



Journal of the Senate

Number 23

Friday, May 24, 1985

Prayer

The following prayer was offered by the Rev. John M. Fletcher, Pastor, St. Paul's United Methodist Church, Tallahassee:

Our Father God, we give thanks this day for your grace-filled love bestowed upon all of us. The best of us need your mercy as much as the least of us. We are all beggars in the court of your justice.

Grant us the encouragement to be firm in values that will contribute to the well-being of all of us. Provide a vision for these fine men and women concerning the noble possibilities in their politics. Give them peace in the midst of stress-filled days. Grant that they may maintain their integrity and do good.

Bless, also we ask, all who influence these senators—the families, the lobbyists, the staffs and others—with a love and respect for the good of our state.

For the sake of all thy people, O God, hear our prayer. Amen.

Call to Order

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	

Excused periodically: Conferees and alternates on Senate Bills 1300 and 1301; Senators Neal, Thomas, Gordon, Beard, Castor, Kirkpatrick, Peterson, Mann, Fox, Langley, Jenne, Hair, Grizzle and Stuart; Senator Neal from 2:00 until 5:00 p.m. to attend the PECO conference committee meeting

Votes Recorded

Senator Crawford was recorded as voting yea on the following which were considered May 8: Senate Bills 427, 593, 845, CS for SB 454, and CS for SB 507; CS for SB 389 which was considered May 9; and House Bills 1240, 1155, 1156, 1269 and SB 1140 which were considered May 22.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 24, 1985: CS for SB 995, CS for CS for SB 654, CS for CS for SB's 816 and 1016, CS for SB 1099, CS for SB 216, CS for SB 211, HB 94, HB 542, CS for CS for SB 1193, SB 647, SB 1041, CS for SB 1162

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: HB 1273

The bill was referred to the Committee on Appropriations under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: HB 1340 with 2 amendments, HB 1365 with 1 amendment

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Appropriations recommends the following pass: SB 358, SB 372

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Appropriations recommends the following pass: HB 407 with 7 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: SB 13, CS for SB 121 with 2 amendments, SB 248 with 1 amendment, SB 302, SB 332, CS for SB 1225, CS for SB 1267

The Committee on Finance, Taxation and Claims recommends the following pass: SB 252, HB 1278

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Appropriations recommends committee substitutes for the following: SB 148, SB 202, CS for SB 235, SB 335, SB 532, CS for SB 956, CS for SB 1081, SB 1127, CS for SB 1143, SB 1268, CS for CS for SB 441, CS for SB 1150

The Committee on Rules and Calendar recommends committee substitutes for the following: CS for SB 204, SB 820

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 24, 1985

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 3, 4, 9, 21, 70, 87, 97, 112, 126, 142, 162, 172, 195, 200, 212, 226, 272, 324, 326, 338, 354, 383, 397, 420, 515, 528, 587, 611, 626, 633, 693, 694, 735, 741, 742, 744, 785, 786, 787, 803, 810, 842, 867, 882, 896, 991, 992, 1009, 1018, 1026, 1027, 1028, 1037, 1042, 1045, 1052, 1053, 1067, 1080, 1090, 1095, 1154, 1165, 1175, 1177, 1181, 1202, 1206, 1209, 1214, 1230, 1257, 1284; House Bills 74, 157, 302, 331, 395, 468, 535, 691, 1218, 1228

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 25, 77, 101, 117, 147, 160, 176, 179, 183, 201, 215, 339, 398, 482, 548, 555, 650, 684, 700, 759, 854, 903, 1123, 1182, 1186, 1208, 1261, 1265, 1269

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 209, 260, 265, 437, 495, 570, 594, 728, 756, 769, 1071, 1077, 1138, 1183, 1235, 1242, 1293; House Bills 633, 808, 1092, 1383

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Appropriations and Senator Castor—

CS for SB 148—A bill to be entitled An act relating to teacher recruitment; establishing a center for teacher referral and recruitment; establishing duties for the center; providing expanded duties for the Center for Career Development Services in the Department of Education; providing an effective date.

By the Committee on Appropriations and Senator Langley—

CS for SB 202—A bill to be entitled An act relating to corrections; amending s. 944.512, F.S., changing the disposition of the proceeds from literary or other account of crime by offenders the application of expanding to all offenders, as defined, rather than just convicted felons; providing an effective date.

By the Committees on Appropriations; and Health and Rehabilitative Services and Senators Malchon and Meek—

CS for CS for SB 235—A bill to be entitled An act relating to nursing home financial disclosure; creating ss. 400.341-400.346, F.S.; providing legislative intent; providing definitions; providing for a uniform system of financial reporting; providing for reporting certain resident information; providing for an analysis of nursing home financial reports and of certain resident information; providing for an annual report; providing funding; providing for assessments against nursing homes; providing penalties; providing an effective date.

By the Committee on Appropriations and Senator Kirkpatrick—

CS for SB 335—A bill to be entitled An act relating to the Florida RICO Act; amending s. 253.03, F.S.; creating the Forfeited Property Trust Fund within the Department of Natural Resources; amending s. 895.09, F.S.; providing for deposit of certain funds obtained through forfeiture proceedings in the Forfeited Property Trust Fund; providing for the division of remaining funds; providing an effective date.

By the Committees on Appropriations; Economic, Community and Consumer Affairs; and Natural Resources and Conservation and Senators Stuart, Dunn and Myers—

CS for CS for CS for SB 441—A bill to be entitled An act relating to land development regulation; amending s. 380.031, F.S.; revising a definition; amending s. 380.032, F.S.; providing for approval of certain rules by the Administration Commission; amending s. 380.06, F.S., relating to developments of regional impact; providing for adoption of statewide guidelines and standards; requiring that a developer obtain a binding letter of interpretation under certain circumstances; authorizing local governments to petition that development in an adjacent jurisdiction obtain a binding letter; revising time period for issuance of binding letters; providing a time period after which certain binding letters expire; deleting certain provisions relating to local governments which have no subdivision or zoning ordinances; specifying effect on state and regional permits; providing for concurrent consideration of related local government comprehensive plan amendments; authorizing preliminary development agreements; authorizing developer to elect a conceptual agency review by certain permitting agencies; removing provisions which establish an optional coordinated review process; requiring development orders to contain dates until which the approved development will not be subject to down-zoning, unit density reduction, or intensity reduction, except in certain circumstances; providing criteria for development orders that require certain contributions by developers; authorizing the state land planning agency to record certain notices; providing certain credits and other related provisions for developers who are required to make contributions; revising procedures and criteria for substantial deviation determinations; providing for expiration of certain provisions relating to vested rights; deleting requirement for biweekly notice of applications for development; revising provisions for changes to development orders of downtown development authorities; authorizing the state land planning agency and the regional planning agencies to develop rules relating to reduced information requirements; providing that a general purpose local government shall not have to petition itself to prepare an application for an areawide development plan; making certain provisions with regard to property owner consent and withdrawal of consent if the developer of an areawide development is a general purpose local government; revising provisions for changes to areawide development plans; creating s. 380.065, F.S.; providing for certification of local review of development in lieu of regional review; creating s. 380.0651, F.S.; providing statewide presumptive guidelines and standards; amending s. 380.07, F.S.; providing additional appeal procedures; amending s. 380.11, F.S.; revising power of state land planning agency with respect to administrative remedies; amending s. 403.524, F.S.; correcting cross-references; providing an effective date.

By the Committee on Appropriations and Senator Kirkpatrick—

CS for SB 532—A bill to be entitled An act relating to community colleges; amending s. 240.36, F.S.; deleting the minimum amount of a

challenge grant from the Florida Academic Improvement Trust Fund for Community Colleges; deleting the maximum amount of the excess funds that a community college may receive; authorizing use of academic improvement trust funds for scholarships; prescribing conditions for such use; requiring the State Board of Education to establish minimum and maximum grants; repealing subsection (9) of said section, relating to specifying the minimum grant in the General Appropriations Act; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Margolis—

CS for SB 985—A bill to be entitled An act relating to homestead exemption; amending s. 196.015, F.S.; providing that intent to establish a new residence or acquisition of property with such intent shall not of itself disqualify a person from eligibility for homestead exemption; amending ss. 196.081 and 196.101, F.S.; removing the 5-year residency requirement with respect to the exemptions to the homesteads of disabled veterans and other disabled persons; repealing s. 196.091(1)(b), F.S., which imposes such requirement with respect to such exemption for disabled veterans confined to wheelchairs; providing an effective date.

By the Committees on Appropriations; and Natural Resources and Conservation and Senator Stuart—

CS for CS for SB 1081—A bill to be entitled An act relating to environmental protection; providing a short title; amending s. 373.139, F.S.; providing that certain appraisal reports are exempt from the public records law during certain negotiations; creating s. 373.584, F.S.; providing for issuance of revenue bonds and bond anticipation notes by water management districts; amending s. 373.59, F.S.; providing for payment of revenue bonds and notes out of specific moneys in the Water Management Lands Trust Fund; providing for distribution of first proceeds in the Water Management Lands Trust Fund in the water management districts; deleting the state-to-district ratio for funding of districts; abrogating future repeal of s. 373.59, F.S., providing for public hearings which relate to the Water Management Lands Trust Fund; amending s. 201.02, F.S.; providing for an increase in the rate of excise tax on certain documents; abrogating future repeal of section 1 of chapter 81-33, Laws of Florida, which provides for reduction in the tax rate; altering the distribution of taxes collected; distributing a portion of the taxes to the Land Acquisition Trust Fund for specific purposes; deleting the revised schedule of future distributions; providing an effective date.

