensive~~  
5801 ~~plan amendment pursuant to a compliance agreement, the state~~  
5802 ~~land planning agency shall notify the Division of Administrative~~  
5803 ~~Hearings, which shall set the hearing in the pending proceeding~~  
5804 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5805 ~~(h) This subsection does not prohibit a local government~~  
5806 ~~from amending portions of its comprehensive plan other than~~  
5807 ~~those which are the subject of the compliance agreement.~~  
5808 ~~However, such amendments to the plan may not be inconsistent~~  
5809 ~~with the compliance agreement.~~

5810 ~~(i) Nothing in this subsection is intended to limit the~~  
5811 ~~parties from entering into a compliance agreement at any time~~  
5812 ~~before the final order in the proceeding is issued, provided~~  
5813 ~~that the provisions of paragraph (c) shall apply regardless of~~  
5814 ~~when the compliance agreement is reached.~~

5815 ~~(j) Nothing in this subsection is intended to force any~~  
5816 ~~party into settlement against its will or to preclude the use of~~  
5817 ~~other informal dispute resolution methods, such as the services~~  
5818 ~~offered by the Florida Growth Management Dispute Resolution~~  
5819 ~~Consortium, in the course of or in addition to the method~~  
5820 ~~described in this subsection.~~

5821 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.~~



5822 ~~A local government that has adopted a community vision and urban~~  
5823 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~  
5824 ~~amendment related to map amendments solely to property within an~~  
5825 ~~urban service boundary in the manner described in subsections~~  
5826 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~  
5827 ~~and e., 2., and 3., such that state and regional agency review~~  
5828 ~~is eliminated. The department may not issue an objections,~~  
5829 ~~recommendations, and comments report on proposed plan amendments~~  
5830 ~~or a notice of intent on adopted plan amendments; however,~~  
5831 ~~affected persons, as defined by paragraph (1)(a), may file a~~  
5832 ~~petition for administrative review pursuant to the requirements~~  
5833 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~  
5834 ~~plan amendment. This subsection does not apply to any amendment~~  
5835 ~~within an area of critical state concern, to any amendment that~~  
5836 ~~increases residential densities allowable in high-hazard coastal~~  
5837 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~  
5838 ~~the goals, policies, or objectives of the local government's~~  
5839 ~~comprehensive plan. Amendments submitted under this subsection~~  
5840 ~~are exempt from the limitation on the frequency of plan~~  
5841 ~~amendments in s. 163.3187.~~

5842 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS. A~~  
5843 ~~municipality that has a designated urban infill and~~  
5844 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~  
5845 ~~related to map amendments solely to property within a designated~~  
5846 ~~urban infill and redevelopment area in the manner described in~~  
5847 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~  
5848 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~  
5849 ~~regional agency review is eliminated. The department may not~~

5850 ~~issue an objections, recommendations, and comments report on~~  
5851 ~~proposed plan amendments or a notice of intent on adopted plan~~  
5852 ~~amendments; however, affected persons, as defined by paragraph~~  
5853 ~~(1)(a), may file a petition for administrative review pursuant~~  
5854 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~  
5855 ~~compliance of an adopted plan amendment. This subsection does~~  
5856 ~~not apply to any amendment within an area of critical state~~  
5857 ~~concern, to any amendment that increases residential densities~~  
5858 ~~allowable in high-hazard coastal areas as defined in s.~~  
5859 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~  
5860 ~~objectives of the local government's comprehensive plan.~~

5861 ~~Amendments submitted under this subsection are exempt from the~~  
5862 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5863 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~  
5864 ~~government that identifies in its comprehensive plan the types~~  
5865 ~~of housing developments and conditions for which it will~~  
5866 ~~consider plan amendments that are consistent with the local~~  
5867 ~~housing incentive strategies identified in s. 420.9076 and~~  
5868 ~~authorized by the local government may expedite consideration of~~  
5869 ~~such plan amendments. At least 30 days prior to adopting a plan~~  
5870 ~~amendment pursuant to this subsection, the local government~~  
5871 ~~shall notify the state land planning agency of its intent to~~  
5872 ~~adopt such an amendment, and the notice shall include the local~~  
5873 ~~government's evaluation of site suitability and availability of~~  
5874 ~~facilities and services. A plan amendment considered under this~~  
5875 ~~subsection shall require only a single public hearing before the~~  
5876 ~~local governing body, which shall be a plan amendment adoption~~  
5877 ~~hearing as described in subsection (7). The public notice of the~~

5878 ~~hearing required under subparagraph (15)(b)2. must include a~~  
5879 ~~statement that the local government intends to use the expedited~~  
5880 ~~adoption process authorized under this subsection. The state~~  
5881 ~~land planning agency shall issue its notice of intent required~~  
5882 ~~under subsection (8) within 30 days after determining that the~~  
5883 ~~amendment package is complete. Any further proceedings shall be~~  
5884 ~~governed by subsections (9)-(16).~~

5885 Section 18. Section 163.3187, Florida Statutes, is amended  
5886 to read:

5887 163.3187 Process for adoption of small-scale comprehensive  
5888 plan ~~amendment of adopted comprehensive plan.-~~

5889 ~~(1) Amendments to comprehensive plans adopted pursuant to~~  
5890 ~~this part may be made not more than two times during any~~  
5891 ~~calendar year, except:~~

5892 ~~(a) In the case of an emergency, comprehensive plan~~  
5893 ~~amendments may be made more often than twice during the calendar~~  
5894 ~~year if the additional plan amendment receives the approval of~~  
5895 ~~all of the members of the governing body. "Emergency" means any~~  
5896 ~~occurrence or threat thereof whether accidental or natural,~~  
5897 ~~caused by humankind, in war or peace, which results or may~~  
5898 ~~result in substantial injury or harm to the population or~~  
5899 ~~substantial damage to or loss of property or public funds.~~

5900 ~~(b) Any local government comprehensive plan amendments~~  
5901 ~~directly related to a proposed development of regional impact,~~  
5902 ~~including changes which have been determined to be substantial~~  
5903 ~~deviations and including Florida Quality Developments pursuant~~  
5904 ~~to s. 380.061, may be initiated by a local planning agency and~~  
5905 ~~considered by the local governing body at the same time as the~~

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~~application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances.~~

~~(1)(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.~~ A small scale development amendment may be adopted ~~only~~ under the following conditions:

~~(a)1.~~ The proposed amendment involves a use of 10 acres or fewer and:

~~(b)a.~~ The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does ~~shall~~ not exceed:

~~(i) a maximum of 120 acres in a calendar year. local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(c); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.~~

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

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

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

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

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

(d)e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding

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development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

~~f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(c).~~

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

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

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

~~(3)4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern as defined under s. 288.0656 (2) (d) ~~(7)~~ for the duration of such designation, the 10-acre limit listed in subsection (1) ~~subparagraph 1~~. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.~~

~~(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved~~

6018 ~~without regard to statutory limits on the frequency of adoption~~  
6019 ~~of amendments to the comprehensive plan.~~

6020 ~~(e) A comprehensive plan amendment for location of a state~~  
6021 ~~correctional facility. Such an amendment may be made at any time~~  
6022 ~~and does not count toward the limitation on the frequency of~~  
6023 ~~plan amendments.~~

6024 ~~(f) The capital improvements element annual update~~  
6025 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~  
6026 ~~related to the schedule.~~

6027 ~~(g) Any local government comprehensive plan amendments~~  
6028 ~~directly related to proposed redevelopment of brownfield areas~~  
6029 ~~designated under s. 376.80 may be approved without regard to~~  
6030 ~~statutory limits on the frequency of consideration of amendments~~  
6031 ~~to the local comprehensive plan.~~

6032 ~~(h) Any comprehensive plan amendments for port~~  
6033 ~~transportation facilities and projects that are eligible for~~  
6034 ~~funding by the Florida Seaport Transportation and Economic~~  
6035 ~~Development Council pursuant to s. 311.07.~~

6036 ~~(i) A comprehensive plan amendment for the purpose of~~  
6037 ~~designating an urban infill and redevelopment area under s.~~  
6038 ~~163.2517 may be approved without regard to the statutory limits~~  
6039 ~~on the frequency of amendments to the comprehensive plan.~~

6040 ~~(j) Any comprehensive plan amendment to establish public~~  
6041 ~~school concurrency pursuant to s. 163.3180(13), including, but~~  
6042 ~~not limited to, adoption of a public school facilities element~~  
6043 ~~and adoption of amendments to the capital improvements element~~  
6044 ~~and intergovernmental coordination element. In order to ensure~~  
6045 ~~the consistency of local government public school facilities~~



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elements within a county, such elements shall be prepared and adopted on a similar time schedule.

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

~~(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land use map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.~~

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

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

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the~~

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6074 ~~economic development objectives may be approved without regard~~  
6075 ~~to the statutory limits on the frequency of adoption of~~  
6076 ~~amendments to the comprehensive plan.~~

6077 ~~(p) Any local government comprehensive plan amendment that~~  
6078 ~~is consistent with the local housing incentive strategies~~  
6079 ~~identified in s. 420.9076 and authorized by the local~~  
6080 ~~government.~~

6081 ~~(q) Any local government plan amendment to designate an~~  
6082 ~~urban service area as a transportation concurrency exception~~  
6083 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~  
6084 ~~development of regional impact process under s. 380.06(29).~~

6085 (4)(2) Comprehensive plans may only be amended in such a  
6086 way as to preserve the internal consistency of the plan pursuant  
6087 to s. 163.3177(2). Corrections, updates, or modifications of  
6088 current costs which were set out as part of the comprehensive  
6089 plan shall not, for the purposes of this act, be deemed to be  
6090 amendments.

6091 ~~(3)(a) The state land planning agency shall not review or~~  
6092 ~~issue a notice of intent for small scale development amendments~~  
6093 ~~which satisfy the requirements of paragraph (1)(c).~~

6094 (5)(a) Any affected person may file a petition with the  
6095 Division of Administrative Hearings pursuant to ss. 120.569 and  
6096 120.57 to request a hearing to challenge the compliance of a  
6097 small scale development amendment with this act within 30 days  
6098 following the local government's adoption of the amendment and,  
6099 shall serve a copy of the petition on the local government, ~~and~~  
6100 ~~shall furnish a copy to the state land planning agency.~~ An  
6101 administrative law judge shall hold a hearing in the affected

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jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable ~~presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection,~~ The state land planning agency may not intervene in any 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

6130 days following its receipt of the recommended order.

6131 (c) Small scale development amendments may ~~shall~~ not  
6132 become effective until 31 days after adoption. If challenged  
6133 within 30 days after adoption, small scale development  
6134 amendments may ~~shall~~ not become effective until the state land  
6135 planning agency or the Administration Commission, respectively,  
6136 issues a final order determining that the adopted small scale  
6137 development amendment is in compliance.

6138 (d) In all challenges under this subsection, when a  
6139 determination of compliance as defined in s. 163.3184(1)(b) is  
6140 made, consideration shall be given to the plan amendment as a  
6141 whole and whether the plan amendment furthers the intent of this  
6142 part.

6143 ~~(4) Each governing body shall transmit to the state land~~  
6144 ~~planning agency a current copy of its comprehensive plan not~~  
6145 ~~later than December 1, 1985. Each governing body shall also~~  
6146 ~~transmit copies of any amendments it adopts to its comprehensive~~  
6147 ~~plan so as to continually update the plans on file with the~~  
6148 ~~state land planning agency.~~

6149 ~~(5) Nothing in this part is intended to prohibit or limit~~  
6150 ~~the authority of local governments to require that a person~~  
6151 ~~requesting an amendment pay some or all of the cost of public~~  
6152 ~~notice.~~

6153 ~~(6)(a) No local government may amend its comprehensive~~  
6154 ~~plan after the date established by the state land planning~~  
6155 ~~agency for adoption of its evaluation and appraisal report~~  
6156 ~~unless it has submitted its report or addendum to the state land~~  
6157 ~~planning agency as prescribed by s. 163.3191, except for plan~~

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~~amendments described in paragraph (1) (b) or paragraph (1) (h).~~

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

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

~~(d) When the state land planning agency has determined 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

6186 shall evaluate its comprehensive plan to determine if plan  
6187 amendments are necessary to reflect changes in state  
6188 requirements in this part since the last update of the  
6189 comprehensive plan, and notify the state land planning agency as  
6190 to its determination.

6191 (2) If the local government determines amendments to its  
6192 comprehensive plan are necessary to reflect changes in state  
6193 requirements, the local government shall prepare and transmit  
6194 within 1 year such plan amendment or amendments for review  
6195 pursuant to s. 163.3184.

6196 (3) Local governments are encouraged to comprehensively  
6197 evaluate and, as necessary, update comprehensive plans to  
6198 reflect changes in local conditions. Plan amendments transmitted  
6199 pursuant to this section shall be reviewed in accordance with s.  
6200 163.3184.

6201 (4) If a local government fails to submit its letter  
6202 prescribed by subsection (1) or update its plan pursuant to  
6203 subsection (2), it may not amend its comprehensive plan until  
6204 such time as it complies with this section.

6205 ~~(1) The planning program shall be a continuous and ongoing~~  
6206 ~~process. Each local government shall adopt an evaluation and~~  
6207 ~~appraisal report once every 7 years assessing the progress in~~  
6208 ~~implementing the local government's comprehensive plan.~~  
6209 ~~Furthermore, it is the intent of this section that:~~

6210 ~~(a) Adopted comprehensive plans be reviewed through such~~  
6211 ~~evaluation process to respond to changes in state, regional, and~~  
6212 ~~local policies on planning and growth management and changing~~  
6213 ~~conditions and trends, to ensure effective intergovernmental~~

6214 ~~coordination, and to identify major issues regarding the~~  
6215 ~~community's achievement of its goals.~~

6216 ~~(b) After completion of the initial evaluation and~~  
6217 ~~appraisal report and any supporting plan amendments, each~~  
6218 ~~subsequent evaluation and appraisal report must evaluate the~~  
6219 ~~comprehensive plan in effect at the time of the initiation of~~  
6220 ~~the evaluation and appraisal report process.~~

6221 ~~(c) Local governments identify the major issues, if~~  
6222 ~~applicable, with input from state agencies, regional agencies,~~  
6223 ~~adjacent local governments, and the public in the evaluation and~~  
6224 ~~appraisal report process. It is also the intent of this section~~  
6225 ~~to establish minimum requirements for information to ensure~~  
6226 ~~predictability, certainty, and integrity in the growth~~  
6227 ~~management process. The report is intended to serve as a summary~~  
6228 ~~audit of the actions that a local government has undertaken and~~  
6229 ~~identify changes that it may need to make. The report should be~~  
6230 ~~based on the local government's analysis of major issues to~~  
6231 ~~further the community's goals consistent with statewide minimum~~  
6232 ~~standards. The report is not intended to require a comprehensive~~  
6233 ~~rewrite of the elements within the local plan, unless a local~~  
6234 ~~government chooses to do so.~~

6235 ~~(2) The report shall present an evaluation and assessment~~  
6236 ~~of the comprehensive plan and shall contain appropriate~~  
6237 ~~statements to update the comprehensive plan, including, but not~~  
6238 ~~limited to, words, maps, illustrations, or other media, related~~  
6239 ~~to:~~

6240 ~~(a) Population growth and changes in land area, including~~  
6241 ~~annexation, since the adoption of the original plan or the most~~

6242 ~~recent update amendments.~~

6243 ~~(b) The extent of vacant and developable land.~~

6244 ~~(c) The financial feasibility of implementing the~~  
6245 ~~comprehensive plan and of providing needed infrastructure to~~  
6246 ~~achieve and maintain adopted level-of-service standards and~~  
6247 ~~sustain concurrency management systems through the capital~~  
6248 ~~improvements element, as well as the ability to address~~  
6249 ~~infrastructure backlogs and meet the demands of growth on public~~  
6250 ~~services and facilities.~~

6251 ~~(d) The location of existing development in relation to~~  
6252 ~~the location of development as anticipated in the original plan,~~  
6253 ~~or in the plan as amended by the most recent evaluation and~~  
6254 ~~appraisal report update amendments, such as within areas~~  
6255 ~~designated for urban growth.~~

6256 ~~(e) An identification of the major issues for the~~  
6257 ~~jurisdiction and, where pertinent, the potential social,~~  
6258 ~~economic, and environmental impacts.~~

6259 ~~(f) Relevant changes to the state comprehensive plan, the~~  
6260 ~~requirements of this part, the minimum criteria contained in~~  
6261 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~  
6262 ~~strategic regional policy plan since the adoption of the~~  
6263 ~~original plan or the most recent evaluation and appraisal report~~  
6264 ~~update amendments.~~

6265 ~~(g) An assessment of whether the plan objectives within~~  
6266 ~~each element, as they relate to major issues, have been~~  
6267 ~~achieved. The report shall include, as appropriate, an~~  
6268 ~~identification as to whether unforeseen or unanticipated changes~~  
6269 ~~in circumstances have resulted in problems or opportunities with~~



6270 ~~respect to major issues identified in each element and the~~  
6271 ~~social, economic, and environmental impacts of the issue.~~

6272 ~~(h) A brief assessment of successes and shortcomings~~  
6273 ~~related to each element of the plan.~~

6274 ~~(i) The identification of any actions or corrective~~  
6275 ~~measures, including whether plan amendments are anticipated to~~  
6276 ~~address the major issues identified and analyzed in the report.~~  
6277 ~~Such identification shall include, as appropriate, new~~  
6278 ~~population projections, new revised planning timeframes, a~~  
6279 ~~revised future conditions map or map series, an updated capital~~  
6280 ~~improvements element, and any new and revised goals, objectives,~~  
6281 ~~and policies for major issues identified within each element.~~  
6282 ~~This paragraph shall not require the submittal of the plan~~  
6283 ~~amendments with the evaluation and appraisal report.~~

6284 ~~(j) A summary of the public participation program and~~  
6285 ~~activities undertaken by the local government in preparing the~~  
6286 ~~report.~~

6287 ~~(k) The coordination of the comprehensive plan with~~  
6288 ~~existing public schools and those identified in the applicable~~  
6289 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~  
6290 ~~assessment shall address, where relevant, the success or failure~~  
6291 ~~of the coordination of the future land use map and associated~~  
6292 ~~planned residential development with public schools and their~~  
6293 ~~capacities, as well as the joint decisionmaking processes~~  
6294 ~~engaged in by the local government and the school board in~~  
6295 ~~regard to establishing appropriate population projections and~~  
6296 ~~the planning and siting of public school facilities. For those~~  
6297 ~~counties or municipalities that do not have a public schools~~