By the Committee on Appropriations and Senator Kirkpatrick—

CS for SB 1127—A bill to be entitled An act relating to hazardous waste; creating s. 403.7265, F.S.; describing local hazardous waste collection centers; requiring the Department of Environmental Regulation to develop a plan for collecting small quantities of hazardous wastes; providing definitions; authorizing a grant program for local governments; specifying criteria for distributing grants; providing an appropriation; providing an effective date.

By the Committees on Appropriations; and Economic, Community and Consumer Affairs and Senators Frank, Dunn, Jenne, Stuart, Kirkpatrick and Malchon—

CS for CS for SB 1143—A bill to be entitled An act relating to local government comprehensive planning and land development regulation; amending part II of chapter 163, F.S.; revising the short title and various provisions of ss. 163.3161-163.3211, F.S., the Local Government Comprehensive Planning Act of 1975; revising the short title and definitions; deleting provisions relating to jurisdiction of municipalities over reserve areas; deleting application of act to special districts; requiring adoption or amendment of comprehensive plans by counties and municipalities; requiring submission to state and regional planning agencies; providing deadlines for establishment of planning agency and preparation of plan by newly established municipalities; requiring preparation of plan by regional planning agency under certain circumstances and providing for compensation; providing application to Reedy Creek Improvement District; repealing s. 163.3171(4), F.S., relating to said district; deleting requirement of passage of ordinance of intent to exercise authority under the act; revising provisions relating to designation of local planning agencies and appropriations of funds therefor; specifying responsibilities of such agencies; revising required elements of the comprehensive plan; repealing s. 163.3177(6)(c), (i) and (7)(e), F.S., relating to a required utility element and an optional public services and facilities element; creating s. 163.3178, F.S.; providing legislative intent; providing coastal management element content; creating s. 163.3179, F.S.; requiring local

governments to identify undeveloped coastal barrier areas; revising requirements relating to adoption of comprehensive plans and submission to specified agencies; providing duties of state land planning agency; directing the state land planning agency to adopt minimum criteria for the review of local comprehensive plans; directing counties and municipalities, to comply with adopted requirements concerning local comprehensive plans; providing for review and hearings; providing that local governments found to be not in compliance are ineligible for certain funding, specified grants, and certain revenue sharing; revising procedures for, and providing restrictions on, amendment of comprehensive plans; requiring submission of current plans to the state land planning agency by a specified date; providing for updating plans on file; revising provision relating to conflict with other statutes; revising procedures for amendment of plans based on periodic evaluation reports; providing for cooperation between agencies; providing for the relationship between land development regulations and adopted plans; specifying status of certain development order applications; creating ss. 163.3202, 163.3215, F.S.; providing for land development regulations; providing for periodic review of land development regulations; providing for enforcement; repealing ss. 163.160, 163.165, 163.170, 163.175, 163.180, 163.183, 163.185, 163.190, 163.195, 163.200, 163.205, 163.210, 163.215, 163.220, 163.225, 163.230, 163.235, 163.240, 163.245, 163.250, 163.255, 163.260, 163.265, 163.270, 163.275, 163.280, 163.285, 163.290, 163.295, 163.300, 163.305, 163.310, 163.315, F.S., relating to optional planning authority for counties and municipalities to plan for future development; repealing s. 163.3207, F.S., relating to technical advisory committees; providing legislative intent; amending s. 163.01, F.S.; providing procedures for authorizing bonds; amending s. 186.508, F.S.; prescribing procedures for adoption of comprehensive regional policy plans; providing an effective date.

By the Committee on Transportation and Senator Stuart—

CS for SB 1191—A bill to be entitled An act relating to transportation; creating part VI of chapter 163, F.S.; creating the "Metropolitan Transportation Authority Act"; providing intent and purposes; providing definitions; authorizing the creation of metropolitan transportation authorities; providing for membership thereon; providing for an executive director; providing for the preparation and ratification of regional ground transportation plans; providing for a referendum; providing for ballot language; providing purposes for metropolitan transportation authorities; providing powers and duties for metropolitan transportation authorities; authorizing the levy of up to 1 mill of ad valorem taxes for use by metropolitan transportation authorities; providing for bonds; providing remedies for bondholders; providing that the Department of Transportation may be appointed agent for the authority for construction purposes; providing for the acquisition of lands and property; providing for lease-purchase agreements; providing for refinancing; providing for cooperation with other units of government by the authority; providing for the covenant of the state; providing that bonds of the authority are eligible investments and security for certain purposes; providing a tax exemption; providing for resolution of conflicts with local transportation agencies; providing that this part supersedes statutes relating to the authority of local governments within the jurisdiction of an authority; amending s. 163.340, F.S.; providing that metropolitan transportation authorities are excluded from the definition of public body or taxing authority for the purposes of the Community Redevelopment Act of 1969; creating s. 336.026, F.S.; authorizing imposition of a local option tax on motor and special fuel to be used by metropolitan transportation authorities for certain purposes; providing for distribution of revenues; providing for notification of the Department of Revenue; providing for collection and for application of administrative and penalty provisions of chapter 206; specifying that certain refund provisions shall not apply to the tax; declaring a need for a metropolitan transportation authority to function in the municipal planning organization consisting of Orange, Osceola and Seminole counties pursuant to the Metropolitan Transportation Authority Act; providing an appropriation; providing for severability; providing an effective date.

By the Committee on Appropriations and Senators Margolis and W. D. Childers—

CS for SB 1268—A bill to be entitled An act relating to state supported retirement systems; amending s. 112.362, F.S.; providing that the minimum benefit provisions will pertain to all members, and their beneficiaries or joint annuitants, who retire prior to July 1, 1985; amending s. 121.021, F.S.; providing that on or after July 1, 1985 a month of retirement service credit will be awarded for each month in which salary is paid for service performed; amending s. 121.081, F.S.; providing that service in

the optional retirement system for the State University System shall be used to satisfy the 12-continuous-month requirement to purchase prior service; creating s. 121.40, F.S.; creating the "Institute of Food and Agricultural Sciences Supplemental Retirement Act"; providing legislative purpose; providing definitions; providing eligibility; providing for a retirement supplement amount; providing for payment of a supplement; providing for optional forms of retirement benefits; providing death benefits; providing for designation of beneficiaries; providing for cost-of-living adjustments; providing a limitation on reemployment after retirement; providing for administration; providing for contributions; providing for investment of the trust fund; amending ss. 122.08, 123.07, 238.08, 321.020, F.S.; authorizing a retired member of certain state supported retirement systems, upon remarriage, to change his designation of spouse as beneficiary to receive a continuing benefit under certain optional forms of benefit payments after benefits have commenced; providing for the recalculation of benefits upon redesignation of a spouse as beneficiary; repealing s. 240.508, F.S., which creates the "Institute of Food and Agricultural Sciences Supplemental Retirement Act"; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1231 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Executive Business was granted permission to meet May 28 upon adjournment of the morning session.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 141, 150, 182, 356, 531, CS for SB 507 and CS for SB 132 which he had approved May 24.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 290, Senate Bills 337, 484, 951.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

SB 210—A bill to be entitled An act relating to the City of Jacksonville Beach; amending and restating in its entirety chapter 27643, Laws of Florida, 1951, as amended, being the employees' retirement system for the City of Jacksonville Beach, to make changes recommended by the board of trustees of the retirement system and the city council, remove obsolete material, conform to applicable provisions of state and federal law, permit retirement after 30 years of service, increase member contributions, and improve readability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 6 and 7, lines 30-1 and 1-5, strike all of said lines and renumber subsequent sections.

On motion by Senator Hair, the Senate concurred in the House amendment.

SB 210 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Kirkpatrick	Scott
Carlucci	Girardeau	Langley	Stuart
Childers, W. D.	Gordon	Malchon	Thomas
Crawford	Grant	Margolis	Thurman
Deratany	Grizzle	Meek	Vogt
Dunn	Hair	Myers	Weinstein
Fox	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Mann, Neal

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

SB 234—A bill to be entitled An act relating to the Fictitious Name Statute; amending s. 865.09, F.S.; providing that failure of a business to comply with such statute will not impair acts of the business nor prevent the business from defending in court proceedings; providing for the assessment of attorney's fees and court costs against noncomplying businesses; providing penalties for engaging in business under a fictitious name without having properly registered such fictitious name with the clerk of the circuit court; providing for prospective application; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, strike all of lines 19 through 28 and through the period on line 29.

(Renumber subsequent subsection.)

On motion by Senator Myers, the Senate concurred in the House amendment.