6298 ~~interlocal agreement or public school facilities element, the~~  
6299 ~~assessment shall determine whether the local government~~  
6300 ~~continues to meet the criteria of s. 163.3177(12). If the county~~  
6301 ~~or municipality determines that it no longer meets the criteria,~~  
6302 ~~it must adopt appropriate school concurrency goals, objectives,~~  
6303 ~~and policies in its plan amendments pursuant to the requirements~~  
6304 ~~of the public school facilities element, and enter into the~~  
6305 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~  
6306 ~~and 163.31777 in order to fully participate in the school~~  
6307 ~~concurrency system.~~

6308 ~~(1) The extent to which the local government has been~~  
6309 ~~successful in identifying alternative water supply projects and~~  
6310 ~~traditional water supply projects, including conservation and~~  
6311 ~~reuse, necessary to meet the water needs identified in s.~~  
6312 ~~373.709(2)(a) within the local government's jurisdiction. The~~  
6313 ~~report must evaluate the degree to which the local government~~  
6314 ~~has implemented the work plan for building public, private, and~~  
6315 ~~regional water supply facilities, including development of~~  
6316 ~~alternative water supplies, identified in the element as~~  
6317 ~~necessary to serve existing and new development.~~

6318 ~~(m) If any of the jurisdiction of the local government is~~  
6319 ~~located within the coastal high-hazard area, an evaluation of~~  
6320 ~~whether any past reduction in land use density impairs the~~  
6321 ~~property rights of current residents when redevelopment occurs,~~  
6322 ~~including, but not limited to, redevelopment following a natural~~  
6323 ~~disaster. The property rights of current residents shall be~~  
6324 ~~balanced with public safety considerations. The local government~~  
6325 ~~must identify strategies to address redevelopment feasibility~~

6326 ~~and the property rights of affected residents. These strategies~~  
6327 ~~may include the authorization of redevelopment up to the actual~~  
6328 ~~built density in existence on the property prior to the natural~~  
6329 ~~disaster or redevelopment.~~

6330 ~~(n) An assessment of whether the criteria adopted pursuant~~  
6331 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~  
6332 ~~with military installations.~~

6333 ~~(o) The extent to which a concurrency exception area~~  
6334 ~~designated pursuant to s. 163.3180(5), a concurrency management~~  
6335 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~  
6336 ~~transportation district designated pursuant to s. 163.3180(15)~~  
6337 ~~has achieved the purpose for which it was created and otherwise~~  
6338 ~~complies with the provisions of s. 163.3180.~~

6339 ~~(p) An assessment of the extent to which changes are~~  
6340 ~~needed to develop a common methodology for measuring impacts on~~  
6341 ~~transportation facilities for the purpose of implementing its~~  
6342 ~~concurrency management system in coordination with the~~  
6343 ~~municipalities and counties, as appropriate pursuant to s.~~  
6344 ~~163.3180(10).~~

6345 ~~(3) Voluntary scoping meetings may be conducted by each~~  
6346 ~~local government or several local governments within the same~~  
6347 ~~county that agree to meet together. Joint meetings among all~~  
6348 ~~local governments in a county are encouraged. All scoping~~  
6349 ~~meetings shall be completed at least 1 year prior to the~~  
6350 ~~established adoption date of the report. The purpose of the~~  
6351 ~~meetings shall be to distribute data and resources available to~~  
6352 ~~assist in the preparation of the report, to provide input on~~  
6353 ~~major issues in each community that should be addressed in the~~

6354 ~~report, and to advise on the extent of the effort for the~~  
6355 ~~components of subsection (2). If scoping meetings are held, the~~  
6356 ~~local government shall invite each state and regional reviewing~~  
6357 ~~agency, as well as adjacent and other affected local~~  
6358 ~~governments. A preliminary list of new data and major issues~~  
6359 ~~that have emerged since the adoption of the original plan, or~~  
6360 ~~the most recent evaluation and appraisal report-based update~~  
6361 ~~amendments, should be developed by state and regional entities~~  
6362 ~~and involved local governments for distribution at the scoping~~  
6363 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~  
6364 ~~a meeting conducted to determine the scope of review of the~~  
6365 ~~evaluation and appraisal report by parties to which the report~~  
6366 ~~relates.~~

6367 ~~(4) The local planning agency shall prepare the evaluation~~  
6368 ~~and appraisal report and shall make recommendations to the~~  
6369 ~~governing body regarding adoption of the proposed report. The~~  
6370 ~~local planning agency shall prepare the report in conformity~~  
6371 ~~with its public participation procedures adopted as required by~~  
6372 ~~s. 163.3181. During the preparation of the proposed report and~~  
6373 ~~prior to making any recommendation to the governing body, the~~  
6374 ~~local planning agency shall hold at least one public hearing,~~  
6375 ~~with public notice, on the proposed report. At a minimum, the~~  
6376 ~~format and content of the proposed report shall include a table~~  
6377 ~~of contents; numbered pages; element headings; section headings~~  
6378 ~~within elements; a list of included tables, maps, and figures; a~~  
6379 ~~title and sources for all included tables; a preparation date;~~  
6380 ~~and the name of the preparer. Where applicable, maps shall~~  
6381 ~~include major natural and artificial geographic features; city,~~

6382 ~~county, and state lines; and a legend indicating a north arrow,~~  
6383 ~~map scale, and the date.~~

6384 ~~(5) Ninety days prior to the scheduled adoption date, the~~  
6385 ~~local government may provide a proposed evaluation and appraisal~~  
6386 ~~report to the state land planning agency and distribute copies~~  
6387 ~~to state and regional commenting agencies as prescribed by rule,~~  
6388 ~~adjacent jurisdictions, and interested citizens for review. All~~  
6389 ~~review comments, including comments by the state land planning~~  
6390 ~~agency, shall be transmitted to the local government and state~~  
6391 ~~land planning agency within 30 days after receipt of the~~  
6392 ~~proposed report.~~

6393 ~~(6) The governing body, after considering the review~~  
6394 ~~comments and recommended changes, if any, shall adopt the~~  
6395 ~~evaluation and appraisal report by resolution or ordinance at a~~  
6396 ~~public hearing with public notice. The governing body shall~~  
6397 ~~adopt the report in conformity with its public participation~~  
6398 ~~procedures adopted as required by s. 163.3181. The local~~  
6399 ~~government shall submit to the state land planning agency three~~  
6400 ~~copies of the report, a transmittal letter indicating the dates~~  
6401 ~~of public hearings, and a copy of the adoption resolution or~~  
6402 ~~ordinance. The local government shall provide a copy of the~~  
6403 ~~report to the reviewing agencies which provided comments for the~~  
6404 ~~proposed report, or to all the reviewing agencies if a proposed~~  
6405 ~~report was not provided pursuant to subsection (5), including~~  
6406 ~~the adjacent local governments. Within 60 days after receipt,~~  
6407 ~~the state land planning agency shall review the adopted report~~  
6408 ~~and make a preliminary sufficiency determination that shall be~~  
6409 ~~forwarded by the agency to the local government for its~~

6410 ~~consideration. The state land planning agency shall issue a~~  
6411 ~~final sufficiency determination within 90 days after receipt of~~  
6412 ~~the adopted evaluation and appraisal report.~~

6413 ~~(7) The intent of the evaluation and appraisal process is~~  
6414 ~~the preparation of a plan update that clearly and concisely~~  
6415 ~~achieves the purpose of this section. Toward this end, the~~  
6416 ~~sufficiency review of the state land planning agency shall~~  
6417 ~~concentrate on whether the evaluation and appraisal report~~  
6418 ~~sufficiently fulfills the components of subsection (2). If the~~  
6419 ~~state land planning agency determines that the report is~~  
6420 ~~insufficient, the governing body shall adopt a revision of the~~  
6421 ~~report and submit the revised report for review pursuant to~~  
6422 ~~subsection (6).~~

6423 ~~(8) The state land planning agency may delegate the review~~  
6424 ~~of evaluation and appraisal reports, including all state land~~  
6425 ~~planning agency duties under subsections (4)-(7), to the~~  
6426 ~~appropriate regional planning council. When the review has been~~  
6427 ~~delegated to a regional planning council, any local government~~  
6428 ~~in the region may elect to have its report reviewed by the~~  
6429 ~~regional planning council rather than the state land planning~~  
6430 ~~agency. The state land planning agency shall by agreement~~  
6431 ~~provide for uniform and adequate review of reports and shall~~  
6432 ~~retain oversight for any delegation of review to a regional~~  
6433 ~~planning council.~~

6434 ~~(9) The state land planning agency may establish a phased~~  
6435 ~~schedule for adoption of reports. The schedule shall provide~~  
6436 ~~each local government at least 7 years from plan adoption or~~  
6437 ~~last established adoption date for a report and shall allot~~

6438 ~~approximately one-seventh of the reports to any 1 year. In order~~  
6439 ~~to allow the municipalities to use data and analyses gathered by~~  
6440 ~~the counties, the state land planning agency shall schedule~~  
6441 ~~municipal report adoption dates between 1 year and 18 months~~  
6442 ~~later than the report adoption date for the county in which~~  
6443 ~~those municipalities are located. A local government may adopt~~  
6444 ~~its report no earlier than 90 days prior to the established~~  
6445 ~~adoption date. Small municipalities which were scheduled by~~  
6446 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~  
6447 ~~evaluation and appraisal report after February 2, 1999, shall be~~  
6448 ~~rescheduled to adopt their report together with the other~~  
6449 ~~municipalities in their county as provided in this subsection.~~

6450 ~~(10) The governing body shall amend its comprehensive plan~~  
6451 ~~based on the recommendations in the report and shall update the~~  
6452 ~~comprehensive plan based on the components of subsection (2),~~  
6453 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~  
6454 ~~163.3189. Amendments to update a comprehensive plan based on the~~  
6455 ~~evaluation and appraisal report shall be adopted during a single~~  
6456 ~~amendment cycle within 18 months after the report is determined~~  
6457 ~~to be sufficient by the state land planning agency, except the~~  
6458 ~~state land planning agency may grant an extension for adoption~~  
6459 ~~of a portion of such amendments. The state land planning agency~~  
6460 ~~may grant a 6-month extension for the adoption of such~~  
6461 ~~amendments if the request is justified by good and sufficient~~  
6462 ~~cause as determined by the agency. An additional extension may~~  
6463 ~~also be granted if the request will result in greater~~  
6464 ~~coordination between transportation and land use, for the~~  
6465 ~~purposes of improving Florida's transportation system, as~~

determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

~~(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the~~



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~~Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.~~

~~(5) (12)~~ The state land planning agency may ~~shall~~ not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

~~(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the~~

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effectiveness of the evaluation and appraisal report process.

~~(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.~~

Section 21. Paragraph (b) of subsection (2) of section 163.3217, Florida Statutes, is amended to read:

163.3217 Municipal overlay for municipal incorporation.—

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.—

~~(b)1.~~ A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

~~2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.~~

Section 22. Subsection (3) of section 163.3220, Florida Statutes, is amended to read:

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6550 163.3220 Short title; legislative intent.—

6551 (3) In conformity with, in furtherance of, and to  
6552 implement the Community ~~Local Government Comprehensive~~ Planning  
6553 ~~and Land Development Regulation~~ Act and the Florida State  
6554 Comprehensive Planning Act of 1972, it is the intent of the  
6555 Legislature to encourage a stronger commitment to comprehensive  
6556 and capital facilities planning, ensure the provision of  
6557 adequate public facilities for development, encourage the  
6558 efficient use of resources, and reduce the economic cost of  
6559 development.

6560 Section 23. Subsections (2) and (11) of section 163.3221,  
6561 Florida Statutes, are amended to read:

6562 163.3221 Florida Local Government Development Agreement  
6563 Act; definitions.—As used in ss. 163.3220-163.3243:

6564 (2) "Comprehensive plan" means a plan adopted pursuant to  
6565 the Community ~~"Local Government Comprehensive Planning and Land~~  
6566 ~~Development Regulation~~ Act."

6567 (11) "Local planning agency" means the agency designated  
6568 to prepare a comprehensive plan or plan amendment pursuant to  
6569 the Community ~~"Florida Local Government Comprehensive Planning~~  
6570 ~~and Land Development Regulation~~ Act."

6571 Section 24. Section 163.3229, Florida Statutes, is amended  
6572 to read:

6573 163.3229 Duration of a development agreement and  
6574 relationship to local comprehensive plan.—The duration of a  
6575 development agreement may ~~shall~~ not exceed 30 ~~20~~ years, unless  
6576 it is. ~~It may be~~ extended by mutual consent of the governing  
6577 body and the developer, subject to a public hearing in

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6578 accordance with s. 163.3225. No development agreement shall be  
6579 effective or be implemented by a local government unless the  
6580 local government's comprehensive plan and plan amendments  
6581 implementing or related to the agreement are ~~found~~ in compliance  
6582 ~~by the state land planning agency in accordance with s.~~  
6583 ~~163.3184, s. 163.3187, or s. 163.3189.~~

6584 Section 25. Section 163.3235, Florida Statutes, is amended  
6585 to read:

6586 163.3235 Periodic review of a development agreement.—A  
6587 local government shall review land subject to a development  
6588 agreement at least once every 12 months to determine if there  
6589 has been demonstrated good faith compliance with the terms of  
6590 the development agreement. ~~For each annual review conducted~~  
6591 ~~during years 6 through 10 of a development agreement, the review~~  
6592 ~~shall be incorporated into a written report which shall be~~  
6593 ~~submitted to the parties to the agreement and the state land~~  
6594 ~~planning agency. The state land planning agency shall adopt~~  
6595 ~~rules regarding the contents of the report, provided that the~~  
6596 ~~report shall be limited to the information sufficient to~~  
6597 ~~determine the extent to which the parties are proceeding in good~~  
6598 ~~faith to comply with the terms of the development agreement.~~ If  
6599 the local government finds, on the basis of substantial  
6600 competent evidence, that there has been a failure to comply with  
6601 the terms of the development agreement, the agreement may be  
6602 revoked or modified by the local government.

6603 Section 26. Section 163.3239, Florida Statutes, is amended  
6604 to read:

6605 163.3239 Recording and effectiveness of a development

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6606 agreement.—Within 14 days after a local government enters into a  
6607 development agreement, the local government shall record the  
6608 agreement with the clerk of the circuit court in the county  
6609 where the local government is located. ~~A copy of the recorded~~  
6610 ~~development agreement shall be submitted to the state land~~  
6611 ~~planning agency within 14 days after the agreement is recorded.~~  
6612 A development agreement is ~~shall~~ not be effective until it is  
6613 properly recorded in the public records of the county ~~and until~~  
6614 ~~30 days after having been received by the state land planning~~  
6615 ~~agency pursuant to this section.~~ The burdens of the development  
6616 agreement shall be binding upon, and the benefits of the  
6617 agreement shall inure to, all successors in interest to the  
6618 parties to the agreement.

6619 Section 27. Section 163.3243, Florida Statutes, is amended  
6620 to read:

6621 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or  
6622 adversely affected person as defined in s. 163.3215(2), ~~or the~~  
6623 ~~state land planning agency~~ may file an action for injunctive  
6624 relief in the circuit court where the local government is  
6625 located to enforce the terms of a development agreement or to  
6626 challenge compliance of the agreement with ~~the provisions of~~ ss.  
6627 163.3220-163.3243.

6628 Section 28. Section 163.3245, Florida Statutes, is amended  
6629 to read:

6630 163.3245 ~~Optional~~ Sector plans.—

6631 (1) In recognition of the benefits of ~~conceptual~~ long-  
6632 range planning for ~~the buildout of an area, and detailed~~  
6633 ~~planning for specific areas, as a demonstration project, the~~

6634 ~~requirements of s. 380.06 may be addressed as identified by this~~  
6635 ~~section for up to five~~ local governments or combinations of  
6636 local governments may ~~which~~ adopt into their ~~the~~ comprehensive  
6637 plans ~~a plan an optional~~ sector plan in accordance with this  
6638 section. This section is intended to promote and encourage long-  
6639 term planning for conservation, development, and agriculture on  
6640 a landscape scale; to further the intent of s. 163.3177(11),  
6641 which supports innovative and flexible planning and development  
6642 strategies, and the purposes of this part~~7~~ and part I of chapter  
6643 380; to facilitate protection of regionally significant  
6644 resources, including, but not limited to, regionally significant  
6645 water courses and wildlife corridors;~~7~~ and to avoid duplication  
6646 of effort in terms of the level of data and analysis required  
6647 for a development of regional impact, while ensuring the  
6648 adequate mitigation of impacts to applicable regional resources  
6649 and facilities, including those within the jurisdiction of other  
6650 local governments, as would otherwise be provided. ~~Optional~~  
6651 Sector plans are intended for substantial geographic areas that  
6652 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more  
6653 local governmental jurisdictions and are to emphasize urban form  
6654 and protection of regionally significant resources and public  
6655 facilities. ~~A The state land planning agency may approve~~  
6656 ~~optional sector plans of less than 5,000 acres based on local~~  
6657 ~~circumstances if it is determined that the plan would further~~  
6658 ~~the purposes of this part and part I of chapter 380. Preparation~~  
6659 ~~of an optional sector plan is authorized by agreement between~~  
6660 ~~the state land planning agency and the applicable local~~  
6661 ~~governments under s. 163.3171(4). An optional sector plan may be~~

6662 ~~adopted through one or more comprehensive plan amendments under~~  
6663 ~~s. 163.3184. However, an optional sector plan may not be adopted~~  
6664 ~~authorized in an area of critical state concern.~~

6665       (2) Upon the request of a local government having  
6666 ~~jurisdiction, The state land planning agency may enter into an~~  
6667 ~~agreement to authorize preparation of an optional sector plan~~  
6668 ~~upon the request of one or more local governments based on~~  
6669 ~~consideration of problems and opportunities presented by~~  
6670 ~~existing development trends; the effectiveness of current~~  
6671 ~~comprehensive plan provisions; the potential to further the~~  
6672 ~~state comprehensive plan, applicable strategic regional policy~~  
6673 ~~plans, this part, and part I of chapter 380; and those factors~~  
6674 ~~identified by s. 163.3177(10)(i). the applicable regional~~  
6675 ~~planning council shall conduct a scoping meeting with affected~~  
6676 ~~local governments and those agencies identified in s.~~  
6677 ~~163.3184(1)(c)(4) before preparation of the sector plan~~  
6678 ~~execution of the agreement authorized by this section. The~~  
6679 ~~purpose of this meeting is to assist the state land planning~~  
6680 ~~agency and the local government in the identification of the~~  
6681 ~~relevant planning issues to be addressed and the data and~~  
6682 ~~resources available to assist in the preparation of the sector~~  
6683 ~~plan subsequent plan amendments. If a scoping meeting is~~  
6684 ~~conducted, the regional planning council shall make written~~  
6685 ~~recommendations to the state land planning agency and affected~~  
6686 ~~local governments on the issues requested by the local~~  
6687 ~~government. The scoping meeting shall be noticed and open to the~~  
6688 ~~public. If the entire planning area proposed for the sector plan~~  
6689 ~~is within the jurisdiction of two or more local governments,~~

6690 some or all of them may enter into a joint planning agreement  
6691 pursuant to s. 163.3171 with respect to, ~~including whether a~~  
6692 ~~sustainable sector plan would be appropriate. The agreement must~~  
6693 ~~define~~ the geographic area to be subject to the sector plan, the  
6694 planning issues that will be emphasized, procedures ~~requirements~~  
6695 for intergovernmental coordination to address  
6696 extrajurisdictional impacts, supporting application materials  
6697 including data and analysis, ~~and~~ procedures for public  
6698 participation, or other issues. ~~An agreement may address~~  
6699 ~~previously adopted sector plans that are consistent with the~~  
6700 ~~standards in this section. Before executing an agreement under~~  
6701 ~~this subsection, the local government shall hold a duly noticed~~  
6702 ~~public workshop to review and explain to the public the optional~~  
6703 ~~sector planning process and the terms and conditions of the~~  
6704 ~~proposed agreement. The local government shall hold a duly~~  
6705 ~~noticed public hearing to execute the agreement. All meetings~~  
6706 ~~between the department and the local government must be open to~~  
6707 ~~the public.~~

6708 (3) ~~Optional~~ Sector planning encompasses two levels:  
6709 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term  
6710 master plan for the entire planning area as part of the  
6711 comprehensive plan, and adoption by local development order of  
6712 two or more buildout overlay to the comprehensive plan, having  
6713 ~~no immediate effect on the issuance of development orders or the~~  
6714 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~  
6715 detailed specific area plans that implement the ~~conceptual~~ long-  
6716 term master plan buildout overlay and ~~authorize issuance of~~  
6717 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~



6718 ~~such time as a detailed specific area plan is adopted, the~~  
6719 ~~underlying future land use designations apply.~~

6720 (a) In addition to the other requirements of this chapter,  
6721 a long-term master plan pursuant to this section ~~conceptual~~  
6722 ~~long-term buildout overlay~~ must include maps, illustrations, and  
6723 text supported by data and analysis to address the following:

6724 1. A ~~long-range conceptual~~ framework map that, at a  
6725 minimum, generally depicts ~~identifies anticipated~~ areas of  
6726 urban, agricultural, rural, and conservation land use,  
6727 identifies allowed uses in various parts of the planning area,  
6728 specifies maximum and minimum densities and intensities of use,  
6729 and provides the general framework for the development pattern  
6730 in developed areas with graphic illustrations based on a  
6731 hierarchy of places and functional place-making components.

6732 2. A general identification of the water supplies needed  
6733 and available sources of water, including water resource  
6734 development and water supply development projects, and water  
6735 conservation measures needed to meet the projected demand of the  
6736 future land uses in the long-term master plan.

6737 3. A general identification of the transportation  
6738 facilities to serve the future land uses in the long-term master  
6739 plan, including guidelines to be used to establish each modal  
6740 component intended to optimize mobility.

6741 ~~4.2.~~ A general identification of other regionally  
6742 significant public facilities ~~consistent with chapter 9J-2,~~  
6743 ~~Florida Administrative Code, irrespective of local governmental~~  
6744 ~~jurisdiction~~ necessary to support ~~buildout of the anticipated~~  
6745 future land uses, which may include central utilities provided

6746 onsite within the planning area, and policies setting forth the  
6747 procedures to be used to mitigate the impacts of future land  
6748 uses on public facilities.

6749 5.3. A general identification of regionally significant  
6750 natural resources within the planning area based on the best  
6751 available data and policies setting forth the procedures for  
6752 protection or conservation of specific resources consistent with  
6753 the overall conservation and development strategy for the  
6754 planning area ~~consistent with chapter 9J-2, Florida~~  
6755 ~~Administrative Code.~~

6756 6.4. General principles and guidelines addressing that  
6757 ~~address~~ the urban form and the interrelationships of ~~anticipated~~  
6758 future land uses; the protection and, as appropriate,  
6759 restoration and management of lands identified for permanent  
6760 preservation through recordation of conservation easements  
6761 consistent with s. 704.06, which shall be phased or staged in  
6762 coordination with detailed specific area plans to reflect phased  
6763 or staged development within the planning area; and a  
6764 ~~discussion, at the applicant's option, of the extent, if any, to~~  
6765 ~~which the plan will address restoring key ecosystems, achieving~~  
6766 a more clean, healthy environment; limiting urban sprawl;  
6767 providing a range of housing types; protecting wildlife and  
6768 natural areas; advancing the efficient use of land and other  
6769 resources; and creating quality communities of a design that  
6770 promotes travel by multiple transportation modes; and enhancing  
6771 the prospects for the creation of jobs.

6772 7.5. Identification of general procedures and policies to  
6773 facilitate ~~ensure~~ intergovernmental coordination to address

6774 extrajurisdictional impacts from the future land uses ~~long-range~~  
6775 ~~conceptual framework map~~.

6776  
6777 A long-term master plan adopted pursuant to this section may be  
6778 based upon a planning period longer than the generally  
6779 applicable planning period of the local comprehensive plan,  
6780 shall specify the projected population within the planning area  
6781 during the chosen planning period, and may include a phasing or  
6782 staging schedule that allocates a portion of the local  
6783 government's future growth to the planning area through the  
6784 planning period. A long-term master plan adopted pursuant to  
6785 this section is not required to demonstrate need based upon  
6786 projected population growth or on any other basis.

6787 (b) In addition to the other requirements of this chapter,  
6788 ~~including those in paragraph (a),~~ the detailed specific area  
6789 plans shall be consistent with the long-term master plan and  
6790 must include conditions and commitments that provide for:

6791 1. Development or conservation of an area of adequate size  
6792 ~~to accommodate a level of development which achieves a~~  
6793 ~~functional relationship between a full range of land uses within~~  
6794 ~~the area and to encompass~~ at least 1,000 acres consistent with  
6795 the long-term master plan. The local government ~~state land~~  
6796 ~~planning agency~~ may approve detailed specific area plans of less  
6797 than 1,000 acres based on local circumstances if it is  
6798 determined that the detailed specific area plan furthers the  
6799 purposes of this part and part I of chapter 380.

6800 2. Detailed identification and analysis of the maximum and  
6801 minimum densities and intensities of use and the distribution,

6802 extent, and location of future land uses.

6803 3. Detailed identification of water resource development  
6804 and water supply development projects and related infrastructure  
6805 and water conservation measures to address water needs of  
6806 development in the detailed specific area plan.

6807 4. Detailed identification of the transportation  
6808 facilities to serve the future land uses in the detailed  
6809 specific area plan.

6810 5.3. Detailed identification of other regionally  
6811 significant public facilities, including public facilities  
6812 outside the jurisdiction of the host local government,  
6813 ~~anticipated~~ impacts of future land uses on those facilities, and  
6814 required improvements consistent with the long-term master plan  
6815 ~~chapter 9J-2, Florida Administrative Code.~~

6816 6.4. Public facilities necessary to serve development in  
6817 the detailed specific area plan for the short term, including  
6818 developer contributions in a ~~financially feasible~~ 5-year capital  
6819 improvement schedule of the affected local government.

6820 7.5. Detailed analysis and identification of specific  
6821 measures to ensure ~~assure~~ the protection and, as appropriate,  
6822 restoration and management of lands within the boundary of the  
6823 detailed specific area plan identified for permanent  
6824 preservation through recordation of conservation easements  
6825 consistent with s. 704.06, which easements shall be effective  
6826 before or concurrent with the effective date of the detailed  
6827 specific area plan ~~of regionally significant natural resources~~  
6828 and other important resources both within and outside the host

jurisdiction, ~~including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code.~~

8.6. Detailed principles and guidelines addressing that  
~~address~~ the urban form and the interrelationships of ~~anticipated~~  
future land uses; ~~and a discussion, at the applicant's option,~~  
~~of the extent, if any, to which the plan will address restoring~~  
~~key ecosystems,~~ achieving a more clean, healthy environment; ~~;~~  
limiting urban sprawl; providing a range of housing types;  
protecting wildlife and natural areas; ~~;~~ advancing the efficient  
use of land and other resources; ~~;~~ ~~and~~ creating quality  
communities of a design that promotes travel by multiple  
transportation modes; and enhancing the prospects for the  
creation of jobs.

9.7. Identification of specific procedures to facilitate  
~~ensure~~ intergovernmental coordination to address  
extrajurisdictional impacts from ~~of~~ the detailed specific area  
plan.

A detailed specific area plan adopted by local development order  
pursuant to this section may be based upon a planning period  
longer than the generally applicable planning period of the  
local comprehensive plan and shall specify the projected  
population within the specific planning area during the chosen  
planning period. A detailed specific area plan adopted pursuant  
to this section is not required to demonstrate need based upon  
projected population growth or on any other basis. All lands  
identified in the long-term master plan for permanent  
preservation shall be subject to a recorded conservation

6857 easement consistent with s. 704.06 before or concurrent with the  
6858 effective date of the final detailed specific area plan to be  
6859 approved within the planning area.

6860 (c) In its review of a long-term master plan, the state  
6861 land planning agency shall consult with the Department of  
6862 Agriculture and Consumer Services, the Department of  
6863 Environmental Protection, the Fish and Wildlife Conservation  
6864 Commission, and the applicable water management district  
6865 regarding the design of areas for protection and conservation of  
6866 regionally significant natural resources and for the protection  
6867 and, as appropriate, restoration and management of lands  
6868 identified for permanent preservation.

6869 (d) In its review of a long-term master plan, the state  
6870 land planning agency shall consult with the Department of  
6871 Transportation, the applicable metropolitan planning  
6872 organization, and any urban transit agency regarding the  
6873 location, capacity, design, and phasing or staging of major  
6874 transportation facilities in the planning area.

6875 (e) Whenever a local government issues a development order  
6876 approving a detailed specific area plan, a copy of such order  
6877 shall be rendered to the state land planning agency and the  
6878 owner or developer of the property affected by such order, as  
6879 prescribed by rules of the state land planning agency for a  
6880 development order for a development of regional impact. Within  
6881 45 days after the order is rendered, the owner, the developer,  
6882 or the state land planning agency may appeal the order to the  
6883 Florida Land and Water Adjudicatory Commission by filing a  
6884 petition alleging that the detailed specific area plan is not

6885 consistent with the comprehensive plan or with the long-term  
6886 master plan adopted pursuant to this section. The appellant  
6887 shall furnish a copy of the petition to the opposing party, as  
6888 the case may be, and to the local government that issued the  
6889 order. The filing of the petition stays the effectiveness of the  
6890 order until after completion of the appeal process. However, if  
6891 a development order approving a detailed specific area plan has  
6892 been challenged by an aggrieved or adversely affected party in a  
6893 judicial proceeding pursuant to s. 163.3215, and a party to such  
6894 proceeding serves notice to the state land planning agency, the  
6895 state land planning agency shall dismiss its appeal to the  
6896 commission and shall have the right to intervene in the pending  
6897 judicial proceeding pursuant to s. 163.3215. Proceedings for  
6898 administrative review of an order approving a detailed specific  
6899 area plan shall be conducted consistent with s. 380.07(6). The  
6900 commission shall issue a decision granting or denying permission  
6901 to develop pursuant to the long-term master plan and the  
6902 standards of this part and may attach conditions or restrictions  
6903 to its decisions.

6904 (f)(e) This subsection does ~~may not be construed to~~  
6905 prevent preparation and approval of the ~~optional~~ sector plan and  
6906 detailed specific area plan concurrently or in the same  
6907 submission.

6908 (4) Upon the long-term master plan becoming legally  
6909 effective:

6910 (a) Any long-range transportation plan developed by a  
6911 metropolitan planning organization pursuant to s. 339.175(7)  
6912 must be consistent, to the maximum extent feasible, with the

6913 long-term master plan, including, but not limited to, the  
6914 projected population and the approved uses and densities and  
6915 intensities of use and their distribution within the planning  
6916 area. The transportation facilities identified in adopted plans  
6917 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed  
6918 in coordination with the adopted M.P.O. long-range  
6919 transportation plan.

6920 (b) The water needs, sources and water resource  
6921 development, and water supply development projects identified in  
6922 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall  
6923 be incorporated into the applicable district and regional water  
6924 supply plans adopted in accordance with ss. 373.036 and 373.709.  
6925 Accordingly, and notwithstanding the permit durations stated in  
6926 s. 373.236, an applicant may request and the applicable district  
6927 may issue consumptive use permits for durations commensurate  
6928 with the long-term master plan or detailed specific area plan,  
6929 considering the ability of the master plan area to contribute to  
6930 regional water supply availability and the need to maximize  
6931 reasonable-beneficial use of the water resource. The permitting  
6932 criteria in s. 373.223 shall be applied based upon the projected  
6933 population and the approved densities and intensities of use and  
6934 their distribution in the long-term master plan; however, the  
6935 allocation of the water may be phased over the permit duration  
6936 to correspond to actual projected needs. This paragraph does not  
6937 supersede the public interest test set forth in s. 373.223. The  
6938 ~~host local government shall submit a monitoring report to the~~  
6939 ~~state land planning agency and applicable regional planning~~  
6940 ~~council on an annual basis after adoption of a detailed specific~~



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6941 ~~area plan. The annual monitoring report must provide summarized~~  
6942 ~~information on development orders issued, development that has~~  
6943 ~~occurred, public facility improvements made, and public facility~~  
6944 ~~improvements anticipated over the upcoming 5 years.~~

6945 (5) When a plan amendment adopting a detailed specific  
6946 area plan has become effective for a portion of the planning  
6947 area governed by a long-term master plan adopted pursuant to  
6948 this section ~~under ss. 163.3184 and 163.3189(2), the provisions~~  
6949 ~~of~~ s. 380.06 does ~~do~~ not apply to development within the  
6950 geographic area of the detailed specific area plan. However, any  
6951 development-of-regional-impact development order that is vested  
6952 from the detailed specific area plan may be enforced pursuant to  
6953 ~~under~~ s. 380.11.

6954 (a) The local government adopting the detailed specific  
6955 area plan is primarily responsible for monitoring and enforcing  
6956 the detailed specific area plan. Local governments may ~~shall~~ not  
6957 issue any permits or approvals or provide any extensions of  
6958 services to development that are not consistent with the  
6959 detailed specific ~~sector~~ area plan.

6960 (b) If the state land planning agency has reason to  
6961 believe that a violation of any detailed specific area plan, ~~or~~  
6962 ~~of any agreement entered into under this section,~~ has occurred  
6963 or is about to occur, it may institute an administrative or  
6964 judicial proceeding to prevent, abate, or control the conditions  
6965 or activity creating the violation, using the procedures in s.  
6966 380.11.

6967 (c) In instituting an administrative or judicial  
6968 proceeding involving a ~~an optional~~ sector plan or detailed

specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7), except as provided by paragraph (3)(e).

(d) The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially

6997 inaccurate information provided by the applicant, or that change  
6998 is clearly established to be essential to the public health,  
6999 safety, or welfare. Review of the application for master  
7000 development approval shall be at a level of detail appropriate  
7001 for the long-term and conceptual nature of the long-term master  
7002 plan and, to the maximum extent possible, may only consider  
7003 information provided in the application for a long-term master  
7004 plan. Notwithstanding s. 380.06, an increment of development in  
7005 such an approved master development plan must be approved by a  
7006 detailed specific area plan pursuant to paragraph (3)(b) and is  
7007 exempt from review pursuant to s. 380.06.

7008 ~~(6) Beginning December 1, 1999, and each year thereafter,~~  
7009 ~~the department shall provide a status report to the Legislative~~  
7010 ~~Committee on Intergovernmental Relations regarding each optional~~  
7011 ~~sector plan authorized under this section.~~

7012 (7) A developer within an area subject to a long-term  
7013 master plan that meets the requirements of paragraph (3)(a) and  
7014 subsection (6) or a detailed specific area plan that meets the  
7015 requirements of paragraph (3)(b) may enter into a development  
7016 agreement with a local government pursuant to ss. 163.3220-  
7017 163.3243. The duration of such a development agreement may be  
7018 through the planning period of the long-term master plan or the  
7019 detailed specific area plan, as the case may be, notwithstanding  
7020 the limit on the duration of a development agreement pursuant to  
7021 s. 163.3229.

7022 (8) Any owner of property within the planning area of a  
7023 proposed long-term master plan may withdraw his consent to the  
7024 master plan at any time prior to local government adoption, and

7025 the local government shall exclude such parcels from the adopted  
7026 master plan. Thereafter, the long-term master plan, any detailed  
7027 specific area plan, and the exemption from development-of-  
7028 regional-impact review under this section do not apply to the  
7029 subject parcels. After adoption of a long-term master plan, an  
7030 owner may withdraw his or her property from the master plan only  
7031 with the approval of the local government by plan amendment  
7032 adopted and reviewed pursuant to s. 163.3184.

7033 (9) The adoption of a long-term master plan or a detailed  
7034 specific area plan pursuant to this section does not limit the  
7035 right to continue existing agricultural or silvicultural uses or  
7036 other natural resource-based operations or to establish similar  
7037 new uses that are consistent with the plans approved pursuant to  
7038 this section.

7039 (10) The state land planning agency may enter into an  
7040 agreement with a local government that, on or before July 1,  
7041 2011, adopted a large-area comprehensive plan amendment  
7042 consisting of at least 15,000 acres that meets the requirements  
7043 for a long-term master plan in paragraph (3) (a), after notice  
7044 and public hearing by the local government, and thereafter,  
7045 notwithstanding s. 380.06, this part, or any planning agreement  
7046 or plan policy, the large-area plan shall be implemented through  
7047 detailed specific area plans that meet the requirements of  
7048 paragraph (3) (b) and shall otherwise be subject to this section.

7049 (11) Notwithstanding this section, a detailed specific  
7050 area plan to implement a conceptual long-term buildout overlay,  
7051 adopted by a local government and found in compliance before  
7052 July 1, 2011, shall be governed by this section.

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(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (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. 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.