SB 234 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Frank	Langley	Scott
Beard	Girardeau	Malchon	Thomas
Carlucci	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hair	McPherson	Weinstein
Deratany	Jennings	Meek	
Dunn	Kirkpatrick	Myers	
Fox	Kiser	Peterson	

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Neal

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 607—A bill to be entitled An act relating to the Pinellas County Water and Navigation Control Authority; amending ss. 2, 8, 10, 11, 12(a) and 13 of chapter 31182, Laws of Florida, 1955, as amended, and adding a new s. 32 to said chapter; authorizing the dredging and maintenance of certain nonnavigable waterway channels; providing for permit applications; requiring two copies of the proposed plan to accompany the application; omitting certain requirements from the board's notice of public hearing; deleting the requirement that certain notices be sent by registered mail or personal service; specifying projects where notice and public hearing are not required; removing the requirement that work under the permit be commenced within 1 year from the date of issuance and completed within 3 years from the date of issuance; providing for a 1-year extension under certain circumstances; authorizing the assessment of initial dredging costs against properties specifically benefited by the dredging; authorizing the authority to promulgate certain rules relating to the special assessment; authorizing affected landowners to petition for the initiation of such dredging projects; authorizing the board to initiate such dredging projects without a petition from affected landowners; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 10, strike: "nonnavigable" and insert: *impassable*

Amendment 2—On page 16, line 6, insert:

Section 9. It is the intent of the Legislature that by amending chapter 81132, Laws of Florida, 1955, that nothing in that chapter be construed to supercede any general law regarding the powers and duties of the Department of Environmental Regulation or the Department of Natural Resources.

(Renumber subsequent section.)

On motions by Senator Grizzle, the Senate concurred in the House amendments.

SB 607 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Johnson	Myers
Beard	Frank	Kirkpatrick	Peterson
Carlucci	Girardeau	Kiser	Stuart
Childers, D.	Gordon	Langley	Thomas
Childers, W. D.	Grant	Malchon	Thurman
Crawford	Grizzle	Mann	Vogt
Deratany	Hair	Margolis	Weinstein
Dunn	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Neal

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

SB 666—A bill to be entitled An act relating to Indian River County; creating the Indian River County Environmental Control Board; providing short title; providing for declaration of intent; providing definitions; providing for an environmental control board; providing organization, duties, and powers; providing for environmental control officer appointment, duties, and powers; providing limitations; providing for hearing board organization, duties, and powers; providing for appeals from actions or decisions of environmental control officers; providing procedure; providing for civil enforcement; providing for enforcement of hearing board orders and injunctive relief; providing civil penalties; providing for civil fines to be liens; providing for refusal to obey subpoenas; providing for construction in relation to other law; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 8, line 22, insert new subsections (9), (10) and (11):

(9) Projects of the Department of Transportation.

(10) Water Control Districts as governed by the provisions of Chapter 298, Florida Statutes.

(11) Mosquito Control Districts.

(Renumber subsequent sections.)

On motion by Senator Deratany, the Senate concurred in the House amendment.

SB 666 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deratany	Grant	Kiser
Beard	Dunn	Grizzle	Langley
Carlucci	Fox	Hair	Malchon
Childers, D.	Frank	Jennings	Mann
Childers, W. D.	Girardeau	Johnson	Margolis
Crawford	Gordon	Kirkpatrick	McPherson

Meek	Scott	Thurman
Myers	Stuart	Vogt
Peterson	Thomas	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne, Neal

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

SB 877—A bill to be entitled An act relating to Escambia County; prohibiting Escambia County and the Santa Rosa Island Authority from leasing certain property for commercial or residential development; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 13, after “all” insert: other

On motion by Senator W. D. Childers, the Senate concurred in the House amendment.

SB 877 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gordon	Langley	Peterson
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Jennings	McPherson	Weinstein
Dunn	Johnson	Meek	
Fox	Kirkpatrick	Myers	
Frank	Kiser	Neal	

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Jenne

SPECIAL ORDER

CS for SB 995—A bill to be entitled An act relating to the taxation of aviation fuel; creating part III of chapter 212, F.S.; providing a definition of aviation fuel; providing for the taxation of aviation fuel; providing for administration and disposition of funds collected; amending s. 212.02, F.S.; redefining motor fuel and special fuel; amending s. 206.42, F.S.; redefining aviation motor fuel; amending s. 322.21, F.S.; providing for deposit of funds in the State Transportation Trust Fund; amending s. 322.12, F.S.; providing for deposit of funds in the State Transportation Trust Fund; amending s. 322.121, F.S.; providing for deposit of funds in the State Transportation Trust Fund; amending s. 212.62, F.S.; providing that the tax per gallon for any year shall not be less than that for the previous year under certain circumstances; amending s. 212.05, F.S.; providing criteria for computing the sales tax on occasional or isolated sales of certain motor vehicles; requiring the Department of Revenue to adopt certain rules; providing penalties; providing an appropriation; providing for disposition of certain moneys pursuant to court order; exempting penalties and interests; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendments which were adopted:

Amendment 1—On page 9, line 2, insert:

Section 12. Subsections (39) and (40) are added to section 215.22, Florida Statutes, 1984 Supplement, to read:

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and income of a revenue nature deposited in the following described trust funds, by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(39) Proceeds of the fees paid for driver's licenses pursuant to s. 322.21

(40) Proceeds of the fees paid for driver's license examinations pursuant to ss. 322.12 and 322.121.

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect when, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

(Renumber subsequent section.)

Amendment 2—On page 9, line 4, strike “5 and 6” and insert: 5, 6 and 12

Amendment 3—In title, on page 1, line 28, after “interests,” insert: amending s. 215.22, F.S.; providing for a General Revenue Fund service charge on certain funds;

On motion by Senator Crawford, by two-thirds vote CS for SB 995 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Jennings	Myers
Beard	Fox	Johnson	Neal
Carlucci	Frank	Kiser	Peterson
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	McPherson	Vogt
Deratany	Hair	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

CS for CS for SB 654—A bill to be entitled An act relating to sales tax exemptions; amending ss. 212.02, 212.031, 212.04, 212.05, 212.06, 212.08, 288.385, F.S.; repealing certain sales tax exemptions; providing for future repeal of ss. 212.03(4), (7), 212.031(5)-(8), 212.052, 212.06(7), 212.07(5), (6), F.S., relating to sales tax exemptions; creating a commission to review certain tax exemptions; providing for membership; providing for travel and per diem expenses; providing for legislative review; providing an effective date.

—was read the second time by title.

Senator W. D. Childers presiding

Senator Crawford moved the following amendments which were adopted:

Amendment 1—On page 2, lines 14-16, and on page 4, lines 15-17, strike all of said lines and insert: of real property unless the property is

1. ~~Assessed as agricultural property under s. 193.461.~~

2. Used exclusively as dwelling units.

Amendment 2—On page 2, lines 29 and 30, and on page 3, line 2, strike “~~other than low rent housing operated under chapter 421,~~” and insert: other than low rent housing operated under chapter 421,

Amendment 3—On page 48, lines 20 and 21, strike “(4) and (7) of section 212.03, Florida Statutes; subsections”

Amendment 4—On page 36, lines 18-30, and on page 37, lines 1 and 2, strike all of said lines and insert:

(f) (h) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kero-

sene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption.

Amendment 5—On page 14, strike all of lines 6-12 and insert:

(a) Also exempt are:

1. Water (not exempting mineral water or carbonated water)
2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. ~~Fuel other than motor fuel and special~~

Amendment 6—On page 48, line 22, strike "Statutes; section 212.052, Florida"

Amendment 7—On page 39, lines 21-31, and on page 40, lines 1-4, strike all of said lines and insert:

(h) ~~(*)~~ Feeds.—Feeds for poultry and livestock, including racehorses and dairy cows, are exempt.

(i) ~~(*)~~ Organizations providing special educational, cultural, recreational, and social benefits to minors.—There shall be exempt from the tax imposed by this part nonprofit organizations which are incorporated pursuant to chapter 617 or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors in this state. This exemption is extended only to that level of the organization located in this state that has a salaried executive officer or an elected nonsalaried executive officer.

Amendment 8—On page 49, line 2, after "with" insert: residential rentals, fuels used to produce electricity, household fuels, poultry and livestock feeds,

Amendment 9—On page 37, line 23, strike "(f)" and insert: (g)

Amendment 10—In title, on page 1, lines 6 and 7, strike "212.03(4), (7),"

Amendment 11—In title, on page 1, line 7, strike "212.052"

The President presiding

Senator Deratany moved the following amendment which failed:

Amendment 12—On page 49, between lines 19 and 20, insert:

Section 9. The sales tax shall be reduced in direct proportion to the increased revenues received from the exemptions removed pursuant to this act.

(Renumber subsequent section.)