7080 (b) Plan amendments that change the boundaries of the  
7081 certification area; propose a rural land stewardship area  
7082 pursuant to s. 163.3248 ~~163.3177(11)(d)~~; propose a ~~an optional~~  
7083 sector plan pursuant to s. 163.3245; ~~propose a school facilities~~  
7084 ~~element~~; update a comprehensive plan based on an evaluation and  
7085 appraisal review report; impact lands outside the certification  
7086 boundary; implement new statutory requirements that require  
7087 specific comprehensive plan amendments; or increase hurricane  
7088 evacuation times or the need for shelter capacity on lands  
7089 within the coastal high-hazard area shall be reviewed pursuant  
7090 to s. ss. ~~163.3184 and 163.3187.~~

7091 (12) A local government's certification shall be reviewed  
7092 by the local government and the department as part of the  
7093 evaluation and appraisal process pursuant to s. 163.3191. Within  
7094 1 year after the deadline for the local government to update its  
7095 comprehensive plan based on the evaluation and appraisal report,  
7096 the department shall renew or revoke the certification. The  
7097 local government's ~~failure to adopt a timely evaluation and~~  
7098 ~~appraisal report, failure to adopt an evaluation and appraisal~~  
7099 ~~report found to be sufficient, or failure to timely adopt~~  
7100 necessary amendments to update its comprehensive plan based on  
7101 an evaluation and appraisal, which are ~~report~~ found to be in  
7102 compliance by the department, shall be cause for revoking the  
7103 certification agreement. The department's decision to renew or  
7104 revoke shall be considered agency action subject to challenge  
7105 under s. 120.569.

7106 ~~(14) The Office of Program Policy Analysis and Government~~  
7107 ~~Accountability shall prepare a report evaluating the~~

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~~certification program, which shall be submitted to the Governor,  
the President of the Senate, and the Speaker of the House of  
Representatives by December 1, 2007.~~

Section 30. Section 163.32465, Florida Statutes, is  
repealed.

Section 31. Subsection (6) is added to section 163.3247,  
Florida Statutes, to read:

163.3247 Century Commission for a Sustainable Florida.—

(6) EXPIRATION.—This section is repealed and the  
commission is abolished June 30, 2013.

Section 32. Section 163.3248, Florida Statutes, is created  
to read:

163.3248 Rural land stewardship areas.—

(1) Rural land stewardship areas are designed to establish  
a long-term incentive based strategy to balance and guide the  
allocation of land so as to accommodate future land uses in a  
manner that protects the natural environment, stimulate economic  
growth and diversification, and encourage the retention of land  
for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the  
subject lands to designate lands as a rural land stewardship  
area, or pursuant to a private-sector-initiated comprehensive  
plan amendment filed by, or with the consent of the owners of  
the subject lands, local governments may adopt a future land use  
overlay to designate all or portions of lands classified in the  
future land use element as predominantly agricultural, rural,  
open, open-rural, or a substantively equivalent land use, as a  
rural land stewardship area within which planning and economic

incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and



7164 established urban service areas, and shall be designated by plan  
7165 amendment by each local government with jurisdiction over the  
7166 rural land stewardship area. The plan amendment or amendments  
7167 designating a rural land stewardship area are subject to review  
7168 pursuant to s. 163.3184 and shall provide for the following:

7169 (a) Criteria for the designation of receiving areas which  
7170 shall, at a minimum, provide for the following: adequacy of  
7171 suitable land to accommodate development so as to avoid conflict  
7172 with significant environmentally sensitive areas, resources, and  
7173 habitats; compatibility between and transition from higher  
7174 density uses to lower intensity rural uses; and the  
7175 establishment of receiving area service boundaries that provide  
7176 for a transition from receiving areas and other land uses within  
7177 the rural land stewardship area through limitations on the  
7178 extension of services.

7179 (b) Innovative planning and development strategies to be  
7180 applied within rural land stewardship areas pursuant to this  
7181 section.

7182 (c) A process for the implementation of innovative  
7183 planning and development strategies within the rural land  
7184 stewardship area, including those described in this subsection,  
7185 which provide for a functional mix of land uses through the  
7186 adoption by the local government of zoning and land development  
7187 regulations applicable to the rural land stewardship area.

7188 (d) A mix of densities and intensities that would not be  
7189 characterized as urban sprawl through the use of innovative  
7190 strategies and creative land use techniques.

7191       (6) A receiving area may be designated only pursuant to  
7192 procedures established in the local government's land  
7193 development regulations. If receiving area designation requires  
7194 the approval of the county board of county commissioners, such  
7195 approval shall be by resolution with a simple majority vote.  
7196 Before the commencement of development within a stewardship  
7197 receiving area, a listed species survey must be performed for  
7198 the area proposed for development. If listed species occur on  
7199 the receiving area development site, the applicant must  
7200 coordinate with each appropriate local, state, or federal agency  
7201 to determine if adequate provisions have been made to protect  
7202 those species in accordance with applicable regulations. In  
7203 determining the adequacy of provisions for the protection of  
7204 listed species and their habitats, the rural land stewardship  
7205 area shall be considered as a whole, and the potential impacts  
7206 and protective measures taken within areas to be developed as  
7207 receiving areas shall be considered in conjunction with and  
7208 compensated by lands set aside and protective measures taken  
7209 within the designated sending areas.

7210       (7) Upon the adoption of a plan amendment creating a rural  
7211 land stewardship area, the local government shall, by ordinance,  
7212 establish a rural land stewardship overlay zoning district,  
7213 which shall provide the methodology for the creation,  
7214 conveyance, and use of transferable rural land use credits,  
7215 hereinafter referred to as stewardship credits, the assignment  
7216 and application of which does not constitute a right to develop  
7217 land or increase the density of land, except as provided by this  
7218 section. The total amount of stewardship credits within the

7219 rural land stewardship area must enable the realization of the  
7220 long-term vision and goals for the rural land stewardship area,  
7221 which may take into consideration the anticipated effect of the  
7222 proposed receiving areas. The estimated amount of receiving area  
7223 shall be projected based on available data, and the development  
7224 potential represented by the stewardship credits created within  
7225 the rural land stewardship area must correlate to that amount.

7226 (8) Stewardship credits are subject to the following  
7227 limitations:

7228 (a) Stewardship credits may exist only within a rural land  
7229 stewardship area.

7230 (b) Stewardship credits may be created only from lands  
7231 designated as stewardship sending areas and may be used only on  
7232 lands designated as stewardship receiving areas and then solely  
7233 for the purpose of implementing innovative planning and  
7234 development strategies and creative land use planning techniques  
7235 adopted by the local government pursuant to this section.

7236 (c) Stewardship credits assigned to a parcel of land  
7237 within a rural land stewardship area shall cease to exist if the  
7238 parcel of land is removed from the rural land stewardship area  
7239 by plan amendment.

7240 (d) Neither the creation of the rural land stewardship  
7241 area by plan amendment nor the adoption of the rural land  
7242 stewardship zoning overlay district by the local government may  
7243 displace the underlying permitted uses or the density or  
7244 intensity of land uses assigned to a parcel of land within the  
7245 rural land stewardship area that existed before adoption of the  
7246 plan amendment or zoning overlay district; however, once

7247 stewardship credits have been transferred from a designated  
7248 sending area for use within a designated receiving area, the  
7249 underlying density assigned to the designated sending area  
7250 ceases to exist.

7251 (e) The underlying permitted uses, density, or intensity  
7252 on each parcel of land located within a rural land stewardship  
7253 area may not be increased or decreased by the local government,  
7254 except as a result of the conveyance or stewardship credits, as  
7255 long as the parcel remains within the rural land stewardship  
7256 area.

7257 (f) Stewardship credits shall cease to exist on a parcel  
7258 of land where the underlying density assigned to the parcel of  
7259 land is used.

7260 (g) An increase in the density or intensity of use on a  
7261 parcel of land located within a designated receiving area may  
7262 occur only through the assignment or use of stewardship credits  
7263 and do not require a plan amendment. A change in the type of  
7264 agricultural use on property within a rural land stewardship  
7265 area is not considered a change in use or intensity of use and  
7266 does not require any transfer of stewardship credits.

7267 (h) A change in the density or intensity of land use on  
7268 parcels located within receiving areas shall be specified in a  
7269 development order that reflects the total number of stewardship  
7270 credits assigned to the parcel of land and the infrastructure  
7271 and support services necessary to provide for a functional mix  
7272 of land uses corresponding to the plan of development.

7273        (i) Land within a rural land stewardship area may be  
7274 removed from the rural land stewardship area through a plan  
7275 amendment.

7276        (j) Stewardship credits may be assigned at different  
7277 ratios of credits per acre according to the natural resource or  
7278 other beneficial use characteristics of the land and according  
7279 to the land use remaining after the transfer of credits, with  
7280 the highest number of credits per acre assigned to the most  
7281 environmentally valuable land or, in locations where the  
7282 retention of open space and agricultural land is a priority, to  
7283 such lands.

7284        (k) Stewardship credits may be transferred from a sending  
7285 area only after a stewardship easement is placed on the sending  
7286 area land with assigned stewardship credits. A stewardship  
7287 easement is a covenant or restrictive easement running with the  
7288 land which specifies the allowable uses and development  
7289 restrictions for the portion of a sending area from which  
7290 stewardship credits have been transferred. The stewardship  
7291 easement must be jointly held by the county and the Department  
7292 of Environmental Protection, the Department of Agriculture and  
7293 Consumer Services, a water management district, or a recognized  
7294 statewide land trust.

7295        (9) Owners of land within rural land stewardship sending  
7296 areas should be provided other incentives, in addition to the  
7297 use or conveyance of stewardship credits, to enter into rural  
7298 land stewardship agreements, pursuant to existing law and rules  
7299 adopted thereto, with state agencies, water management  
7300 districts, the Fish and Wildlife Conservation Commission, and

7301 local governments to achieve mutually agreed upon objectives.  
7302 Such incentives may include, but are not limited to, the  
7303 following:

7304 (a) Opportunity to accumulate transferable wetland and  
7305 species habitat mitigation credits for use or sale.

7306 (b) Extended permit agreements.

7307 (c) Opportunities for recreational leases and ecotourism.

7308 (d) Compensation for the achievement of specified land  
7309 management activities of public benefit, including, but not  
7310 limited to, facility siting and corridors, recreational leases,  
7311 water conservation and storage, water reuse, wastewater  
7312 recycling, water supply and water resource development, nutrient  
7313 reduction, environmental restoration and mitigation, public  
7314 recreation, listed species protection and recovery, and wildlife  
7315 corridor management and enhancement.

7316 (e) Option agreements for sale to public entities or  
7317 private land conservation entities, in either fee or easement,  
7318 upon achievement of specified conservation objectives.

7319 (10) This section constitutes an overlay of land use  
7320 options that provide economic and regulatory incentives for  
7321 landowners outside of established and planned urban service  
7322 areas to conserve and manage vast areas of land for the benefit  
7323 of the state's citizens and natural environment while  
7324 maintaining and enhancing the asset value of their landholdings.

7325 It is the intent of the Legislature that this section be  
7326 implemented pursuant to law and rulemaking is not authorized.

7327 (11) It is the intent of the Legislature that the rural  
7328 land stewardship area located in Collier County, which was

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established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

Section 33. Paragraph (a) of subsection (2) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Community Local Government Comprehensive Planning and Land Development Regulation Act.

Section 34. Paragraph (a) of subsection (3) and subsection (8) of section 163.516, Florida Statutes, are amended to read:

163.516 Safe neighborhood improvement plans.—

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the Community Local Government Comprehensive Planning and Land Development Regulation Act. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(8) Pursuant to s. ss. 163.3184, ~~163.3187~~, and ~~163.3189~~, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's adopted local comprehensive plan.

Section 35. Paragraph (f) of subsection (6), subsection

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(9), and paragraph (c) of subsection (11) of section 171.203, Florida Statutes, are amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(f) Establish a process for land use decisions consistent with part II of chapter 163, including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land use changes consistent with part II of chapter 163 for areas that are scheduled to be annexed within the term of the interlocal agreement; however, the county comprehensive plan and land development regulations shall control until the municipality annexes the property and amends its comprehensive plan accordingly. ~~Comprehensive plan amendments to incorporate the process established by this paragraph are exempt from the twice per year limitation under s. 163.3187.~~



(9) Each local government that is a party to the interlocal service boundary agreement shall amend the intergovernmental coordination element of its comprehensive plan, as described in s. 163.3177(6)(h)1., no later than 6 months following entry of the interlocal service boundary agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments required by this subsection are exempt from the twice-per-year limitation under s. 163.3187.~~

(11)

~~(c) Any amendment required by paragraph (a) is exempt from the twice-per-year limitation under s. 163.3187.~~

Section 36. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164(20) and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

Section 37. Section 186.515, Florida Statutes, is amended to read:

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning

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council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164~~(19)~~ or s. 380.031(15).

Section 38. Subsection (1) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the Community ~~Local Government Comprehensive Planning and Land Development Regulation~~ Act, pursuant to part II of chapter 163.

Section 39. Subsection (3) of section 190.004, Florida Statutes, is amended to read:

190.004 Preemption; sole authority.—

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a

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7441 comprehensive plan, building code, or land development code, as  
7442 those terms are defined in the Community ~~Local Government~~  
7443 ~~Comprehensive Planning and Land Development Regulation~~ Act. A  
7444 district shall take no action which is inconsistent with  
7445 applicable comprehensive plans, ordinances, or regulations of  
7446 the applicable local general-purpose government.

7447 Section 40. Paragraph (a) of subsection (1) of section  
7448 190.005, Florida Statutes, is amended to read:

7449 190.005 Establishment of district.—

7450 (1) The exclusive and uniform method for the establishment  
7451 of a community development district with a size of 1,000 acres  
7452 or more shall be pursuant to a rule, adopted under chapter 120  
7453 by the Florida Land and Water Adjudicatory Commission, granting  
7454 a petition for the establishment of a community development  
7455 district.

7456 (a) A petition for the establishment of a community  
7457 development district shall be filed by the petitioner with the  
7458 Florida Land and Water Adjudicatory Commission. The petition  
7459 shall contain:

7460 1. A metes and bounds description of the external  
7461 boundaries of the district. Any real property within the  
7462 external boundaries of the district which is to be excluded from  
7463 the district shall be specifically described, and the last known  
7464 address of all owners of such real property shall be listed. The  
7465 petition shall also address the impact of the proposed district  
7466 on any real property within the external boundaries of the  
7467 district which is to be excluded from the district.

7468 2. The written consent to the establishment of the

7469 district by all landowners whose real property is to be included  
7470 in the district or documentation demonstrating that the  
7471 petitioner has control by deed, trust agreement, contract, or  
7472 option of 100 percent of the real property to be included in the  
7473 district, and when real property to be included in the district  
7474 is owned by a governmental entity and subject to a ground lease  
7475 as described in s. 190.003(14), the written consent by such  
7476 governmental entity.

7477 3. A designation of five persons to be the initial members  
7478 of the board of supervisors, who shall serve in that office  
7479 until replaced by elected members as provided in s. 190.006.

7480 4. The proposed name of the district.

7481 5. A map of the proposed district showing current major  
7482 trunk water mains and sewer interceptors and outfalls if in  
7483 existence.

7484 6. Based upon available data, the proposed timetable for  
7485 construction of the district services and the estimated cost of  
7486 constructing the proposed services. These estimates shall be  
7487 submitted in good faith but are ~~shall~~ not ~~be~~ binding and may be  
7488 subject to change.

7489 7. A designation of the future general distribution,  
7490 location, and extent of public and private uses of land proposed  
7491 for the area within the district by the future land use plan  
7492 element of the effective local government comprehensive plan of  
7493 which all mandatory elements have been adopted by the applicable  
7494 general-purpose local government in compliance with the  
7495 Community ~~Local Government Comprehensive Planning and Land~~  
7496 ~~Development Regulation Act.~~

7497           8. A statement of estimated regulatory costs in accordance  
7498 with the requirements of s. 120.541.

7499           Section 41. Paragraph (i) of subsection (6) of section  
7500 193.501, Florida Statutes, is amended to read:

7501           193.501 Assessment of lands subject to a conservation  
7502 easement, environmentally endangered lands, or lands used for  
7503 outdoor recreational or park purposes when land development  
7504 rights have been conveyed or conservation restrictions have been  
7505 covenanted.—

7506           (6) The following terms whenever used as referred to in  
7507 this section have the following meanings unless a different  
7508 meaning is clearly indicated by the context:

7509           (i) "Qualified as environmentally endangered" means land  
7510 that has unique ecological characteristics, rare or limited  
7511 combinations of geological formations, or features of a rare or  
7512 limited nature constituting habitat suitable for fish, plants,  
7513 or wildlife, and which, if subject to a development moratorium  
7514 or one or more conservation easements or development  
7515 restrictions appropriate to retaining such land or water areas  
7516 predominantly in their natural state, would be consistent with  
7517 the conservation, recreation and open space, and, if applicable,  
7518 coastal protection elements of the comprehensive plan adopted by  
7519 formal action of the local governing body pursuant to s.  
7520 163.3161, the Community ~~Local Government Comprehensive~~ Planning  
7521 ~~and Land Development Regulation~~ Act; or surface waters and  
7522 wetlands, as determined by the methodology ratified in s.  
7523 373.4211.

7524           Section 42. Subsection (15) of section 287.042, Florida

Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(15) To enter into joint agreements with governmental agencies, as defined in s. 163.3164~~(10)~~, for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer their portion of the funds into the department's Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 43. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development

may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; and the poverty rate of the community; ~~and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j).~~ The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 44. Paragraph (a) of subsection (2), subsection (10), and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(2) As used in this section, the term:

(a) "Affected local government" means a local government adjoining the host local government and any other unit of local government that is not a host local government but that is identified in a proposed military base reuse plan as providing,

operating, or maintaining one or more public facilities as defined in s. 163.3164~~(24)~~ on lands within or serving a military base designated for closure by the Federal Government.

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 180 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184~~(11)~~(15) to ensure full public participation in this planning process.

(12) Following receipt of a petition, the petitioning party or parties and the host local government shall seek resolution of the issues in dispute. The issues in dispute shall be resolved as follows:

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates



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7609 in its final order a term or condition that requires any local  
7610 government to amend its local government comprehensive plan, the  
7611 local government shall amend its plan within 60 days after the  
7612 issuance of the order. ~~Such amendment or amendments shall be~~  
7613 ~~exempt from the limitation of the frequency of plan amendments~~  
7614 ~~contained in s. 163.3187(1), and~~ A public hearing on such  
7615 amendment or amendments pursuant to s. 163.3184(11)-(15)(b)1. is  
7616 ~~shall~~ not be required. The final order of the Administration  
7617 Commission is subject to appeal pursuant to s. 120.68. If the  
7618 order of the Administration Commission is appealed, the time for  
7619 the local government to amend its plan shall be tolled during  
7620 the pendency of any local, state, or federal administrative or  
7621 judicial proceeding relating to the military base reuse plan.

7622 Section 45. Subsection (4) of section 290.0475, Florida  
7623 Statutes, is amended to read:

7624 290.0475 Rejection of grant applications; penalties for  
7625 failure to meet application conditions.—Applications received  
7626 for funding under all program categories shall be rejected  
7627 without scoring only in the event that any of the following  
7628 circumstances arise:

7629 (4) The application is not consistent with the local  
7630 government's comprehensive plan adopted pursuant to s.  
7631 163.3184(7).

7632 Section 46. Paragraph (c) of subsection (3) of section  
7633 311.07, Florida Statutes, is amended to read:

7634 311.07 Florida seaport transportation and economic  
7635 development funding.—

7636 (3)

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(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Community Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

Section 47. Subsection (1) of section 331.319, Florida Statutes, is amended to read:

331.319 Comprehensive planning; building and safety codes.—The board of directors may:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the Community Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

Section 48. Paragraph (e) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. ~~The level of service standards for~~

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7665 ~~facilities to be funded under this subsection shall be adopted~~  
7666 ~~by the appropriate local government in accordance with s.~~  
7667 ~~163.3180(10).~~ The projects shall be adopted into the capital  
7668 improvements schedule of the local government comprehensive plan  
7669 pursuant to s. 163.3177(3).

7670 Section 49. Paragraph (a) of subsection (4) of section  
7671 339.2819, Florida Statutes, is amended to read:

7672 339.2819 Transportation Regional Incentive Program.—

7673 (4)(a) Projects to be funded with Transportation Regional  
7674 Incentive Program funds shall, at a minimum:

7675 1. Support those transportation facilities that serve  
7676 national, statewide, or regional functions and function as an  
7677 integrated regional transportation system.

7678 2. Be identified in the capital improvements element of a  
7679 comprehensive plan that has been determined to be in compliance  
7680 with part II of chapter 163, after July 1, 2005, ~~or to implement~~  
7681 ~~a long-term concurrency management system adopted by a local~~  
7682 ~~government in accordance with s. 163.3180(9).~~ Further, the  
7683 project shall be in compliance with local government  
7684 comprehensive plan policies relative to corridor management.

7685 3. Be consistent with the Strategic Intermodal System Plan  
7686 developed under s. 339.64.

7687 4. Have a commitment for local, regional, or private  
7688 financial matching funds as a percentage of the overall project  
7689 cost.

7690 Section 50. Subsection (5) of section 369.303, Florida  
7691 Statutes, is amended to read:

7692 369.303 Definitions.—As used in this part:

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7693 (5) "Land development regulation" means a regulation  
7694 covered by the definition in s. 163.3164~~(23)~~ and any of the  
7695 types of regulations described in s. 163.3202.

7696 Section 51. Subsections (5) and (7) of section 369.321,  
7697 Florida Statutes, are amended to read:

7698 369.321 Comprehensive plan amendments.—Except as otherwise  
7699 expressly provided, by January 1, 2006, each local government  
7700 within the Wekiva Study Area shall amend its local government  
7701 comprehensive plan to include the following:

7702 (5) Comprehensive plans and comprehensive plan amendments  
7703 adopted by the local governments to implement this section shall  
7704 be reviewed by the Department of Community Affairs pursuant to  
7705 s. 163.3184, ~~and shall be exempt from the provisions of s.~~  
7706 ~~163.3187(1).~~

7707 (7) During the period prior to the adoption of the  
7708 comprehensive plan amendments required by this act, any local  
7709 comprehensive plan amendment adopted by a city or county that  
7710 applies to land located within the Wekiva Study Area shall  
7711 protect surface and groundwater resources and be reviewed by the  
7712 Department of Community Affairs, ~~pursuant to chapter 163 and~~  
7713 ~~chapter 9J-5, Florida Administrative Code,~~ using best available  
7714 data, including the information presented to the Wekiva River  
7715 Basin Coordinating Committee.

7716 Section 52. Subsection (1) of section 378.021, Florida  
7717 Statutes, is amended to read:

7718 378.021 Master reclamation plan.—

7719 (1) The Department of Environmental Protection shall amend  
7720 the master reclamation plan that provides guidelines for the

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7721 reclamation of lands mined or disturbed by the severance of  
7722 phosphate rock prior to July 1, 1975, which lands are not  
7723 subject to mandatory reclamation under part II of chapter 211.  
7724 In amending the master reclamation plan, the Department of  
7725 Environmental Protection shall continue to conduct an onsite  
7726 evaluation of all lands mined or disturbed by the severance of  
7727 phosphate rock prior to July 1, 1975, which lands are not  
7728 subject to mandatory reclamation under part II of chapter 211.  
7729 The master reclamation plan when amended by the Department of  
7730 Environmental Protection shall be consistent with local  
7731 government plans prepared pursuant to the Community Local  
7732 ~~Government Comprehensive Planning and Land Development~~  
7733 ~~Regulation~~ Act.

7734 Section 53. Subsection (10) of section 380.031, Florida  
7735 Statutes, is amended to read:

7736 380.031 Definitions.—As used in this chapter:

7737 (10) "Local comprehensive plan" means any or all local  
7738 comprehensive plans or elements or portions thereof prepared,  
7739 adopted, or amended pursuant to the Community Local Government  
7740 ~~Comprehensive Planning and Land Development Regulation~~ Act, as  
7741 amended.

7742 Section 54. Paragraph (d) of subsection (2), paragraph (b)  
7743 of subsection (6), paragraphs (c) and (e) of subsection (19),  
7744 subsection (24), paragraph (e) of subsection (28), and  
7745 paragraphs (a), (d), and (e) of subsection (29) of section  
7746 380.06, Florida Statutes, are amended, and subsection (30) is  
7747 added to that section, to read:

7748 380.06 Developments of regional impact.—

7749           (2)   STATEWIDE GUIDELINES AND STANDARDS.—

7750           (d)   The guidelines and standards shall be applied as  
7751 follows:

7752           1.   Fixed thresholds.—

7753           a.   A development that is below 100 percent of all  
7754 numerical thresholds in the guidelines and standards shall not  
7755 be required to undergo development-of-regional-impact review.

7756           b.   A development that is at or above 120 percent of any  
7757 numerical threshold shall be required to undergo development-of-  
7758 regional-impact review.

7759           c.   Projects certified under s. 403.973 which create at  
7760 least 100 jobs and meet the criteria of the Office of Tourism,  
7761 Trade, and Economic Development as to their impact on an area's  
7762 economy, employment, and prevailing wage and skill levels that  
7763 are at or below 100 percent of the numerical thresholds for  
7764 industrial plants, industrial parks, distribution, warehousing  
7765 or wholesaling facilities, office development or multiuse  
7766 projects other than residential, as described in s.  
7767 380.0651(3)(c), ~~(d)~~, and (f) ~~(h)~~, are not required to undergo  
7768 development-of-regional-impact review.

7769           2.   Rebuttable presumption.—It shall be presumed that a  
7770 development that is at 100 percent or between 100 and 120  
7771 percent of a numerical threshold shall be required to undergo  
7772 development-of-regional-impact review.

7773           Section 55. Paragraph (b) of subsection (6), paragraph (g)  
7774 of subsection (15), paragraphs (b), (c), and (e) of subsection  
7775 (19), subsection (24), paragraph (e) of subsection (28), and  
7776 paragraphs (a), (d), and (e) of subsection (29) of section

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380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without regard to ~~statutory or local ordinance~~ limits on the frequency of consideration of amendments to the local comprehensive plan. ~~Nothing in~~ This paragraph does not ~~shall be deemed to~~ require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals

7805 sought. That request must include data and analysis upon which  
7806 the applicable local government can determine whether to  
7807 transmit the comprehensive plan amendment pursuant to s.  
7808 163.3184.

7809 3. The local government must advertise a public hearing on  
7810 the transmittal within 30 days after filing the application for  
7811 development approval or the proposed change and must make a  
7812 determination on the transmittal within 60 days after the  
7813 initial filing unless that time is extended by the developer.

7814 4. If the local government approves the transmittal,  
7815 procedures set forth in s. 163.3184 (4) (b) - (d) (3) - (6) must be  
7816 followed.

7817 5. Notwithstanding subsection (11) or subsection (19), the  
7818 local government may not hold a public hearing on the  
7819 application for development approval or the proposed change or  
7820 on the comprehensive plan amendments sooner than 30 days from  
7821 receipt of the response from the state land planning agency  
7822 pursuant to s. 163.3184 (4) (d) (6). ~~The 60-day time period for~~  
7823 ~~local governments to adopt, adopt with changes, or not adopt~~  
7824 ~~plan amendments pursuant to s. 163.3184 (7) shall not apply to~~  
7825 ~~concurrent plan amendments provided for in this subsection.~~

7826 6. The local government must hear both the application for  
7827 development approval or the proposed change and the  
7828 comprehensive plan amendments at the same hearing. However, the  
7829 local government must take action separately on the application  
7830 for development approval or the proposed change and on the  
7831 comprehensive plan amendments.

7832 7. Thereafter, the appeal process for the local government



development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 40 ~~20~~ percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032

7861 agreement after the termination or expiration date contained in  
7862 the development order without further development-of-regional-  
7863 impact review subject to the local government comprehensive plan  
7864 and land development regulations or subject to a modified  
7865 development-of-regional-impact analysis. As used in this  
7866 paragraph, an "essentially built-out" development of regional  
7867 impact means:

7868       a. The developers are in compliance with all applicable  
7869 terms and conditions of the development order except the  
7870 buildout date; and

7871       b.(I) The amount of development that remains to be built  
7872 is less than the substantial deviation threshold specified in  
7873 paragraph (19)(b) for each individual land use category, or, for  
7874 a multiuse development, the sum total of all unbuilt land uses  
7875 as a percentage of the applicable substantial deviation  
7876 threshold is equal to or less than 100 percent; or

7877       (II) The state land planning agency and the local  
7878 government have agreed in writing that the amount of development  
7879 to be built does not create the likelihood of any additional  
7880 regional impact not previously reviewed.

7881  
7882 The single-family residential portions of a development may be  
7883 considered "essentially built out" if all of the workforce  
7884 housing obligations and all of the infrastructure and horizontal  
7885 development have been completed, at least 50 percent of the  
7886 dwelling units have been completed, and more than 80 percent of  
7887 the lots have been conveyed to third-party individual lot owners  
7888 or to individual builders who own no more than 40 lots at the

7889 time of the determination. The mobile home park portions of a  
7890 development may be considered "essentially built out" if all the  
7891 infrastructure and horizontal development has been completed,  
7892 and at least 50 percent of the lots are leased to individual  
7893 mobile home owners.

7894 (19) SUBSTANTIAL DEVIATIONS.—

7895 (b) Any proposed change to a previously approved  
7896 development of regional impact or development order condition  
7897 which, either individually or cumulatively with other changes,  
7898 exceeds any of the following criteria shall constitute a  
7899 substantial deviation and shall cause the development to be  
7900 subject to further development-of-regional-impact review without  
7901 the necessity for a finding of same by the local government:

7902 1. An increase in the number of parking spaces at an  
7903 attraction or recreational facility by 15 ~~10~~ percent or 500 ~~330~~  
7904 spaces, whichever is greater, or an increase in the number of  
7905 spectators that may be accommodated at such a facility by 15 ~~10~~  
7906 percent or 1,500 ~~1,100~~ spectators, whichever is greater.

7907 2. A new runway, a new terminal facility, a 25-percent  
7908 lengthening of an existing runway, or a 25-percent increase in  
7909 the number of gates of an existing terminal, but only if the  
7910 increase adds at least three additional gates.

7911 ~~3. An increase in industrial development area by 10~~  
7912 ~~percent or 35 acres, whichever is greater.~~

7913 ~~4. An increase in the average annual acreage mined by 10~~  
7914 ~~percent or 11 acres, whichever is greater, or an increase in the~~  
7915 ~~average daily water consumption by a mining operation by 10~~  
7916 ~~percent or 330,000 gallons, whichever is greater. A net increase~~

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7917 ~~in the size of the mine by 10 percent or 825 acres, whichever is~~  
7918 ~~less. For purposes of calculating any net increases in size,~~  
7919 ~~only additions and deletions of lands that have not been mined~~  
7920 ~~shall be considered. An increase in the size of a heavy mineral~~  
7921 ~~mine as defined in s. 378.403(7) will only constitute a~~  
7922 ~~substantial deviation if the average annual acreage mined is~~  
7923 ~~more than 550 acres and consumes more than 3.3 million gallons~~  
7924 ~~of water per day.~~

7925 3.5. An increase in land area for office development by 15  
7926 ~~10~~ percent or an increase of gross floor area of office  
7927 development by 15 ~~10~~ percent or 100,000 ~~66,000~~ gross square  
7928 feet, whichever is greater.

7929 4.6. An increase in the number of dwelling units by 10  
7930 percent or 55 dwelling units, whichever is greater.

7931 5.7. An increase in the number of dwelling units by 50  
7932 percent or 200 units, whichever is greater, provided that 15  
7933 percent of the proposed additional dwelling units are dedicated  
7934 to affordable workforce housing, subject to a recorded land use  
7935 restriction that shall be for a period of not less than 20 years  
7936 and that includes resale provisions to ensure long-term  
7937 affordability for income-eligible homeowners and renters and  
7938 provisions for the workforce housing to be commenced prior to  
7939 the completion of 50 percent of the market rate dwelling. For  
7940 purposes of this subparagraph, the term "affordable workforce  
7941 housing" means housing that is affordable to a person who earns  
7942 less than 120 percent of the area median income, or less than  
7943 140 percent of the area median income if located in a county in  
7944 which the median purchase price for a single-family existing

7945 home exceeds the statewide median purchase price of a single-  
7946 family existing home. For purposes of this subparagraph, the  
7947 term "statewide median purchase price of a single-family  
7948 existing home" means the statewide purchase price as determined  
7949 in the Florida Sales Report, Single-Family Existing Homes,  
7950 released each January by the Florida Association of Realtors and  
7951 the University of Florida Real Estate Research Center.

7952 ~~6.8.~~ An increase in commercial development by 60,000  
7953 ~~55,000~~ square feet of gross floor area or of parking spaces  
7954 provided for customers for 425 ~~330~~ cars or a 10-percent increase  
7955 ~~of either of these~~, whichever is greater.

7956 ~~9. An increase in hotel or motel rooms by 10 percent or 83~~  
7957 ~~rooms, whichever is greater.~~

7958 ~~7.10.~~ An increase in a recreational vehicle park area by  
7959 10 percent or 110 vehicle spaces, whichever is less.

7960 ~~8.11.~~ A decrease in the area set aside for open space of 5  
7961 percent or 20 acres, whichever is less.

7962 ~~9.12.~~ A proposed increase to an approved multiuse  
7963 development of regional impact where the sum of the increases of  
7964 each land use as a percentage of the applicable substantial  
7965 deviation criteria is equal to or exceeds 110 percent. The  
7966 percentage of any decrease in the amount of open space shall be  
7967 treated as an increase for purposes of determining when 110  
7968 percent has been reached or exceeded.

7969 ~~10.13.~~ A 15-percent increase in the number of external  
7970 vehicle trips generated by the development above that which was  
7971 projected during the original development-of-regional-impact  
7972 review.

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7973        ~~11.14.~~ Any change which would result in development of any  
7974 area which was specifically set aside in the application for  
7975 development approval or in the development order for  
7976 preservation or special protection of endangered or threatened  
7977 plants or animals designated as endangered, threatened, or  
7978 species of special concern and their habitat, any species  
7979 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or  
7980 archaeological and historical sites designated as significant by  
7981 the Division of Historical Resources of the Department of State.  
7982 The refinement of the boundaries and configuration of such areas  
7983 shall be considered under sub-subparagraph (e)2.j.

7984  
7985 The substantial deviation numerical standards in subparagraphs  
7986 3., 6., and ~~5., 8., 9., and 12.~~, excluding residential uses, and  
7987 in subparagraph 10. ~~13.~~, are increased by 100 percent for a  
7988 project certified under s. 403.973 which creates jobs and meets  
7989 criteria established by the Office of Tourism, Trade, and  
7990 Economic Development as to its impact on an area's economy,  
7991 employment, and prevailing wage and skill levels. The  
7992 substantial deviation numerical standards in subparagraphs 3.,  
7993 4. ~~5.~~, 6., ~~7., 8., 9., 12.,~~ and 10. ~~13.~~ are increased by 50  
7994 percent for a project located wholly within an urban infill and  
7995 redevelopment area designated on the applicable adopted local  
7996 comprehensive plan future land use map and not located within  
7997 the coastal high hazard area.

7998        (c) An extension of the date of buildout of a development,  
7999 or any phase thereof, by more than 7 years is presumed to create

8000 a substantial deviation subject to further development-of-  
8001 regional-impact review.

8002 1. An extension of the date of buildout, or any phase  
8003 thereof, of more than 5 years but not more than 7 years is  
8004 presumed not to create a substantial deviation. The extension of  
8005 the date of buildout of an areawide development of regional  
8006 impact by more than 5 years but less than 10 years is presumed  
8007 not to create a substantial deviation. These presumptions may be  
8008 rebutted by clear and convincing evidence at the public hearing  
8009 held by the local government. An extension of 5 years or less is  
8010 not a substantial deviation.

8011 2. In recognition of the 2011 real estate market  
8012 conditions, at the option of the developer, all commencement,  
8013 phase, buildout, and expiration dates for projects that are  
8014 currently valid developments of regional impact are extended for  
8015 4 years regardless of any previous extension. Associated  
8016 mitigation requirements are extended for the same period unless  
8017 a governmental entity notifies the developer by December 1,  
8018 2011, that it has entered into a contract for construction of a  
8019 facility with some or all of development's mitigation funds  
8020 specified in the development order or a written agreement with  
8021 the developer. The 4-year extension is not a substantial  
8022 deviation, is not subject to further development-of-regional-  
8023 impact review, and may not be considered when determining  
8024 whether a subsequent extension is a substantial deviation under  
8025 this subsection. The developer must notify the local government  
8026 in writing by December 31, 2011, in order to receive the 4-year  
8027 extension.

8028  
8029 For the purpose of calculating when a buildout or phase date has  
8030 been exceeded, the time shall be tolled during the pendency of  
8031 administrative or judicial proceedings relating to development  
8032 permits. Any extension of the buildout date of a project or a  
8033 phase thereof shall automatically extend the commencement date  
8034 of the project, the termination date of the development order,  
8035 the expiration date of the development of regional impact, and  
8036 the phases thereof if applicable by a like period of time. ~~In~~  
8037 ~~recognition of the 2007 real estate market conditions, all~~  
8038 ~~phase, buildout, and expiration dates for projects that are~~  
8039 ~~developments of regional impact and under active construction on~~  
8040 ~~July 1, 2007, are extended for 3 years regardless of any prior~~  
8041 ~~extension. The 3-year extension is not a substantial deviation,~~  
8042 ~~is not subject to further development of regional impact review,~~  
8043 ~~and may not be considered when determining whether a subsequent~~  
8044 ~~extension is a substantial deviation under this subsection.~~

8045 (e)1. Except for a development order rendered pursuant to  
8046 subsection (22) or subsection (25), a proposed change to a  
8047 development order that individually or cumulatively with any  
8048 previous change is less than any numerical criterion contained  
8049 in subparagraphs (b)1.-10.1.-13. and does not exceed any other  
8050 criterion, or that involves an extension of the buildout date of  
8051 a development, or any phase thereof, of less than 5 years is not  
8052 subject to the public hearing requirements of subparagraph  
8053 (f)3., and is not subject to a determination pursuant to  
8054 subparagraph (f)5. Notice of the proposed change shall be made  
8055 to the regional planning council and the state land planning



agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

8083           i. Any renovation or redevelopment of development within a  
8084 previously approved development of regional impact which does  
8085 not change land use or increase density or intensity of use.