Senators Johnson and Myers offered the following amendment which was moved by Senator Johnson and adopted:

Amendment 13—On page 49, line 15, after the period (.) insert: The commission shall further determine how the Department of Revenue is performing its tasks related to approval of county ad valorem tax rolls; whether an appointed state revenue commission should be established to enforce uniform enforcement of ad valorem tax assessments, tax roll approval, and factoring of tax rolls, where necessary to carry out the laws of this state; whether homestead tax exemption policy should be changed; whether to recapture ad valorem taxes upon rezoning to higher classification; and whether the "Truth in Millage" (TRIM) Law should be modified;

Senator Johnson moved the following amendment which failed:

Amendment 14—On page 48, line 30, after "(Governor.," insert: No more than two members shall be practicing attorneys and no more than two members shall be practicing certified public accountants or accountants.

On motion by Senator Crawford, by two-thirds vote CS for CS for SB 654 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gersten	Johnson	Myers
Beard	Girardeau	Kirkpatrick	Neal
Carlucci	Gordon	Langley	Peterson
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Dunn	Hill	McPherson	Vogt
Frank	Jennings	Meek	Weinstein

Nays—3

Barron Childers, W. D. Deratany

Vote after roll call:

Yea—Fox, Jenne, Plummer, Scott

On motion by Senator Crawford, the rules were waived and CS for CS for SB 654 after being engrossed was ordered immediately certified to the House.

On motion by Senator Weinstein, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 630—A bill to be entitled An act relating to the Department of Administration; amending s. 20.31, F.S.; abolishing the Division of Human Resource Management and the Division of Personnel; establishing a Division of Personnel Management Services and reassigning it certain functions and responsibilities; establishing an Office of State Employees' Insurance and reassigning it certain functions and responsibilities; amending ss. 154.04, 216.262, and 376.10, F.S., conforming said sections to s. 20.31(2), F.S.; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 26, insert a new section 4 and renumber subsequent sections.

Section 4. Section 110.1245, Florida Statutes, is amended to read:

110.1245 *Meritorious service awards program.*—

(1) *The Department of Administration shall adopt, promote, and implement a program of meritorious service awards to employees who:*

(a) *Propose procedures or ideas which are adopted and which will result in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or*

(b) *By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.*

Every state agency, unless otherwise provided by law, shall participate in the program. The component of the program specified in paragraph (a) shall apply to all employees within the career service system. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed the greater of \$2,000 or 10 percent of the first year's actual savings or actual revenue increase, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000. An agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, a state agency may

award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award shall not exceed \$50.

(2) The department shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year a report which outlines each agency's level of participation in the meritorious service awards program described in subsection (1). The report shall include:

- (a) The number of proposals made.
- (b) The number of awards made to employees for adopted proposals.
- (c) The actual cost savings realized as a result of implementing employee proposals.
- (d) Total expenditures incurred by the agency for providing awards to employees for adopted proposals.
- (e) The number of employees recognized for superior accomplishments.
- (f) The number of employees recognized for continuous satisfactory service to the state.

(3)(1) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$25 each.

(4)(2) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 continuous years of satisfactory service in the agency, in appreciation and recognition of such service. Such awards may not cost in excess of \$10 each.

Section 5. Section 240.2111, Florida Statutes, is amended to read:

240.2111 Meritorious service awards program.—

(1) The Board of Regents shall adopt rules ~~is authorized and empowered~~ to provide for recognition of employees who have contributed outstanding and meritorious service in their fields and to ~~adopt and~~ implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing expenditures of the Board of Regents or improving operations of the Board of Regents or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority. These rules shall be consistent with the rules adopted by the Department of Administration for the meritorious services awards program under s. 110.1245. The Board of Regents is authorized to expend funds for such recognition and awards. No award granted under the provisions of this subsection ~~paragraph~~ shall exceed \$2,000 or 10 percent of the first year's actual ~~gross~~ savings, whichever is greater, unless a larger award is made by the Legislature. The Board of Regents may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection.

(2) The Board of Regents shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year a report which outlines each university's and the Board of Regents' level of participation in the meritorious service awards program. The report shall include:

- (a) The number of proposals made.
- (b) The number of awards made to employees for adopted proposals.
- (c) The actual cost savings realized as a result of implementing employee proposals.
- (d) Total expenditures incurred by the university or board for providing awards to employees for adopted proposals.
- (e) The number of employees recognized for superior accomplishments.
- (f) The number of employees recognized for continuous satisfactory service to the state, as provided in s. 110.1245 (3) and (4).

Section 6. Subsection (13) of section 240.227, Florida Statutes, 1984 Supplement, is amended to read:

240.227 Universities; powers and duties.—Effective July 1, 1979, each university shall have the power and duty to:

(13) Make rules to provide for recognition of employees who have contributed outstanding and meritorious service in their fields ~~and adopt~~ and to implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing expenditures of the university or improving operations of the university or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority. These rules shall be consistent with the rules adopted by the Department of Administration for the meritorious services awards program under s. 110.1245. The university is authorized to expend funds for such recognition and awards. No award granted under the provisions of this subsection shall exceed \$2,000 or 10 percent of the first year's actual gross savings, whichever is greater, unless a larger award is made by the Legislature. The university may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. The university shall submit a report each year to the Board of Regents for the board's use in transmitting a State University System report to the President of the Senate and the Speaker of the House of Representatives by February 1 each year. The components of the report shall be specified by the Board of Regents.

Section 7. Section 110.223, Florida Statutes, is hereby repealed.

Amendment 2—In title, on page 1, line 10, insert: amending s. 110.1245, F.S., providing a meritorious service awards program for all state employees; limiting participation in part of the program to specified employees; authorizing various types of awards; amending ss. 240.2111 and 240.227, F.S., conforming provisions relating to such programs by the Board of Regents and State University System; providing for reports; repealing s. 110.223, F.S., deleting the meritorious awards program for career service employees;

On motions by Senator Weinstein, the Senate concurred in the House amendments.

SB 630 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Langley	Plummer
Carlucci	Gersten	Malchon	Scott
Castor	Girardeau	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Hill	Myers	Vogt
Dunn	Jennings	Neal	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

SPECIAL ORDER, continued

Consideration of CS for CS for SB's 816 and 1016, CS for SB 1099, CS for SB 216 and CS for SB 211 was deferred.

HB 94—A bill to be entitled An act relating to counties; creating s. 125.485, F.S.; prohibiting counties from refusing to provide or discontinuing utility services to the owner or tenant of a rental unit under certain circumstances; prohibiting certain liens; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 94 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Childers, D.	Deratany	Frank
Barron	Childers, W. D.	Dunn	Gersten
Beard	Crawford	Fox	Girardeau

Gordon	Jennings	McPherson	Thomas
Grant	Johnson	Meek	Thurman
Grizzle	Langley	Myers	Vogt
Hair	Malchon	Peterson	Weinstein
Hill	Mann	Plummer	
Jenne	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—Carlucci, Castor, Kirkpatrick, Neal, Stuart

HB 542—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 319.33, F.S., prohibiting possession, concealment, or disposition of any motor vehicle or mobile home, or major component part thereof; prohibiting possession, manufacture, sale, or exchange, and prohibiting supplying in blank or giving away, any counterfeit identification or serial plate or decal, or offering or conspiring to do any of the foregoing; providing an exception; providing for confiscation and sale of unidentifiable motor vehicles; providing procedures; repealing s. 320.33, F.S., relating to possession of motor vehicles from which the serial number has been removed; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Beard and adopted:

Amendment 1—On page 2, lines 18, 20, and 21, after “*vehicle*” insert: *or mobile home*

Amendment 2—On page 2, line 24, before “*vehicle*” insert: *motor*

Amendment 3—On page 3, between lines 3 and 4, insert:

Section 3. Section 320.015, Florida Statutes, is amended to read:

320.015 Taxation of mobile homes.—

(1) A mobile home, as defined in s. 320.01(2), regardless of its actual use, shall be subject only to a license tax unless classified and taxed as real property. A mobile home is to be considered real property only when the owner of the mobile home is also the owner of the land on which the mobile home is situated and said mobile home is permanently affixed thereto. Any prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall be taxed as real property even though transported over the highways to a site for erection or use.

(2) *Notwithstanding the provisions of this section, any mobile home classified by a lender as personal property at the time a security interest was granted therein to secure an obligation shall continue to be so classified for all purposes except taxation at least as long as any part of such obligation, or any extension or renewal thereof, remains outstanding.*

(Renumber subsequent sections.)

Senator Langley moved the following amendments which were adopted:

Amendment 4—On page 3, between lines 3 and 4, insert:

Section 3. Section 723.007, Florida Statutes, 1984 Supplement, is amended to read:

723.007 Annual fees.—Each mobile home park owner shall pay to the division, on or before October 1 of each year, an annual fee in the amount of \$3 \$1 for each mobile home lot within a mobile home park which he owns. If the fee is not paid by December 31, the mobile home park owner shall be assessed a penalty of 10 percent of the amount due, and he shall not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(Renumber subsequent section.)

Amendment 5—On page 3, between lines 3 and 4, insert: Section 3.

Section 320.01, Florida Statutes, 1984 Supplement, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(2) “Mobile home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, ~~drawbars, couplings, and hitches~~ but excludes bay windows, porches, ~~drawbars, couplings, hitches~~, wall and roof extension or other attachments that do not enclose interior space. *In the event that the mobile home owner has no proof of the length of the drawbar, coupling or hitch then the tax collector may in his discretion either inspect the home to determine the actual length or may assume four feet to be the length of the drawbar, coupling or hitch.*

(Renumber subsequent section.)

Amendment 6—In title, on page 1, line 16, after the semicolon (;) insert: amending s. 320.01, Florida Statutes; revises definition of mobile home;

Amendment 7—In title, on page 1, line 16, after the semicolon (;) insert: amending s. 723.007, F.S., increasing the annual fee to be paid by mobile home park owners to the Division of Florida Land Sales, Condominiums, and Mobile Homes;

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Beard and adopted:

Amendment 8—In title, on page 1, line 13, after “vehicles” insert: and mobile homes

Amendment 9—In title, on page 1, line 16, after the semicolon (;) insert: amending s. 320.015, F.S.; providing clarifying language relating to mobile home loans;

On motion by Senator Beard, by two-thirds vote HB 542 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Meek
Barron	Frank	Jennings	Myers
Beard	Gersten	Johnson	Neal
Carlucci	Girardeau	Kiser	Peterson
Childers, D.	Gordon	Langley	Plummer
Childers, W. D.	Grant	Mann	Scott
Crawford	Grizzle	Malchon	Stuart
Deratany	Hair	Margolis	Thurman
Dunn	Hill	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Kirkpatrick

CS for CS for SB 1193—A bill to be entitled An act relating to adult education courses; creating s. 230.2215, F.S.; requiring the publication of a district course directory; specifying information to be included in such directory; prohibiting school districts and community colleges from expending state funds for any course not listed in such directory; creating s. 229.13, F.S.; requiring school districts and community colleges to use a uniform registration form to enroll adults in courses; amending s. 229.565, F.S.; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; amending s. 228.072, F.S.; defining the term “basic skills” for the purpose of the Adult General Education Program; authorizing the waiver of certain fees for students in adult general education courses who document financial need or basic skills deficiencies or who are 60 years of age or older; limiting the total number of full-time equivalent students for whom school districts and community colleges may grant fee waivers; providing reporting requirements; providing graduation requirements for adult students; amending s. 228.072, F.S., relating to the adult general education program; revising a definition, certain criteria for participation in the program, and the location of instruction; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 13, line 9, after “information” insert: considered

Amendment 2—On page 19, lines 6 and 7, strike “for more than 15 percent, or the percent” and insert: above the amount

Amendment 3—On page 19, lines 11 and 12, strike “15 percent or the percent” and insert: amount

Amendment 4—On page 21, line 11, strike all of section 8 through page 24, line 24

On motion by Senator Peterson, by two-thirds vote CS for CS for SB 1193 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fox	Jennings	Peterson
Barron	Frank	Johnson	Plummer
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Kiser	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Hill	Myers	Weinstein
Dunn	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Castor, Gersten

On motions by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 287 was withdrawn from the Committees on Natural Resources and Conservation, and Appropriations and by two-thirds vote placed on the special order calendar.

On motion by Senator Jenne, by two-thirds vote CS for CS for SB 1143, CS for CS for CS for SB 441, and CS for HB 287 were scheduled for consideration at 3:00 p.m. this day.

SB 647—A bill to be entitled An act relating to transportation; amending s. 337.241, F.S., relating to the preparation of right-of-way maps by the Department of Transportation and local governmental entities; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were adopted:

Amendment 1—On page 1, lines 14 and 19, after “maps” insert: of reservation

Amendment 2—In title, on page 1, line 4, strike “right-of-way maps” and insert: maps of reservation

On motion by Senator Deratany, by two-thirds vote SB 647 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Kiser	Scott
Carlucci	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Castor

SB 1041—A bill to be entitled An act relating to building construction standards; creating s. 553.485, F.S., authorizing local governments to impose certain requirements relating to interior door size; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 1041 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kiser	Plummer
Barron	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	
Gersten	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Castor

CS for SB 211—A bill to be entitled An act relating to women’s athletics at state universities; providing legislative intent; creating a trust fund for challenge grants; providing a procedure for allocating grants; specifying grant amounts, prescribing uses for grants and donations, providing for university administration of grants and donations; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 211 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Girardeau	Kirkpatrick	Peterson
Carlucci	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hair	Mann	Thurman
Dunn	Hill	Margolis	Vogt
Fox	Jenne	Meek	Weinstein
Frank	Jennings	Myers	
Gersten	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor, Thomas

On motion by Senator Jenne, the rules were waived and the Senate reverted to—

INTRODUCTION AND REFERENCE OF BILLS

Senator Jenne moved that the rules be waived and the following resolutions be introduced notwithstanding the fact that the final day had passed for introduction of bills:

By Senators Peterson, Grizzle, Thurman, Meek, Weinstein, Grant, Myers, Johnson, Castor and Jenne—

SCR 1334—A concurrent resolution relating to the Florida State Plan for Vocational Education for fiscal years 1986-1988.

WHEREAS, the newly reauthorized federal Vocational Education Act (P.L. 98-524) requires that the Legislature review and comment on the Florida State Plan for expenditure of federal vocational education funds for fiscal years 1986-1988, and

WHEREAS, the State of Florida expended \$660,095,000 in fiscal year 1985 for vocational education, of which only \$31,326,000 was derived from federal funds, and

WHEREAS, the goals and priorities included in the state plan for expenditure of federal funds have, traditionally, guided the expenditure of all funds for vocational education in Florida, and

WHEREAS, the proposed Florida State Plan for Vocational Education for fiscal years 1986-1988 is primarily a compliance document which ignores the goals and objectives for vocational education reflected in Florida Statutes and State Board of Education rule and policy, and

WHEREAS, legislative review of the state plan for fiscal years 1986-1988 indicates that the plan gives inadequate attention to the labor market needs of Florida and the manner in which vocational students' levels of basic skills and occupational proficiency are assessed and improved, and

WHEREAS, the proposed Florida State Plan for Vocational Education for fiscal years 1986-1988 includes no information on current expenditure levels or proposed allocations by target population, goal, sub-part or entitlement, thus making it impossible to ensure that anticipated federal funds will be used solely for program improvement and expansion, as required by federal law, and

WHEREAS, the Florida Legislature considers it critical that a state plan for vocational education exists which reflects goals and objectives for the State of Florida that are specific and measurable, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Department of Education be directed to revise the proposed Florida State Plan for Vocational Education for fiscal years 1986-1988 to describe the role of the 28 regional advisory councils for vocational education, pursuant to s. 228.075, Florida Statutes, to include the role and recommendations of the Florida High Technology Council, pursuant to s. 229.8053, Florida Statutes, to reference the placement rate required by state law as a condition for receipt of state funding, pursuant to s. 229.551, Florida Statutes, and to include the accountability standards for vocational programs provided for in s. 229.558, Florida Statutes.

BE IT FURTHER RESOLVED that the Department of Education shall be directed to submit any amendments to the fiscal years 1986-1988 state plan and all subsequent plans to the Legislature for review and comment prior to submission of the plan to the State Board of Education for approval.

BE IT FURTHER RESOLVED that the Department of Education be directed to develop a state plan for vocational education which is sufficiently detailed to serve as a meaningful planning document for state, regional, and local vocational education policymakers and program administrators.

BE IT FURTHER RESOLVED that the format and content of such plan shall be developed by the Department of Education in coordination with the Legislature, the State Board of Education, the Office of the Governor, and the Florida Council on Vocational Education, and

BE IT FURTHER RESOLVED that this resolution shall constitute the Legislature's official comments on the Florida State Plan for Vocational Education for fiscal years 1986-1988 and a copy of this resolution shall accompany the state plan when it is submitted to the United States Department of Education.

—was referred to the Committee on Rules and Calendar.

By Senator Myers—

SCR 1335—A concurrent resolution requesting the Federal Government to declare the state a disaster area as a result of wildfires.

WHEREAS, the wildfires that struck the State of Florida during May, 1985 have already consumed over 100,000 acres of forest land and hundreds of homes, and

WHEREAS, the end of these wildfires is not yet in sight, and

WHEREAS, these wildfires are one of the greatest natural disasters in the history of the state, and

WHEREAS, Governor Bob Graham has declared a state of emergency throughout the state as a result of the fires, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Federal Government is requested to declare the entire State of Florida a disaster area as a result of the recent wildfires, and is further

requested to make all forms of disaster relief available to persons who have suffered losses resulting from such wildfires.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

—was referred to the Committee on Rules and Calendar.

SPECIAL ORDER, continued

Consideration of CS for SB 1162 was deferred.

Point of Order

On point of order by Senator Neal, SB 802 was removed from the calendar and referred to the Committee on Appropriations.

Consideration of CS for SB 616, and SB 22 was deferred.