8086           j. Changes that modify boundaries and configuration of  
8087 areas described in subparagraph (b)11.14. due to science-based  
8088 refinement of such areas by survey, by habitat evaluation, by  
8089 other recognized assessment methodology, or by an environmental  
8090 assessment. In order for changes to qualify under this sub-  
8091 subparagraph, the survey, habitat evaluation, or assessment must  
8092 occur prior to the time a conservation easement protecting such  
8093 lands is recorded and must not result in any net decrease in the  
8094 total acreage of the lands specifically set aside for permanent  
8095 preservation in the final development order.

8096           k. Any other change which the state land planning agency,  
8097 in consultation with the regional planning council, agrees in  
8098 writing is similar in nature, impact, or character to the  
8099 changes enumerated in sub-subparagraphs a.-j. and which does not  
8100 create the likelihood of any additional regional impact.

8101  
8102 This subsection does not require the filing of a notice of  
8103 proposed change but shall require an application to the local  
8104 government to amend the development order in accordance with the  
8105 local government's procedures for amendment of a development  
8106 order. In accordance with the local government's procedures,  
8107 including requirements for notice to the applicant and the  
8108 public, the local government shall either deny the application  
8109 for amendment or adopt an amendment to the development order  
8110 which approves the application with or without conditions.

8111 Following adoption, the local government shall render to the  
8112 state land planning agency the amendment to the development  
8113 order. The state land planning agency may appeal, pursuant to s.  
8114 380.07(3), the amendment to the development order if the  
8115 amendment involves sub-subparagraph g., sub-subparagraph h.,  
8116 sub-subparagraph j., or sub-subparagraph k., and it believes the  
8117 change creates a reasonable likelihood of new or additional  
8118 regional impacts.

8119 3. Except for the change authorized by sub-subparagraph  
8120 2.f., any addition of land not previously reviewed or any change  
8121 not specified in paragraph (b) or paragraph (c) shall be  
8122 presumed to create a substantial deviation. This presumption may  
8123 be rebutted by clear and convincing evidence.

8124 4. Any submittal of a proposed change to a previously  
8125 approved development shall include a description of individual  
8126 changes previously made to the development, including changes  
8127 previously approved by the local government. The local  
8128 government shall consider the previous and current proposed  
8129 changes in deciding whether such changes cumulatively constitute  
8130 a substantial deviation requiring further development-of-  
8131 regional-impact review.

8132 5. The following changes to an approved development of  
8133 regional impact shall be presumed to create a substantial  
8134 deviation. Such presumption may be rebutted by clear and  
8135 convincing evidence.

8136 a. A change proposed for 15 percent or more of the acreage  
8137 to a land use not previously approved in the development order.

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8138 Changes of less than 15 percent shall be presumed not to create  
8139 a substantial deviation.

8140 b. Notwithstanding any provision of paragraph (b) to the  
8141 contrary, a proposed change consisting of simultaneous increases  
8142 and decreases of at least two of the uses within an authorized  
8143 multiuse development of regional impact which was originally  
8144 approved with three or more uses specified in s. 380.0651(3)(c),  
8145 (d), (e), and (f) and residential use.

8146 6. If a local government agrees to a proposed change, a  
8147 change in the transportation proportionate share calculation and  
8148 mitigation plan in an adopted development order as a result of  
8149 recalculation of the proportionate share contribution meeting  
8150 the requirements of s. 163.3180(5)(h) in effect as of the date  
8151 of such change shall be presumed not to create a substantial  
8152 deviation. For purposes of this subsection, the proposed change  
8153 in the proportionate share calculation or mitigation plan shall  
8154 not be considered an additional regional transportation impact.

8155 (e)1. Except for a development order rendered pursuant to  
8156 subsection (22) or subsection (25), a proposed change to a  
8157 development order that individually or cumulatively with any  
8158 previous change is less than any numerical criterion contained  
8159 in subparagraphs (b)1.-13. and does not exceed any other  
8160 criterion, or that involves an extension of the buildout date of  
8161 a development, or any phase thereof, of less than 5 years is not  
8162 subject to the public hearing requirements of subparagraph  
8163 (f)3., and is not subject to a determination pursuant to  
8164 subparagraph (f)5. Notice of the proposed change shall be made  
8165 to the regional planning council and the state land planning

8166 agency. Such notice shall include a description of previous  
8167 individual changes made to the development, including changes  
8168 previously approved by the local government, and shall include  
8169 appropriate amendments to the development order.

8170       2. The following changes, individually or cumulatively  
8171 with any previous changes, are not substantial deviations:

8172       a. Changes in the name of the project, developer, owner,  
8173 or monitoring official.

8174       b. Changes to a setback that do not affect noise buffers,  
8175 environmental protection or mitigation areas, or archaeological  
8176 or historical resources.

8177       c. Changes to minimum lot sizes.

8178       d. Changes in the configuration of internal roads that do  
8179 not affect external access points.

8180       e. Changes to the building design or orientation that stay  
8181 approximately within the approved area designated for such  
8182 building and parking lot, and which do not affect historical  
8183 buildings designated as significant by the Division of  
8184 Historical Resources of the Department of State.

8185       f. Changes to increase the acreage in the development,  
8186 provided that no development is proposed on the acreage to be  
8187 added.

8188       g. Changes to eliminate an approved land use, provided  
8189 that there are no additional regional impacts.

8190       h. Changes required to conform to permits approved by any  
8191 federal, state, or regional permitting agency, provided that  
8192 these changes do not create additional regional impacts.

8193           i. Any renovation or redevelopment of development within a  
8194 previously approved development of regional impact which does  
8195 not change land use or increase density or intensity of use.

8196           j. Changes that modify boundaries and configuration of  
8197 areas described in subparagraph (b)14. due to science-based  
8198 refinement of such areas by survey, by habitat evaluation, by  
8199 other recognized assessment methodology, or by an environmental  
8200 assessment. In order for changes to qualify under this sub-  
8201 subparagraph, the survey, habitat evaluation, or assessment must  
8202 occur prior to the time a conservation easement protecting such  
8203 lands is recorded and must not result in any net decrease in the  
8204 total acreage of the lands specifically set aside for permanent  
8205 preservation in the final development order.

8206           k. Any other change which the state land planning agency,  
8207 in consultation with the regional planning council, agrees in  
8208 writing is similar in nature, impact, or character to the  
8209 changes enumerated in sub-subparagraphs a.-j. and which does not  
8210 create the likelihood of any additional regional impact.

8211  
8212 This subsection does not require the filing of a notice of  
8213 proposed change but shall require an application to the local  
8214 government to amend the development order in accordance with the  
8215 local government's procedures for amendment of a development  
8216 order. In accordance with the local government's procedures,  
8217 including requirements for notice to the applicant and the  
8218 public, the local government shall either deny the application  
8219 for amendment or adopt an amendment to the development order  
8220 which approves the application with or without conditions.

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8221 Following adoption, the local government shall render to the  
8222 state land planning agency the amendment to the development  
8223 order. The state land planning agency may appeal, pursuant to s.  
8224 380.07(3), the amendment to the development order if the  
8225 amendment involves sub-subparagraph g., sub-subparagraph h.,  
8226 sub-subparagraph j., or sub-subparagraph k., and it believes the  
8227 change creates a reasonable likelihood of new or additional  
8228 regional impacts.

8229 3. Except for the change authorized by sub-subparagraph  
8230 2.f., any addition of land not previously reviewed or any change  
8231 not specified in paragraph (b) or paragraph (c) shall be  
8232 presumed to create a substantial deviation. This presumption may  
8233 be rebutted by clear and convincing evidence.

8234 4. Any submittal of a proposed change to a previously  
8235 approved development shall include a description of individual  
8236 changes previously made to the development, including changes  
8237 previously approved by the local government. The local  
8238 government shall consider the previous and current proposed  
8239 changes in deciding whether such changes cumulatively constitute  
8240 a substantial deviation requiring further development-of-  
8241 regional-impact review.

8242 5. The following changes to an approved development of  
8243 regional impact shall be presumed to create a substantial  
8244 deviation. Such presumption may be rebutted by clear and  
8245 convincing evidence.

8246 a. A change proposed for 15 percent or more of the acreage  
8247 to a land use not previously approved in the development order.

8248 Changes of less than 15 percent shall be presumed not to create  
8249 a substantial deviation.

8250       b. Notwithstanding any provision of paragraph (b) to the  
8251 contrary, a proposed change consisting of simultaneous increases  
8252 and decreases of at least two of the uses within an authorized  
8253 multiuse development of regional impact which was originally  
8254 approved with three or more uses specified in s. 380.0651(3)(c),  
8255 (d), and (e), ~~and (f)~~ and residential use.

8256       (24) STATUTORY EXEMPTIONS.—

8257       (a) Any proposed hospital is exempt from ~~the provisions of~~  
8258 this section.

8259       (b) Any proposed electrical transmission line or  
8260 electrical power plant is exempt from ~~the provisions of~~ this  
8261 section.

8262       (c) Any proposed addition to an existing sports facility  
8263 complex is exempt from ~~the provisions of~~ this section if the  
8264 addition meets the following characteristics:

8265           1. It would not operate concurrently with the scheduled  
8266 hours of operation of the existing facility.

8267           2. Its seating capacity would be no more than 75 percent  
8268 of the capacity of the existing facility.

8269           3. The sports facility complex property is owned by a  
8270 public body prior to July 1, 1983.

8271  
8272 This exemption does not apply to any pari-mutuel facility.

8273       (d) Any proposed addition or cumulative additions  
8274 subsequent to July 1, 1988, to an existing sports facility  
8275 complex owned by a state university is exempt if the increased



seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

8304           b. The sum of such expansions in permanent seating  
8305 capacity does not exceed a total of 10 percent in any 5-year  
8306 period and does not exceed a cumulative total of 20 percent for  
8307 any such expansions; or

8308           c. The increase in additional improved parking facilities  
8309 is a one-time addition and does not exceed 3,500 parking spaces  
8310 serving the sports facility; and

8311           2. The local government having jurisdiction of the sports  
8312 facility includes in the development order or development permit  
8313 approving such expansion under this paragraph a finding of fact  
8314 that the proposed expansion is consistent with the  
8315 transportation, water, sewer and stormwater drainage provisions  
8316 of the approved local comprehensive plan and local land  
8317 development regulations relating to those provisions.

8318  
8319 Any owner or developer who intends to rely on this statutory  
8320 exemption shall provide to the department a copy of the local  
8321 government application for a development permit. Within 45 days  
8322 of receipt of the application, the department shall render to  
8323 the local government an advisory and nonbinding opinion, in  
8324 writing, stating whether, in the department's opinion, the  
8325 prescribed conditions exist for an exemption under this  
8326 paragraph. The local government shall render the development  
8327 order approving each such expansion to the department. The  
8328 owner, developer, or department may appeal the local government  
8329 development order pursuant to s. 380.07, within 45 days after  
8330 the order is rendered. The scope of review shall be limited to  
8331 the determination of whether the conditions prescribed in this

8332 paragraph exist. If any sports facility expansion undergoes  
8333 development-of-regional-impact review, all previous expansions  
8334 which were exempt under this paragraph shall be included in the  
8335 development-of-regional-impact review.

8336 (h) Expansion to port harbors, spoil disposal sites,  
8337 navigation channels, turning basins, harbor berths, and other  
8338 related inwater harbor facilities of ports listed in s.  
8339 403.021(9)(b), port transportation facilities and projects  
8340 listed in s. 311.07(3)(b), and intermodal transportation  
8341 facilities identified pursuant to s. 311.09(3) are exempt from  
8342 ~~the provisions of~~ this section when such expansions, projects,  
8343 or facilities are consistent with comprehensive master plans  
8344 that are in compliance with ~~the provisions of~~ s. 163.3178.

8345 (i) Any proposed facility for the storage of any petroleum  
8346 product or any expansion of an existing facility is exempt from  
8347 ~~the provisions of~~ this section.

8348 (j) Any renovation or redevelopment within the same land  
8349 parcel which does not change land use or increase density or  
8350 intensity of use.

8351 (k) Waterport and marina development, including dry  
8352 storage facilities, are exempt from ~~the provisions of~~ this  
8353 section.

8354 (l) Any proposed development within an urban service  
8355 boundary established under s. 163.3177(14), which is not  
8356 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~  
8357 ~~provisions of~~ this section if the local government having  
8358 jurisdiction over the area where the development is proposed has  
8359 adopted the urban service boundary, has entered into a binding

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8360 agreement with jurisdictions that would be impacted and with the  
8361 Department of Transportation regarding the mitigation of impacts  
8362 on state and regional transportation facilities, ~~and has adopted~~  
8363 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

8364 (m) Any proposed development within a rural land  
8365 stewardship area created under s. 163.3248 ~~163.3177(11)(d) is~~  
8366 ~~exempt from the provisions of this section if the local~~  
8367 ~~government that has adopted the rural land stewardship area has~~  
8368 ~~entered into a binding agreement with jurisdictions that would~~  
8369 ~~be impacted and the Department of Transportation regarding the~~  
8370 ~~mitigation of impacts on state and regional transportation~~  
8371 ~~facilities, and has adopted a proportionate share methodology~~  
8372 ~~pursuant to s. 163.3180(16).~~

8373 (n) The establishment, relocation, or expansion of any  
8374 military installation as defined in s. 163.3175, is exempt from  
8375 this section.

8376 (o) Any self-storage warehousing that does not allow  
8377 retail or other services is exempt from this section.

8378 (p) Any proposed nursing home or assisted living facility  
8379 is exempt from this section.

8380 (q) Any development identified in an airport master plan  
8381 and adopted into the comprehensive plan pursuant to s.  
8382 163.3177(6)(k) is exempt from this section.

8383 (r) Any development identified in a campus master plan and  
8384 adopted pursuant to s. 1013.30 is exempt from this section.

8385 (s) Any development in a detailed specific area plan which  
8386 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~  
8387 ~~the comprehensive plan~~ is exempt from this section.

8388        (t) Any proposed solid mineral mine and any proposed  
8389 addition to, expansion of, or change to an existing solid  
8390 mineral mine is exempt from this section. Proposed changes to  
8391 any previously approved solid mineral mine development-of-  
8392 regional-impact development orders having vested rights is not  
8393 subject to further review or approval as a development-of-  
8394 regional-impact or notice-of-proposed-change review or approval  
8395 pursuant to subsection (19), except for those applications  
8396 pending as of July 1, 2011, which shall be governed by s.  
8397 380.115(2). Notwithstanding the foregoing, however, pursuant to  
8398 s. 380.115(1), previously approved solid mineral mine  
8399 development-of-regional-impact development orders shall continue  
8400 to enjoy vested rights and continue to be effective unless  
8401 rescinded by the developer. All local government regulations of  
8402 proposed solid mineral mines shall be applicable to any new  
8403 solid mineral mine or to any proposed addition to, expansion of,  
8404 or change to an existing solid mineral mine.

8405        (u) Notwithstanding any provisions in an agreement with or  
8406 among a local government, regional agency, or the state land  
8407 planning agency or in a local government's comprehensive plan to  
8408 the contrary, a project no longer subject to development-of-  
8409 regional-impact review under revised thresholds is not required  
8410 to undergo such review.

8411        (v) ~~(t)~~ Any development within a county with a research and  
8412 education authority created by special act and that is also  
8413 within a research and development park that is operated or  
8414 managed by a research and development authority pursuant to part  
8415 V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

(28) PARTIAL STATUTORY EXEMPTIONS.—

(e) The vesting provision of s. 163.3167 (5) ~~(8)~~ relating to an authorized development of regional impact does ~~shall~~ not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000 ~~qualifies as a dense urban land area as defined in s. 163.3164;~~

2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area ~~qualifies as a dense urban land area as defined in s. 163.3164~~ and that is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; ~~or~~

8444 3. Any proposed development within a county, including the  
8445 municipalities located therein, which has a population of at  
8446 least 900,000, that has an average of at least 1,000 people per  
8447 square mile of land area ~~which qualifies as a dense urban land~~  
8448 ~~area under s. 163.3164~~, but which does not have an urban service  
8449 area designated in the comprehensive plan; or

8450 4. Any proposed development within a county, including the  
8451 municipalities located therein, which has a population of at  
8452 least 1 million and is located within an urban service area as  
8453 defined in s. 163.3164 which has been adopted into the  
8454 comprehensive plan.

8455  
8456 The Office of Economic and Demographic Research within the  
8457 Legislature shall annually calculate the population and density  
8458 criteria needed to determine which jurisdictions meet the  
8459 density criteria in subparagraphs 1.-4. by using the most recent  
8460 land area data from the decennial census conducted by the Bureau  
8461 of the Census of the United States Department of Commerce and  
8462 the latest available population estimates determined pursuant to  
8463 s. 186.901. If any local government has had an annexation,  
8464 contraction, or new incorporation, the Office of Economic and  
8465 Demographic Research shall determine the population density  
8466 using the new jurisdictional boundaries as recorded in  
8467 accordance with s. 171.091. The Office of Economic and  
8468 Demographic Research shall annually submit to the state land  
8469 planning agency by July 1 a list of jurisdictions that meet the  
8470 total population and density criteria. The state land planning  
8471 agency shall publish the list of jurisdictions on its Internet

8472 website within 7 days after the list is received. The  
8473 designation of jurisdictions that meet the criteria of  
8474 subparagraphs 1.-4. is effective upon publication on the state  
8475 land planning agency's Internet website. If a municipality that  
8476 has previously met the criteria no longer meets the criteria,  
8477 the state land planning agency shall maintain the municipality  
8478 on the list and indicate the year the jurisdiction last met the  
8479 criteria. However, any proposed development of regional impact  
8480 not within the established boundaries of a municipality at the  
8481 time the municipality met the requirement must meet the  
8482 requirements of this section. Any county that meets the criteria  
8483 shall remain on the list in accordance with the provisions of  
8484 this section until such time as the municipality as a whole  
8485 meets the criteria. Any local government that was placed on the  
8486 list before the effective date of this act shall remain on the  
8487 list in accordance with the provisions of this section.