SB 23—A bill to be entitled An act relating to elections; amending ss. 106.04, 106.07, F.S.; providing for fines for failure to file campaign finance reports by the designated due date; providing that moneys received as payment for such fines be deposited in the appropriate general revenue fund; providing for notice to the Florida Elections Commission; repealing s. 106.20, F.S., relating to penalties for failure to file campaign finance reports; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 1, line 28; on page 3, line 29; and on page 4, line 14, strike "*fine of \$100*" and insert: *fine of up to \$100*

Senator Scott moved the following amendment which failed:

Amendment 2—On page 4, between lines 25 and 26, insert:

Section 3. Section 100.091, Florida Statutes, is hereby repealed.

Section 4. Section 100.061, Florida Statutes, is amended to read:

100.061 ~~First~~ Primary election.—In each year in which a general election is held, a ~~first~~ primary election for nomination of candidates of political parties shall be held on the Tuesday 9 weeks prior to the general election. ~~The~~ Each candidate receiving the highest number ~~a majority~~ of the votes cast in each contest in the ~~first~~ primary election shall be declared nominated for such office. ~~If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine which shall receive the nomination. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.~~

Section 5. Subsection (17) of section 97.021, Florida Statutes, 1984 Supplement, is amended to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(17) "Primary election" means ~~the~~ an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. ~~The first primary is a nomination or elimination election; the second primary is a nominating election only.~~

Section 6. Paragraphs (a) and (b) of subsection (3) of section 98.051, Florida Statutes, 1984 Supplement, are amended to read:

98.051 Registration books for permanent registration system; when open or closed.—

(3)(a)1. The registration books shall close for the ~~first and second~~ primary election elections at 5 p.m. on the 30th day before the ~~first~~ primary election and shall remain closed until after the ~~second~~ primary election, during which time no registration or party change shall be accepted for ~~the primary election such elections.~~

2. The provisions of any special act to the contrary notwithstanding, when special district officers are to be elected during ~~the any given first or second~~ primary election, the registration books shall close at 5 p.m. on the 30th day before the ~~first~~ primary election and shall remain closed until after the ~~second~~ primary election, during which time no registration or party change shall be accepted for ~~the primary election such elections.~~

3. For any other election, the books shall close at 5 p.m. on the 30th day before such election and shall remain closed until after such election, during which time no registration or party change shall be accepted for such election.

(b) When the books are closed for an election, registration and party changes shall be accepted for all subsequent elections. ~~For purposes of this subsection, however, a first and second primary shall be considered one election.~~

Section 7. Subsection (3) of section 98.081, Florida Statutes, is amended to read:

98.081 Removal of names from registration books; procedure.—

(3) Any elector may have his name removed from the registration books by filing with the supervisor a written request, duly acknowledged, and upon receipt of such request the supervisor shall remove the name of the elector from the registration books. Any person whose name is removed between the first primary and the subsequent general election shall not register in a different political party after the first primary and before the subsequent general election.

Section 8. Subsections (1), (2), and paragraph (a) of subsection (3) of section 99.061, Florida Statutes, 1984 Supplement, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall file his qualification papers with, and pay the qualification fee and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 57th day prior to the first primary, but not later than noon of the 53rd day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office. However, the qualification fee, if any, paid by an independent candidate or a minor party candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that such candidate or minor party failed to obtain the required number of signatures.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his qualification papers with, and pay the qualification fees and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the first primary or special district election, but not later than noon of the 46th day prior to the date of the first primary or special district election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the first primary, but not later than noon of the 39th day prior to the date of the first primary.

Section 9. Subsections (1) and (4) of section 99.095, Florida Statutes, are amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office who is unable to pay the filing fee and party assessment prescribed by s. 99.092 without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify to have his name placed on the ballot for the first primary election by means of the petitioning process prescribed in this section. A person using this petitioning process

shall file an oath with the officer before whom the candidate would qualify for the office stating that he intends to qualify for the office sought and stating that he is unable to pay the filing fee and party assessment for that office without imposing an undue burden on his personal resources or on resources otherwise available to him. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the first primary is held, but prior to the 92nd day prior to the date of the first primary election. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until he has filed the oath required in this section.

(4)(a) Each candidate for nomination to federal, state, or multicounty district office shall file a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which such petition is circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of the political party by which the candidate seeks nomination and of that county, district, or other geographical unit represented by the office being sought by the candidate. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors of such county, district, or other geographical unit and of the appropriate political party and submit such certification to the Department of State. The Department of State shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice to, and file his qualifying papers and oath prescribed by s. 99.021 with, the Department of State. Upon receipt of the copy of such notice and the qualifying papers, the department shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate for nomination to a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which the petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the political party for which the candidate seeks nomination and of the county, district, or other geographical entity represented by the office being sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of the notice and file his qualifying papers and oath prescribed by s. 99.021 with the supervisor of elections. Upon receipt of the copy of such notice and the qualifying papers by the supervisor of elections, such candidate shall be entitled to have his name printed on the ballot.

Section 10. Subsections (1) and (3) of section 99.0955, Florida Statutes, are amended to read:

99.0955 Independent candidate for office; name on general election ballot.—

(1) Any registered elector seeking to have his name placed on the ballot at the general election as an independent candidate for an office may have his name printed on the general election ballot in which election such office is to be filled, provided he is otherwise qualified to hold the office that he seeks and provided a petition requesting that he be assigned a position on the general election ballot is signed by the required number of registered electors. Such person shall obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January preceding the general election, but prior to the 49th day prior to the date of the first primary election.

(3)(a) Each candidate for a federal, state, or multicounty district office shall submit a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 49th day preceding the first primary election, to the supervisor of elections of the county for which such petition was circulated. Each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as pre-

scribed in s. 99.097, certify to the Department of State, within 30 days of the last day for qualifying, the number shown as registered electors of said county. The Department of State shall determine whether or not the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained and the candidate has, during the time prescribed for qualifying for office, filed his qualifying papers with the Department of State, paid his filing fee, and taken the oath provided in s. 99.021, such candidate shall be entitled to have his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State, be exempt from paying the filing fees. The name of each candidate who is entitled pursuant to this paragraph to have his name printed on the general election ballot shall be certified to the supervisor of elections of each county affected by such candidacy by the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor.

(b) Each candidate for a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the 49th day preceding the first primary election, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, within 30 days of the last day for qualifying, notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and the candidate has, during the time prescribed for qualifying for office, filed his qualification papers with the supervisor of elections, paid his filing fee, and taken the oath prescribed in s. 99.021, such candidate shall be entitled to have his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the supervisor, be exempt from paying the filing fee. Upon paying the cost of checking the petitions or filing the oath required by s. 99.097, such candidate shall be entitled to have his name placed on the general election ballot.

Section 11. Subsections (2), (3), and (4) of section 99.096, Florida Statutes, are amended to read:

99.096 Minor party candidates; names on ballot.—

(2) Petitions to have a slate of candidates printed on the ballot shall be provided by the Department of State. The form of the petitions shall be prescribed by the Department of State. A minor political party may obtain such petition forms at any time after the first Tuesday after the first Monday in January preceding said general election, but prior to the 49th day prior to the date of the first primary election.

(3) A separate petition shall be submitted from each county for which signatures are solicited. The petition shall be submitted to the supervisor of elections of the county prior to noon of the 49th day preceding the first primary election, and the supervisor shall check the names and shall, upon payment of the cost of checking the petitions prescribed in s. 99.097, certify, within 30 days of the last day for qualifying, the number shown as registered electors of the county. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor as required in this section has been met. When the percentage factor has been met, the Department of State shall notify the minor party executive committee that the party has secured a position on the general election ballot.

(4) The executive committee of the party shall, at the time of submitting the petitions to the various supervisors of elections, but no later than noon of the 49th day preceding the first primary election, submit to the Department of State an official list of the candidates nominated by that party to be on the ballot in the general election. If the minor party has qualified to have a slate of candidates for any offices for which candidates are required to qualify with a supervisor of elections, the Department of State shall notify such supervisor of the name of each candidate eligible to qualify for such an office. Candidates selected by a party pursuant to this section shall qualify with the Department of State or appropriate supervisor of elections, pay their filing fees, and take and subscribe to the oath provided in s. 99.021 during the time prescribed for qualifying for office. Any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State or appropriate supervisor of elec-

tions, be exempt from paying the filing fee. The official list of nominated candidates may not be changed by the party after having been filed with the Department of State, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.

Section 12. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary.

Section 13. Subsection (2) of section 100.071, Florida Statutes, is amended to read:

100.071 Grouping of candidates on primary ballots.—

(2) Each nominee of a political party chosen in the primary primaries shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

Section 14. Subsections (1) and (3) and paragraph (a) of subsection (4) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term, commencing on the first Tuesday after the first Monday following such general election.

(b) If such a vacancy occurs prior to the first day set by law for qualifying for election to office at such general election, any person seeking nomination or election to the unexpired portion of the term shall qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.

(c) If such a vacancy occurs prior to the first primary but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the first and second primary election elections, the Governor may call a special primary election, and, if necessary, a second special primary election, to select party nominees for the unexpired portion of such term.

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4) and a special election is called by the Governor to fill the vacancy in such office, nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in a special primary election which shall be called by the Governor who, after consultation with the Secretary of State, may fix the date of a primary election and, if necessary, a second primary election to select nominees of political parties other than minor political parties to become candidates in the special election. The dates fixed by the Gover-

nor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for any special primary and for the special election to coincide with the dates of the ~~first and second~~ primary and general election. If a vacancy in office occurs in any district in the state senate or house of representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed.