8488 (d) A development that is located partially outside an  
8489 area that is exempt from the development-of-regional-impact  
8490 program must undergo development-of-regional-impact review  
8491 pursuant to this section. However, if the total acreage that is  
8492 included within the area exempt from development-of-regional-  
8493 impact review exceeds 85 percent of the total acreage and square  
8494 footage of the approved development of regional impact, the  
8495 development-of-regional-impact development order may be  
8496 rescinded in both local governments pursuant to s. 380.115(1),  
8497 unless the portion of the development outside the exempt area  
8498 meets the threshold criteria of a development-of-regional-  
8499 impact.



(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). ~~A development that has a pending application for a comprehensive plan amendment and that elects not to continue development-of-regional-impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.~~

Section 56. Subsection (3) and paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a

8528 general aviation airport with regularly scheduled flights is a  
8529 development of regional impact. However, expansion of existing  
8530 terminal facilities at a nonhub or small hub commercial service  
8531 airport shall not be a development of regional impact.

8532 3. Any airport development project which is proposed for  
8533 safety, repair, or maintenance reasons alone and would not have  
8534 the potential to increase or change existing types of aircraft  
8535 activity is not a development of regional impact.

8536 Notwithstanding subparagraphs 1. and 2., renovation,  
8537 modernization, or replacement of airport airside or terminal  
8538 facilities that may include increases in square footage of such  
8539 facilities but does not increase the number of gates or change  
8540 the existing types of aircraft activity is not a development of  
8541 regional impact.

8542 (b) Attractions and recreation facilities.—Any sports,  
8543 entertainment, amusement, or recreation facility, including, but  
8544 not limited to, a sports arena, stadium, racetrack, tourist  
8545 attraction, amusement park, or pari-mutuel facility, the  
8546 construction or expansion of which:

8547 1. For single performance facilities:

8548 a. Provides parking spaces for more than 2,500 cars; or

8549 b. Provides more than 10,000 permanent seats for  
8550 spectators.

8551 2. For serial performance facilities:

8552 a. Provides parking spaces for more than 1,000 cars; or

8553 b. Provides more than 4,000 permanent seats for  
8554 spectators.  
8555

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For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

~~3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:~~

~~a. Provides parking spaces for more than 1,500 cars; or~~

~~b. Provides more than 6,000 permanent seats for spectators.~~

~~(c) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities. Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:~~

~~1. Provides parking for more than 2,500 motor vehicles; or~~

~~2. Occupies a site greater than 320 acres.~~

~~(c)-(d) Office development.~~—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly

8584 suitable for increased threshold intensity in the approved local  
8585 comprehensive plan.

8586 (d)~~(e)~~ Retail and service development.—Any proposed  
8587 retail, service, or wholesale business establishment or group of  
8588 establishments which deals primarily with the general public  
8589 onsite, operated under one common property ownership,  
8590 development plan, or management that:

8591 1. Encompasses more than 400,000 square feet of gross  
8592 area; or

8593 2. Provides parking spaces for more than 2,500 cars.

8594 ~~(f) Hotel or motel development.—~~

8595 ~~1. Any proposed hotel or motel development that is planned~~  
8596 ~~to create or accommodate 350 or more units; or~~

8597 ~~2. Any proposed hotel or motel development that is planned~~  
8598 ~~to create or accommodate 750 or more units, in a county with a~~  
8599 ~~population greater than 500,000.~~

8600 (e)~~(g)~~ Recreational vehicle development.—Any proposed  
8601 recreational vehicle development planned to create or  
8602 accommodate 500 or more spaces.

8603 (f)~~(h)~~ Multiuse development.—Any proposed development with  
8604 two or more land uses where the sum of the percentages of the  
8605 appropriate thresholds identified in chapter 28-24, Florida  
8606 Administrative Code, or this section for each land use in the  
8607 development is equal to or greater than 145 percent. Any  
8608 proposed development with three or more land uses, one of which  
8609 is residential and contains at least 100 dwelling units or 15  
8610 percent of the applicable residential threshold, whichever is  
8611 greater, where the sum of the percentages of the appropriate

8612 thresholds identified in chapter 28-24, Florida Administrative  
8613 Code, or this section for each land use in the development is  
8614 equal to or greater than 160 percent. This threshold is in  
8615 addition to, and does not preclude, a development from being  
8616 required to undergo development-of-regional-impact review under  
8617 any other threshold.

8618 (g)~~(i)~~ Residential development.—No rule may be adopted  
8619 concerning residential developments which treats a residential  
8620 development in one county as being located in a less populated  
8621 adjacent county unless more than 25 percent of the development  
8622 is located within 2 or less miles of the less populated adjacent  
8623 county. The residential thresholds of adjacent counties with  
8624 less population and a lower threshold shall not be controlling  
8625 on any development wholly located within areas designated as  
8626 rural areas of critical economic concern.

8627 (h)~~(j)~~ Workforce housing.—The applicable guidelines for  
8628 residential development and the residential component for  
8629 multiuse development shall be increased by 50 percent where the  
8630 developer demonstrates that at least 15 percent of the total  
8631 residential dwelling units authorized within the development of  
8632 regional impact will be dedicated to affordable workforce  
8633 housing, subject to a recorded land use restriction that shall  
8634 be for a period of not less than 20 years and that includes  
8635 resale provisions to ensure long-term affordability for income-  
8636 eligible homeowners and renters and provisions for the workforce  
8637 housing to be commenced prior to the completion of 50 percent of  
8638 the market rate dwelling. For purposes of this paragraph, the  
8639 term "affordable workforce housing" means housing that is

8640 affordable to a person who earns less than 120 percent of the  
8641 area median income, or less than 140 percent of the area median  
8642 income if located in a county in which the median purchase price  
8643 for a single-family existing home exceeds the statewide median  
8644 purchase price of a single-family existing home. For the  
8645 purposes of this paragraph, the term "statewide median purchase  
8646 price of a single-family existing home" means the statewide  
8647 purchase price as determined in the Florida Sales Report,  
8648 Single-Family Existing Homes, released each January by the  
8649 Florida Association of Realtors and the University of Florida  
8650 Real Estate Research Center.

8651 (i) ~~(k)~~ Schools.—

8652 1. The proposed construction of any public, private, or  
8653 proprietary postsecondary educational campus which provides for  
8654 a design population of more than 5,000 full-time equivalent  
8655 students, or the proposed physical expansion of any public,  
8656 private, or proprietary postsecondary educational campus having  
8657 such a design population that would increase the population by  
8658 at least 20 percent of the design population.

8659 2. As used in this paragraph, "full-time equivalent  
8660 student" means enrollment for 15 or more quarter hours during a  
8661 single academic semester. In career centers or other  
8662 institutions which do not employ semester hours or quarter hours  
8663 in accounting for student participation, enrollment for 18  
8664 contact hours shall be considered equivalent to one quarter  
8665 hour, and enrollment for 27 contact hours shall be considered  
8666 equivalent to one semester hour.

8667           3. This paragraph does not apply to institutions which are  
8668 the subject of a campus master plan adopted by the university  
8669 board of trustees pursuant to s. 1013.30.

8670           (4) Two or more developments, represented by their owners  
8671 or developers to be separate developments, shall be aggregated  
8672 and treated as a single development under this chapter when they  
8673 are determined to be part of a unified plan of development and  
8674 are physically proximate to one other.

8675           (a) The criteria of three ~~two~~ of the following  
8676 subparagraphs must be met in order for the state land planning  
8677 agency to determine that there is a unified plan of development:

8678           1.a. The same person has retained or shared control of the  
8679 developments;

8680           b. The same person has ownership or a significant legal or  
8681 equitable interest in the developments; or

8682           c. There is common management of the developments  
8683 controlling the form of physical development or disposition of  
8684 parcels of the development.

8685           2. There is a reasonable closeness in time between the  
8686 completion of 80 percent or less of one development and the  
8687 submission to a governmental agency of a master plan or series  
8688 of plans or drawings for the other development which is  
8689 indicative of a common development effort.

8690           3. A master plan or series of plans or drawings exists  
8691 covering the developments sought to be aggregated which have  
8692 been submitted to a local general-purpose government, water  
8693 management district, the Florida Department of Environmental  
8694 Protection, or the Division of Florida Condominiums, Timeshares,

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and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

~~4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.~~

~~4.5.~~ There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 57. Subsection (17) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c), Florida Statutes 2010, and include any launch pad, launch control center, and fixed launch-support equipment.

Section 58. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other



8723 right or any duty or obligation pursuant to any development  
8724 order or agreement that is applicable to a development of  
8725 regional impact. A development that has received a development-  
8726 of-regional-impact development order pursuant to s. 380.06, but  
8727 is no longer required to undergo development-of-regional-impact  
8728 review by operation of a change in the guidelines and standards  
8729 or has reduced its size below the thresholds in s. 380.0651, or  
8730 a development that is exempt pursuant to s. 380.06(29) shall be  
8731 governed by the following procedures:

8732 (a) The development shall continue to be governed by the  
8733 development-of-regional-impact development order and may be  
8734 completed in reliance upon and pursuant to the development order  
8735 unless the developer or landowner has followed the procedures  
8736 for rescission in paragraph (b). Any proposed changes to those  
8737 developments which continue to be governed by a development  
8738 order shall be approved pursuant to s. 380.06(19) as it existed  
8739 prior to a change in the development-of-regional-impact  
8740 guidelines and standards, except that all percentage criteria  
8741 shall be doubled and all other criteria shall be increased by 10  
8742 percent. The development-of-regional-impact development order  
8743 may be enforced by the local government as provided by ss.  
8744 380.06(17) and 380.11.

8745 (b) If requested by the developer or landowner, the  
8746 development-of-regional-impact development order shall be  
8747 rescinded by the local government having jurisdiction upon a  
8748 showing that all required mitigation related to the amount of  
8749 development that existed on the date of rescission has been  
8750 completed.

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8751 Section 59. Paragraph (a) of subsection (8) of section  
8752 380.061, Florida Statutes, is amended to read:

8753 380.061 The Florida Quality Developments program.—

8754 (8)(a) Any local government comprehensive plan amendments  
8755 related to a Florida Quality Development may be initiated by a  
8756 local planning agency and considered by the local governing body  
8757 at the same time as the application for development approval,  
8758 ~~using the procedures provided for local plan amendment in s.~~  
8759 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~  
8760 ~~regard to statutory or local ordinance limits on the frequency~~  
8761 ~~of consideration of amendments to the local comprehensive plan.~~  
8762 Nothing in this subsection shall be construed to require  
8763 favorable consideration of a Florida Quality Development solely  
8764 because it is related to a development of regional impact.

8765 Section 60. Paragraph (a) of subsection (2) and subsection  
8766 (10) of section 380.065, Florida Statutes, are amended to read:

8767 380.065 Certification of local government review of  
8768 development.—

8769 (2) When a petition is filed, the state land planning  
8770 agency shall have no more than 90 days to prepare and submit to  
8771 the Administration Commission a report and recommendations on  
8772 the proposed certification. In deciding whether to grant  
8773 certification, the Administration Commission shall determine  
8774 whether the following criteria are being met:

8775 (a) The petitioning local government has adopted and  
8776 effectively implemented a local comprehensive plan and  
8777 development regulations which comply with ss. 163.3161-163.3215,

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the Community ~~Local Government Comprehensive Planning and Land Development Regulation Act.~~

~~(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.~~

Section 61. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Environmental Protection shall impose and collect a surcharge of 50 cents per person per day, or \$5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of \$2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Environmental Protection

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that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Environmental Protection for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be transmitted to that municipality for use by the municipality for land acquisition or for beach renourishment or restoration, including, but not limited to, costs associated with any design, permitting, monitoring, and mitigation of such work, as well as the work itself. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 62. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a

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an ~~optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 63. Subsection (1) of section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and any associated facilities that constitute a "development," as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under ~~the provisions of the~~ Community Local Government Comprehensive Planning and Land Development Regulation Act provisions of chapter 163 and s. 380.04(3).

Section 64. Subsection (13) and paragraph (a) of subsection (14) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(13) Notwithstanding any other provisions of law:

~~(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year~~

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limits provision in s. 163.3187; and

~~(b)~~ Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14) (a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and do ~~shall~~ not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or

8890 responses to the recommended order in accordance with the  
8891 uniform rules of procedure pursuant to s. 120.54. In those  
8892 proceedings where the actions of more than one agency of the  
8893 state are challenged, the Governor 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. This paragraph  
8899 does not apply to the issuance of department licenses required  
8900 under any federally delegated or approved permit program. In  
8901 such instances, the department shall enter the final order. The  
8902 participating agencies of the state may opt at the preliminary  
8903 hearing conference to allow the administrative law judge's  
8904 decision to constitute the final agency action. ~~If a~~  
8905 ~~participating local government agrees to participate in the~~  
8906 ~~summary hearing provisions of s. 120.574 for purposes of review~~  
8907 ~~of local government comprehensive plan amendments, s.~~  
8908 ~~163.3184(9) and (10) apply.~~

8909 Section 65. Subsections (9) and (10) of section 420.5095,  
8910 Florida Statutes, are amended to read:

8911 420.5095 Community Workforce Housing Innovation Pilot  
8912 Program.—

8913 (9) Notwithstanding s. 163.3184 (4) (b) - (d) - (3) - (6), any  
8914 local government comprehensive plan amendment to implement a  
8915 Community Workforce Housing Innovation Pilot Program project  
8916 found consistent with ~~the provisions of~~ this section shall be  
8917 expedited as provided in this subsection. At least 30 days prior

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to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(11) ~~(15)~~ (b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s.

~~163.3184(4) (e) (7). The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by s. ss. 163.3184(5) - (13) (9) - (16). Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164(7) ~~and (8)~~, for innovative community workforce housing projects shall be expedited.

Section 66. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II



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of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, is not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~, and ~~is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187.~~

Section 67. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164 ~~(7)~~ and ~~(8)~~ for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 68. Paragraph (a) of subsection (4) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

8974 (4) Triennially, the advisory committee shall review the  
8975 established policies and procedures, ordinances, land  
8976 development regulations, and adopted local government  
8977 comprehensive plan of the appointing local government and shall  
8978 recommend specific actions or initiatives to encourage or  
8979 facilitate affordable housing while protecting the ability of  
8980 the property to appreciate in value. The recommendations may  
8981 include the modification or repeal of existing policies,  
8982 procedures, ordinances, regulations, or plan provisions; the  
8983 creation of exceptions applicable to affordable housing; or the  
8984 adoption of new policies, procedures, regulations, ordinances,  
8985 or plan provisions, including recommendations to amend the local  
8986 government comprehensive plan and corresponding regulations,  
8987 ordinances, and other policies. At a minimum, each advisory  
8988 committee shall submit a report to the local governing body that  
8989 includes recommendations on, and triennially thereafter  
8990 evaluates the implementation of, affordable housing incentives  
8991 in the following areas:

8992 (a) The processing of approvals of development orders or  
8993 permits, as defined in s. 163.3164~~(7) and (8)~~, for affordable  
8994 housing projects is expedited to a greater degree than other  
8995 projects.

8996  
8997 The advisory committee recommendations may also include other  
8998 affordable housing incentives identified by the advisory  
8999 committee. Local governments that receive the minimum allocation  
9000 under the State Housing Initiatives Partnership Program shall  
9001 perform the initial review but may elect to not perform the

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triennial review.

Section 69. Subsection (1) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the Community ~~Local Government Comprehensive Planning and Land Development Regulation~~ Act, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

Section 70. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of

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State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(11)~~(15)~~ to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 71. Section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school

9086 district shall enter into an interlocal agreement that jointly  
9087 establishes the specific ways in which the plans and processes  
9088 of the district school board and the local governments are to be  
9089 coordinated. The interlocal agreements shall be submitted to the  
9090 state land planning agency and the Office of Educational  
9091 Facilities in accordance with a schedule published by the state  
9092 land planning agency.

9093 (b) The schedule must establish staggered due dates for  
9094 submission of interlocal agreements that are executed by both  
9095 the local government and district school board, commencing on  
9096 March 1, 2003, and concluding by December 1, 2004, and must set  
9097 the same date for all governmental entities within a school  
9098 district. However, if the county where the school district is  
9099 located contains more than 20 municipalities, the state land  
9100 planning agency may establish staggered due dates for the  
9101 submission of interlocal agreements by these municipalities. The  
9102 schedule must begin with those areas where both the number of  
9103 districtwide capital-outlay full-time-equivalent students equals  
9104 80 percent or more of the current year's school capacity and the  
9105 projected 5-year student growth rate is 1,000 or greater, or  
9106 where the projected 5-year student growth rate is 10 percent or  
9107 greater.

9108 (c) If the student population has declined over the 5-year  
9109 period preceding the due date for submittal of an interlocal  
9110 agreement by the local government and the district school board,  
9111 the local government and district school board may petition the  
9112 state land planning agency for a waiver of one or more of the  
9113 requirements of subsection (3). The waiver must be granted if

9114 the procedures called for in subsection (3) are unnecessary  
9115 because of the school district's declining school age  
9116 population, considering the district's 5-year work program  
9117 prepared pursuant to s. 1013.35. The state land planning agency  
9118 may modify or revoke the waiver upon a finding that the  
9119 conditions upon which the waiver was granted no longer exist.  
9120 The district school board and local governments must submit an  
9121 interlocal agreement within 1 year after notification by the  
9122 state land planning agency that the conditions for a waiver no  
9123 longer exist.

9124 (d) Interlocal agreements between local governments and  
9125 district school boards adopted pursuant to s. 163.3177 before  
9126 the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be  
9127 updated and executed pursuant to the requirements of subsections  
9128 (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal  
9129 agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must  
9130 be submitted to the state land planning agency within 30 days  
9131 after execution by the parties for review consistent with  
9132 subsections (3) and (4). Local governments and the district  
9133 school board in each school district are encouraged to adopt a  
9134 single interlocal agreement in which all join as parties. The  
9135 state land planning agency shall assemble and make available  
9136 model interlocal agreements meeting the requirements of  
9137 subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments  
9138 and, jointly with the Department of Education, the district  
9139 school boards of the requirements of subsections (2)-(7) ~~(2)-~~  
9140 ~~(9)~~, the dates for compliance, and the sanctions for  
9141 noncompliance. The state land planning agency shall be available

9142 to informally review proposed interlocal agreements. If the  
9143 state land planning agency has not received a proposed  
9144 interlocal agreement for informal review, the state land  
9145 planning agency shall, at least 60 days before the deadline for  
9146 submission of the executed agreement, renotify the local  
9147 government and the district school board of the upcoming  
9148 deadline and the potential for sanctions.

9149 (3) At a minimum, the interlocal agreement must address  
9150 interlocal agreement requirements in s. 163.31777 and, if  
9151 applicable, s. 163.3180(6)-(13)(g), ~~except for exempt local~~  
9152 ~~governments as provided in s. 163.3177(12)~~, and must address the  
9153 following issues:

9154 (a) A process by which each local government and the  
9155 district school board agree and base their plans on consistent  
9156 projections of the amount, type, and distribution of population  
9157 growth and student enrollment. The geographic distribution of  
9158 jurisdiction-wide growth forecasts is a major objective of the  
9159 process.

9160 (b) A process to coordinate and share information relating  
9161 to existing and planned public school facilities, including  
9162 school renovations and closures, and local government plans for  
9163 development and redevelopment.

9164 (c) Participation by affected local governments with the  
9165 district school board in the process of evaluating potential  
9166 school closures, significant renovations to existing schools,  
9167 and new school site selection before land acquisition. Local  
9168 governments shall advise the district school board as to the  
9169 consistency of the proposed closure, renovation, or new site



9170 with the local comprehensive plan, including appropriate  
9171 circumstances and criteria under which a district school board  
9172 may request an amendment to the comprehensive plan for school  
9173 siting.

9174 (d) A process for determining the need for and timing of  
9175 onsite and offsite improvements to support new construction,  
9176 proposed expansion, or redevelopment of existing schools. The  
9177 process shall address identification of the party or parties  
9178 responsible for the improvements.

9179 (e) A process for the school board to inform the local  
9180 government regarding the effect of comprehensive plan amendments  
9181 on school capacity. The capacity reporting must be consistent  
9182 with laws and rules regarding measurement of school facility  
9183 capacity and must also identify how the district school board  
9184 will meet the public school demand based on the facilities work  
9185 program adopted pursuant to s. 1013.35.

9186 (f) Participation of the local governments in the  
9187 preparation of the annual update to the school board's 5-year  
9188 district facilities work program and educational plant survey  
9189 prepared pursuant to s. 1013.35.

9190 (g) A process for determining where and how joint use of  
9191 either school board or local government facilities can be shared  
9192 for mutual benefit and efficiency.

9193 (h) A procedure for the resolution of disputes between the  
9194 district school board and local governments, which may include  
9195 the dispute resolution processes contained in chapters 164 and  
9196 186.

9197 (i) An oversight process, including an opportunity for

9198 public participation, for the implementation of the interlocal  
9199 agreement.

9200       (4) (a) The Office of Educational Facilities shall submit  
9201 any comments or concerns regarding the executed interlocal  
9202 agreement to the state land planning agency within 30 days after  
9203 receipt of the executed interlocal agreement. The state land  
9204 planning agency shall review the executed interlocal agreement  
9205 to determine whether it is consistent with the requirements of  
9206 subsection (3), the adopted local government comprehensive plan,  
9207 and other requirements of law. Within 60 days after receipt of  
9208 an executed interlocal agreement, the state land planning agency  
9209 shall publish a notice of intent in the Florida Administrative  
9210 Weekly and shall post a copy of the notice on the agency's  
9211 Internet site. The notice of intent must state that the  
9212 interlocal agreement is consistent or inconsistent with the  
9213 requirements of subsection (3) and this subsection as  
9214 appropriate.

9215       (b) The state land planning agency's notice is subject to  
9216 challenge under chapter 120; however, an affected person, as  
9217 defined in s. 163.3184(1) (a), has standing to initiate the  
9218 administrative proceeding, and this proceeding is the sole means  
9219 available to challenge the consistency of an interlocal  
9220 agreement required by this section with the criteria contained  
9221 in subsection (3) and this subsection. In order to have  
9222 standing, each person must have submitted oral or written  
9223 comments, recommendations, or objections to the local government  
9224 or the school board before the adoption of the interlocal  
9225 agreement by the district school board and local government. The

9226 district school board and local governments are parties to any  
9227 such proceeding. In this proceeding, when the state land  
9228 planning agency finds the interlocal agreement to be consistent  
9229 with the criteria in subsection (3) and this subsection, the  
9230 interlocal agreement must be determined to be consistent with  
9231 subsection (3) and this subsection if the local government's and  
9232 school board's determination of consistency is fairly debatable.  
9233 When the state land planning agency finds the interlocal  
9234 agreement to be inconsistent with the requirements of subsection  
9235 (3) and this subsection, the local government's and school  
9236 board's determination of consistency shall be sustained unless  
9237 it is shown by a preponderance of the evidence that the  
9238 interlocal agreement is inconsistent.

9239 (c) If the state land planning agency enters a final order  
9240 that finds that the interlocal agreement is inconsistent with  
9241 the requirements of subsection (3) or this subsection, the state  
9242 land planning agency shall forward it to the Administration  
9243 Commission, which may impose sanctions against the local  
9244 government pursuant to s. 163.3184(11) and may impose sanctions  
9245 against the district school board by directing the Department of  
9246 Education to withhold an equivalent amount of funds for school  
9247 construction available pursuant to ss. 1013.65, 1013.68,  
9248 1013.70, and 1013.72.

9249 (5) If an executed interlocal agreement is not timely  
9250 submitted to the state land planning agency for review, the  
9251 state land planning agency shall, within 15 working days after  
9252 the deadline for submittal, issue to the local government and  
9253 the district school board a notice to show cause why sanctions

9254 should not be imposed for failure to submit an executed  
9255 interlocal agreement by the deadline established by the agency.  
9256 The agency shall forward the notice and the responses to the  
9257 Administration Commission, which may enter a final order citing  
9258 the failure to comply and imposing sanctions against the local  
9259 government and district school board by directing the  
9260 appropriate agencies to withhold at least 5 percent of state  
9261 funds pursuant to s. 163.3184(11) and by directing the  
9262 Department of Education to withhold from the district school  
9263 board at least 5 percent of funds for school construction  
9264 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
9265 1013.72.

9266 (6) Any local government transmitting a public school  
9267 element to implement school concurrency pursuant to the  
9268 requirements of s. 163.3180 before the effective date of this  
9269 section is not required to amend the element or any interlocal  
9270 agreement to conform with the provisions of subsections (2)-(6)  
9271 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year  
9272 after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and  
9273 remains in effect.

9274 ~~(7) Except as provided in subsection (8), municipalities~~  
9275 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
9276 ~~from the requirements of subsections (2), (3), and (4).~~

9277 ~~(8) At the time of the evaluation and appraisal report,~~  
9278 ~~each exempt municipality shall assess the extent to which it~~  
9279 ~~continues to meet the criteria for exemption under s.~~  
9280 ~~163.3177(12). If the municipality continues to meet these~~  
9281 ~~criteria, the municipality shall continue to be exempt from the~~

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9282 ~~interlocal agreement requirement. Each municipality exempt under~~  
9283 ~~s. 163.3177(12) must comply with the provisions of subsections~~  
9284 ~~(2)-(8) within 1 year after the district school board proposes,~~  
9285 ~~in its 5-year district facilities work program, a new school~~  
9286 ~~within the municipality's jurisdiction.~~

9287       (7)~~(9)~~ A board and the local governing body must share and  
9288 coordinate information related to existing and planned school  
9289 facilities; proposals for development, redevelopment, or  
9290 additional development; and infrastructure required to support  
9291 the school facilities, concurrent with proposed development. A  
9292 school board shall use information produced by the demographic,  
9293 revenue, and education estimating conferences pursuant to s.  
9294 216.136 when preparing the district educational facilities plan  
9295 pursuant to s. 1013.35, as modified and agreed to by the local  
9296 governments, when provided by interlocal agreement, and the  
9297 Office of Educational Facilities, in consideration of local  
9298 governments' population projections, to ensure that the district  
9299 educational facilities plan not only reflects enrollment  
9300 projections but also considers applicable municipal and county  
9301 growth and development projections. The projections must be  
9302 apportioned geographically with assistance from the local  
9303 governments using local government trend data and the school  
9304 district student enrollment data. A school board is precluded  
9305 from siting a new school in a jurisdiction where the school  
9306 board has failed to provide the annual educational facilities  
9307 plan for the prior year required pursuant to s. 1013.35 unless  
9308 the failure is corrected.

9309       (8)~~(10)~~ The location of educational facilities shall be

9310 consistent with the comprehensive plan of the appropriate local  
9311 governing body developed under part II of chapter 163 and  
9312 consistent with the plan's implementing land development  
9313 regulations.

9314 (9)~~(11)~~ To improve coordination relative to potential  
9315 educational facility sites, a board shall provide written notice  
9316 to the local government that has regulatory authority over the  
9317 use of the land consistent with an interlocal agreement entered  
9318 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior  
9319 to acquiring or leasing property that may be used for a new  
9320 public educational facility. The local government, upon receipt  
9321 of this notice, shall notify the board within 45 days if the  
9322 site proposed for acquisition or lease is consistent with the  
9323 land use categories and policies of the local government's  
9324 comprehensive plan. This preliminary notice does not constitute  
9325 the local government's determination of consistency pursuant to  
9326 subsection (10) ~~(12)~~.

9327 (10)~~(12)~~ As early in the design phase as feasible and  
9328 consistent with an interlocal agreement entered pursuant to  
9329 subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before  
9330 commencing construction, the district school board shall in  
9331 writing request a determination of consistency with the local  
9332 government's comprehensive plan. The local governing body that  
9333 regulates the use of land shall determine, in writing within 45  
9334 days after receiving the necessary information and a school  
9335 board's request for a determination, whether a proposed  
9336 educational facility is consistent with the local comprehensive  
9337 plan and consistent with local land development regulations. If

the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

(11)~~(13)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections (2)-(6) ~~(2)-(8)~~.

(12)~~(14)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections (2)-

9366 (6) ~~(2)-(8)~~.

9367 (13) ~~(15)~~ Existing schools shall be considered consistent  
9368 with the applicable local government comprehensive plan adopted  
9369 under part II of chapter 163. If a board submits an application  
9370 to expand an existing school site, the local governing body may  
9371 impose reasonable development standards and conditions on the  
9372 expansion only, and in a manner consistent with s. 1013.51(1).  
9373 Standards and conditions may not be imposed which conflict with  
9374 those established in this chapter or the Florida Building Code,  
9375 unless mutually agreed. Local government review or approval is  
9376 not required for:

9377 (a) The placement of temporary or portable classroom  
9378 facilities; or

9379 (b) Proposed renovation or construction on existing school  
9380 sites, with the exception of construction that changes the  
9381 primary use of a facility, includes stadiums, or results in a  
9382 greater than 5 percent increase in student capacity, or as  
9383 mutually agreed upon, pursuant to an interlocal agreement  
9384 adopted in accordance with subsections (2)-(6) ~~(8)~~.

9385 Section 72. Paragraph (b) of subsection (2) of section  
9386 1013.35, Florida Statutes, is amended to read:

9387 1013.35 School district educational facilities plan;  
9388 definitions; preparation, adoption, and amendment; long-term  
9389 work programs.—

9390 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
9391 FACILITIES PLAN.—

9392 (b) The plan must also include a financially feasible  
9393 district facilities work program for a 5-year period. The work



9394 program must include:

9395       1. A schedule of major repair and renovation projects  
9396 necessary to maintain the educational facilities and ancillary  
9397 facilities of the district.

9398       2. A schedule of capital outlay projects necessary to  
9399 ensure the availability of satisfactory student stations for the  
9400 projected student enrollment in K-12 programs. This schedule  
9401 shall consider:

9402           a. The locations, capacities, and planned utilization  
9403 rates of current educational facilities of the district. The  
9404 capacity of existing satisfactory facilities, as reported in the  
9405 Florida Inventory of School Houses must be compared to the  
9406 capital outlay full-time-equivalent student enrollment as  
9407 determined by the department, including all enrollment used in  
9408 the calculation of the distribution formula in s. 1013.64.

9409           b. The proposed locations of planned facilities, whether  
9410 those locations are consistent with the comprehensive plans of  
9411 all affected local governments, and recommendations for  
9412 infrastructure and other improvements to land adjacent to  
9413 existing facilities. The provisions of ss. 1013.33(10), (11),  
9414 and (12),~~(13), and (14)~~ and 1013.36 must be addressed for new  
9415 facilities planned within the first 3 years of the work plan, as  
9416 appropriate.

9417           c. Plans for the use and location of relocatable  
9418 facilities, leased facilities, and charter school facilities.

9419           d. Plans for multitrack scheduling, grade level  
9420 organization, block scheduling, or other alternatives that  
9421 reduce the need for additional permanent student stations.

9422 e. Information concerning average class size and  
9423 utilization rate by grade level within the district which will  
9424 result if the tentative district facilities work program is  
9425 fully implemented.

9426 f. The number and percentage of district students planned  
9427 to be educated in relocatable facilities during each year of the  
9428 tentative district facilities work program. For determining  
9429 future needs, student capacity may not be assigned to any  
9430 relocatable classroom that is scheduled for elimination or  
9431 replacement with a permanent educational facility in the current  
9432 year of the adopted district educational facilities plan and in  
9433 the district facilities work program adopted under this section.  
9434 Those relocatable classrooms clearly identified and scheduled  
9435 for replacement in a school-board-adopted, financially feasible,  
9436 5-year district facilities work program shall be counted at zero  
9437 capacity at the time the work program is adopted and approved by  
9438 the school board. However, if the district facilities work  
9439 program is changed and the relocatable classrooms are not  
9440 replaced as scheduled in the work program, the classrooms must  
9441 be reentered into the system and be counted at actual capacity.  
9442 Relocatable classrooms may not be perpetually added to the work  
9443 program or continually extended for purposes of circumventing  
9444 this section. All relocatable classrooms not identified and  
9445 scheduled for replacement, including those owned, lease-  
9446 purchased, or leased by the school district, must be counted at  
9447 actual student capacity. The district educational facilities  
9448 plan must identify the number of relocatable student stations  
9449 scheduled for replacement during the 5-year survey period and

the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may

9478 include effort index grants, SIT Program awards, and Classrooms  
9479 First funds.

9480       Section 73. Rules 9J-5 and 9J-11.023, Florida  
9481 Administrative Code, are repealed, and the Department of State  
9482 is directed to remove those rules from the Florida  
9483 Administrative Code.

9484       Section 74. (1) Any permit or any other authorization  
9485 that was extended beyond January 1, 2012, under section 14 of  
9486 chapter 2009-96, Laws of Florida, as reauthorized by section 47  
9487 of chapter 2010-147, Laws of Florida, and was ineligible for the  
9488 permit extension granted by section 46 of chapter 2010-147, Laws  
9489 of Florida, solely because of its extended expiration date, is  
9490 extended and renewed for an additional period of 2 years after  
9491 its previously scheduled expiration date. This extension is in  
9492 addition to the 2-year permit extension provided under section  
9493 14 of chapter 2009-96, Laws of Florida. This section does not  
9494 prohibit conversion from the construction phase to the operation  
9495 phase upon completion of construction.

9496       (2) The commencement and completion dates for any required  
9497 mitigation associated with a phased construction project shall  
9498 be extended such that mitigation takes place in the same  
9499 timeframe relative to the phase as originally permitted.

9500       (3) The holder of a valid permit or other authorization  
9501 that is eligible for the 2-year extension shall notify the  
9502 authorizing agency in writing by December 31, 2011, identifying  
9503 the specific authorization for which the holder intends to use  
9504 the extension and the anticipated timeframe for acting on the  
9505 authorization.

9506        (4) The extension provided for in subsection (1) does not  
9507 apply to:

9508        (a) A permit or other authorization under any programmatic  
9509 or regional general permit issued by the Army Corps of  
9510 Engineers.

9511        (b) A permit or other authorization held by an owner or  
9512 operator determined to be in significant noncompliance with the  
9513 conditions of the permit or authorization as established through  
9514 the issuance of a warning letter or notice of violation, the  
9515 initiation of formal enforcement, or other equivalent action by  
9516 the authorizing agency.

9517        (c) A permit or other authorization, if granted an  
9518 extension, that would delay or prevent compliance with a court  
9519 order.

9520        (5) Permits extended under this section shall continue to  
9521 be governed by rules in effect at the time the permit was  
9522 issued, except if it is demonstrated that the rules in effect at  
9523 the time the permit was issued would create an immediate threat  
9524 to public safety or health. This subsection applies to any  
9525 modification of the plans, terms, and conditions of the permit  
9526 that lessens the environmental impact, except that any such  
9527 modification may not extend the time limit beyond 2 additional  
9528 years.

9529        (6) This section does not impair the authority of a county  
9530 or municipality to require the owner of a property that has  
9531 notified the county or municipality of the owner's intention to  
9532 receive the extension of time granted pursuant to this section

9533 to maintain and secure the property in a safe and sanitary  
9534 condition in compliance with applicable laws and ordinances.

9535 Section 75. (1) The state land planning agency, within 60  
9536 days after the effective date of this act, shall review any  
9537 administrative or judicial proceeding filed by the agency and  
9538 pending on the effective date of this act to determine whether  
9539 the issues raised by the state land planning agency are  
9540 consistent with the revised provisions of part II of chapter  
9541 163, Florida Statutes. For each proceeding, if the agency  
9542 determines that issues have been raised that are not consistent  
9543 with the revised provisions of part II of chapter 163, Florida  
9544 Statutes, the agency shall dismiss the proceeding. If the state  
9545 land planning agency determines that one or more issues have  
9546 been raised that are consistent with the revised provisions of  
9547 part II of chapter 163, Florida Statutes, the agency shall amend  
9548 its petition within 30 days after the determination to plead  
9549 with particularity as to the manner in which the plan or plan  
9550 amendment fails to meet the revised provisions of part II of  
9551 chapter 163, Florida Statutes. If the agency fails to timely  
9552 file such amended petition, the proceeding shall be dismissed.

9553 (2) In all proceedings that were initiated by the state  
9554 land planning agency before the effective date of this act, and  
9555 continue after that date, the local government's determination  
9556 that the comprehensive plan or plan amendment is in compliance  
9557 is presumed to be correct, and the local government's  
9558 determination shall be sustained unless it is shown by a  
9559 preponderance of the evidence that the comprehensive plan or  
9560 plan amendment is not in compliance.

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9561        Section 76. All local governments shall be governed by the  
9562 revised provisions of s. 163.3191, Florida Statutes,  
9563 notwithstanding a local government's previous failure to timely  
9564 adopt its evaluation and appraisal report or evaluation and  
9565 appraisal report-based amendments by the due dates established  
9566 in Rule 9J-42, Florida Administrative Code.

9567        Section 77. The Division of Statutory Revision is directed  
9568 to replace the phrase "the effective date of this act" wherever  
9569 it occurs in this act with the date this act becomes a law.

9570        Section 78. This act shall take effect upon becoming a  
9571 law.