(b) The filing of campaign expense statements by candidates in such special elections or special primaries shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The qualification fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(d) Each county canvassing board shall make as speedy a return of the result of such special elections and primaries as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election ~~and, if necessary, a second special primary election~~ to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special primaries shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such primaries as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

Section 15. Section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office or nomination.—Whenever a special election is required to fill any vacancy in office or nomination, the Governor, after consultation with the Secretary of State, shall issue an order declaring on what day the election shall be held and deliver the order to the Department of State. The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the date set for *the each* special primary election and the special election, the dates fixed for qualifying for office, and the dates fixed for filing campaign expense statements. The department shall deliver a copy of such notice to the supervisor of elections of each county in which the special election is to be held. The supervisor shall have the notice published two times in a newspaper of general circulation in the county at least 10 days prior to the first day set for qualifying for office. If such a newspaper is not published within the period set forth, the supervisor shall post at least five copies of the notice in conspicuous places in the county not less than 10 days prior to the first date set for qualifying.

Section 16. Subsection (6) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(6) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. The Department of State shall, not less than 60 days prior to the ~~first~~ primary election, mail to each supervisor of elections the format of the ballot to be used for the primary election.

Section 17. Subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4) The supervisor of elections shall, not less than 30 days before the ~~first primary election, not less than 24 days before the second primary election,~~ and not less than 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot; and, as soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector for whom a request for such ballot has been made. Any elector, however, may designate in writing a person to pick up the ballot for him. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

Section 18. Subsection (8) of section 102.012, Florida Statutes, 1984 Supplement, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(8) The supervisor of elections shall conduct training classes for inspectors, clerks, and deputy sheriffs prior to each ~~first~~ primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training class as required. A person who has attended previous training classes conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (9) from among persons who have not received the training required by this section.

Section 19. Subsection (3) of section 103.021, Florida Statutes, is amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) A minor political party may have the names of its candidates for President and Vice President printed, and independent candidates for President and Vice President may have their names printed, on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the ~~first~~ primary, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 20. Section 103.022, Florida Statutes, is amended to read:

103.022 Write-in candidates for President and Vice President.—Persons seeking to qualify for election as write-in candidates for President

and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the ~~first~~ primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot.

Section 21. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath.—

(1) **TIME OF QUALIFYING.**—Candidates for judicial office shall qualify with the Division of Elections of the Department of State no earlier than noon of the 50th day, and no later than noon of the 46th day, before the ~~first~~ primary election. Filing shall be on forms provided for that purpose by the Division of Elections. Any person seeking to qualify as a candidate for circuit judge or county court judge by the alternative method, if he has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.

Section 22. Subsections (1) and (4) of section 105.035, Florida Statutes, are amended to read:

105.035 Alternative method of qualifying for certain judicial offices.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge who is unable to pay the qualifying fee without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify for election to such office by means of the petitioning process prescribed in this section. A person using this petitioning process shall file an oath with the Division of Elections stating that he intends to qualify for the office sought and stating that he is unable to pay the qualifying fee for the office without imposing an undue burden on his resources or on resources otherwise available to him. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 92nd day prior to the date of the ~~first~~ primary election. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until he has filed the oath prescribed in this subsection.

(4) Each candidate seeking to qualify for election to a judicial office pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 92nd day preceding the ~~first~~ primary election, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of the judicial circuit or county, as the case may be. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors of the circuit or county and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

Section 23. Subsection (1) of section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(1) **BALLOTS.**—The names of candidates for judicial office which appear on the ballot at the ~~first~~ primary election shall either be grouped

together on a separate portion of the ballot or on a separate ballot. The names of candidates for judicial office which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

Section 24. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election to office.—

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the ~~first~~ primary election. If any candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 25. Subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1) No person or political committee shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$1,000.

(b) To a candidate for legislative or multicounty office, \$1,000.

(c) To a candidate for statewide office, \$3,000.

(d) To any political committee in support of, or in opposition to, an issue to be voted on in a statewide election, \$3,000.

(e) To any political committee in support of, or in opposition to, an issue to be voted on in a countywide, districtwide, or less than countywide election, \$1,000.

(f) To a political committee supporting or opposing one or more candidates, \$1,000.

(g) To a candidate for county court judge or circuit judge, \$1,000.

(h) To a candidate for retention as a judge of a district court of appeal, \$2,000.

(i) To a candidate for retention as a justice of the Supreme Court, \$3,000.

The contribution limits provided in paragraphs (a) through (i) shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his own campaign. The limitations provided by this subsection shall apply to each election. For purposes of this subsection the ~~first primary, second primary, and general election~~ shall be deemed separate elections or election time segments, whether or not the candidate has opposition in the respective elections. However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, ~~and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.~~

Section 26. Subsection (1) of section 106.29, Florida Statutes, 1984 Supplement, is amended to read:

106.29 Reports by political parties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists.

Section 27. Paragraph (a) of subsection (1) of section 582.18, Florida Statutes, 1984 Supplement, is amended to read:

582.18 Election of supervisors of each district.—

(1) The election of supervisors for each soil and water conservation district shall be held every 2 years. The elections shall be held at the time of the general election provided for by s. 100.041. The office of the supervisor of a soil and water conservation district is a nonpartisan office, and candidates for such office are prohibited from campaigning or qualifying for election based on party affiliation.

(a) Each candidate for supervisor for such district shall be nominated by nominating petition subscribed by 25 or more qualified electors of such district. Candidates shall obtain signatures on petition forms prescribed by the Department of State and furnished by the appropriate qualifying officer. In multicounty districts, the appropriate qualifying officer is the Secretary of State; in single-county districts, the appropriate qualifying officer is the supervisor of elections. Such forms may be obtained at any time after the first Tuesday after the first Monday in January preceding the election, but prior to the 92nd day prior to the date of the first primary. Each petition shall be submitted, prior to noon of the 92nd day preceding the first primary election, to the supervisor of elections of the county for which such petition was circulated. The supervisor of elections shall check the signatures on the petition to verify their status as electors in the district. Prior to the first date for qualifying, the supervisor of elections shall determine whether the required single-county signatures have been obtained; and he shall so notify the candidate. In the case of a multicounty candidate, the supervisor of elections shall check the signatures on petitions and shall, prior to the first date for qualifying for office, certify to the Department of State the number shown as registered electors of the district. The Department of State shall determine if the required number of signatures has been obtained for multicounty candidates and shall so notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot, the candidate shall, during the time prescribed for qualifying for office in s. 99.061, submit a copy of the notice to, and file his qualification papers with, the qualifying officer and take the oath prescribed in s. 99.021.

Section 28. Section 100.096, Florida Statutes, is hereby repealed.

(Renumber subsequent sections.)

The vote was:

Yeas—12

B Beard	G Gordon	J Johnson	M Myers
D Deratany	G Grizzle	K Kiser	S Scott
G Gersten	J Jennings	L Langley	W Weinstein

Nays—26

Mr. President	F Fox	K Kirkpatrick	P Peterson
B Barron	F Frank	M Malchon	P Plummer
C Carlucci	G Girardeau	M Mann	S Stuart
C Castor	G Grant	M Margolis	T Thurman
C Childers, D.	H Hair	M McPherson	V Vogt
C Childers, W. D.	H Hill	M Meek	
D Dunn	J Jenne	N Neal	

Senator Mann moved the following amendment:

Amendment 3—On page 4, between lines 27 and 28, insert:

Section 4. Subsection (14) of section 106.011, Florida Statutes, 1984 Supplement, is added to said section to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(14) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day of qualifying or subsequent thereto, is without opposition on the ballot or from write-in candidates, and only if there are no vacancies to be filled pursuant to s. 100.111(4). For purposes of this chapter, a candidate for retention as a justice of the Supreme Court or judge of a district court of appeal is not an unopposed candidate.

Section 5. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1) No political committee or committee of continuous existence may make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$500.

(b) To a candidate for the Florida House of Representatives or for a multicounty office other than a legislative office, \$750.

(c) To a candidate for the Florida Senate, \$750.

(d) To a candidate for statewide office, \$1,500.

(e) To a candidate for county court judge or circuit judge, \$500.

(f) To a candidate for retention as a judge of a district court of appeal, \$1,000.

(g) To a candidate for retention as a justice of the Supreme Court, \$1,500.

(2)(1) No person may or political committee shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$1,000.

(b) To a candidate for legislative or multicounty office, \$1,000.

(c) To a candidate for statewide office, \$3,000.

~~(d) To any political committee in support of, or in opposition to, an issue to be voted on in a statewide election, \$3,000.~~

~~(e) To any political committee in support of, or in opposition to, an issue to be voted on in a countywide, districtwide, or less than countywide election, \$1,000.~~

(d)(f) To a political committee supporting or opposing one or more candidates, \$1,000.

(e)(g) To a candidate for county court judge or circuit judge, \$1,000.

(f)(h) To a candidate for retention as a judge of a district court of appeal, \$2,000.

(g)(i) To a candidate for retention as a justice of the Supreme Court, \$3,000.

(3) A candidate or political committee shall be subject to the following aggregate contribution limits regarding contributions received for any election from political committees, committees of continuous existence, and corporations:

(a) For a candidate for countywide office or a candidate in any election conducted on less than a countywide basis, \$10,000.

(b) For a candidate for the Florida House of Representatives or for a multicounty office other than a legislative office, \$15,000.

(c) For a candidate for the Florida Senate, \$30,000.

(d) For a candidate for statewide office, \$500,000.

(e) For a candidate for circuit judge or county court judge, \$10,000.

(f) For a candidate for retention as a judge of a district court of appeal, \$20,000.

(g) For a candidate for retention as justice of the Supreme Court, \$50,000.

(4) No candidate who becomes an unopposed candidate or the campaign treasurer or a deputy treasurer of such candidate or a deputy treasurer of a political committee supporting or opposing such candidate may accept a contribution on behalf of or in opposition to the candidate after the date upon which the candidate becomes an unopposed candidate.

(5) The contribution limits provided in subsections (1), (2), and (3) ~~paragraphs (a) through (i)~~ shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his own campaign. The limitations provided by subsections (1), (2), and (3) ~~this subsection~~ shall apply to each election. For purposes of subsections (1), (2), and (3), ~~this subsection~~ the first primary, second primary, and general election shall be deemed separate elections or election time segments, ~~whether or not the candidate has opposition in the respective elections.~~ However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

(6)(2) Any contribution received by a candidate with opposition in an election or the campaign treasurer or a deputy treasurer of such a candidate, or by the treasurer or a deputy treasurer of a political committee supporting or opposing a candidate with opposition or supporting or opposing an issue on the ballot in an election, on the day of that election or less than 5 days prior to the day of that election shall be returned by him to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate or political committee. Any contribution received by a candidate or the campaign treasurer or a deputy treasurer of a candidate after the date at which the candidate withdraws his candidacy, or after the date the candidate is defeated or elected to office, shall be returned to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate.

(7)(3) No person shall make any contribution in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee, through or in the name of another, directly or indirectly, in any election. The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited. However, it shall not be construed as a violation of this subsection for a candidate to continue regular personal contributions to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than 6 months.

(8)(4) Any person who knowingly and willfully makes a contribution in violation of subsection (1), subsection (2), or subsection (7)(3), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (6)(2), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(9)(5) Any person who knowingly and willfully violates the provisions of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(10)(6) The provisions of this section shall not apply to the transfer of funds between a primary depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 6. Section 106.081, Florida Statutes, is created to read:

106.081 Corporate political expenditures.—

(1) The purpose of this section is to:

(a) Prevent the evasion of this chapter through the use of the corporation laws of this state; and

(b) Provide, to the extent reasonable, for uniform treatment of the political activities of corporations and political committees.

(2) Each corporation which anticipates making political expenditures during a calendar year in an aggregate amount exceeding \$500 or seeks the signatures of registered electors in support of an initiative, but which is not required to register as a political committee, shall:

(a) Designate a campaign treasurer and deputy treasurers and campaign depositories in the same manner as a political committee, except that such designations shall relate only to funds to be used in attempting to influence the result of an election.

(b) Register with the Division of Elections or the appropriate supervisor of elections in the same manner as a political committee, except that the statement of organization shall include:

1. The name and address of the corporation;
2. The names, addresses, and relationships of affiliated or connected organizations that engage in political activities;
3. The area, scope, or jurisdiction of the political activities of the corporation;
4. The name, address, and position of the person having custody of those books and accounts of the corporation that relate to the receipt or expenditure of moneys in attempting to influence the result of an election;
5. The name, address, and position of the principal officers of the corporation and of the members of the finance committee, if any;
6. The name, address, office sought, and party affiliation of each candidate the corporation is supporting for nomination or election;
7. Any issue the corporation is supporting or opposing;
8. A statement as to whether the corporation is supporting the entire ticket of any party, and, if so, which party;
9. A listing of all banks, safe-deposit boxes, and other depositories used for moneys set aside by the corporation for the purpose of influencing the result of an election; and
10. A statement of the reports required to be filed by the corporation with federal officials, if any, and the names, addresses, and positions of such officials.

(c) File reports of expenditures made in the same manner as a political committee, except that such report need not include any moneys expended for any purpose other than influencing the result of an election.

(d) Be subject to the same limitations as apply to a political committee with respect to contributions made to a candidate or to a political committee.

(e) Expend moneys for the purpose of influencing the result of an election in the same manner as provided for political committees.

Senator Carlucci moved the following amendment to Amendment 3 which failed:

Amendment 3A—On page 1, lines 12-31; on page 2, lines 1-31; and on page 3, lines 1-25, strike all of said lines and insert:

Section 4. Subsection (14) of section 106.011, Florida Statutes, 1984 Supplement, is added to said section to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(14) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day of qualifying or subsequent thereto, is without opposition on the ballot or from write-in candidates,

and only if there are no vacancies to be filled pursuant to s. 100.111(4). For purposes of this chapter, a candidate for retention as a justice of the Supreme Court or judge of a district court of appeal is not an unopposed candidate.

Section 5. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1) No political committee or committee of continuous existence may make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$250.

(b) To a candidate for the Florida House of Representatives or for a multicounty office other than a legislative office, \$250.

(c) To a candidate for the Florida Senate, \$250.

(d) To a candidate for statewide office, \$500.

(e) To a candidate for county court judge or circuit judge, \$250.

(f) To a candidate for retention as a judge of a district court of appeal, \$250.

(g) To a candidate for retention as a justice of the Supreme Court, \$250.

(2)(1) No person may ~~or political committee shall~~ make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$1,000.

(b) To a candidate for legislative or multicounty office, \$1,000.

(c) To a candidate for statewide office, \$3,000.

~~(d) To any political committee in support of, or in opposition to, an issue to be voted on in a statewide election, \$3,000.~~

~~(e) To any political committee in support of, or in opposition to, an issue to be voted on in a countywide, districtwide, or less than countywide election, \$1,000.~~

(d)(f) To a political committee supporting or opposing one or more candidates, \$1,000.

(e)(g) To a candidate for county court judge or circuit judge, \$1,000.

(f)(h) To a candidate for retention as a judge of a district court of appeal, \$2,000.

(g)(i) To a candidate for retention as a justice of the Supreme Court, \$3,000.

(3) A candidate or political committee shall be subject to the following aggregate contribution limits regarding contributions received for any election from political committees, committees of continuous existence, and corporations:

(a) For a candidate for countywide office or a candidate in any election conducted on less than a countywide basis, \$5,000.

(b) For a candidate for the Florida House of Representatives or for a multicounty office other than a legislative office, \$5,000.

(c) For a candidate for the Florida Senate, \$5,000.

(d) For a candidate for statewide office, \$100,000.

(e) For a candidate for circuit judge or county court judge, \$5,000.

(f) For a candidate for retention as a judge of a district court of appeal, \$5,000.

(g) For a candidate for retention as justice of the Supreme Court, \$5,000.

Amendment 3 failed.

Senator Carlucci moved the following amendment which failed:

Amendment 4—On page 4, between lines 27 and 28, insert:

Section 4. No member of the Florida Bar may contribute to any candidate for judicial office or to a candidate for merit retention to a judicial office.

Senator Neal presiding

The President presiding

On motion by Senator Jenne, the rules were waived and time of adjournment was extended until final action on SB 23.

On motion by Senator Hair, by two-thirds vote SB 23 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	McPherson	
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Gersten

On motions by Senator Jenne, by two-thirds vote a local bill calendar was scheduled for 2:00 p.m. May 27, followed by CS for SB 1099; and consideration of CS for SB 1150 was scheduled for 3:00 p.m.

On motion by Senator Jenne, the rules were waived and the Committee on Judiciary-Criminal was granted permission to meet May 27 from 11:00 a.m. until 12:00 noon to consider Senate Bills 658, 1198 and 1046.

The Senate recessed at 12:05 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—35:

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kiser	Plummer
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	

SPECIAL ORDER, continued

CS for SB 616—A bill to be entitled An act relating to collateral appeals in capital cases; providing intent; amending s. 27.51, F.S., providing for the termination of representation of capital defendants by the public defender; creating part III of chapter 27, F.S.; providing for the appointment of a capital collateral representative and providing his duties; providing for the appointment of substitute counsel in cases of conflict of interest; providing for the appointment of assistants and other staff and providing a method of payment; providing for salaries and expenses of the office; prohibiting the private practice of law by the capital collateral representative and his full-time assistants; authorizing investigators to serve process; authorizing access to prisoners; amending s. 43.16, F.S., providing for administrative services, assistance, and budget submittal to and on behalf of the capital collateral representative by the Judicial Administrative Commission; amending s. 790.25, F.S., authorizing certain investigators to carry firearms; providing for severability; providing an effective date.

—as amended, was taken up with pending Amendment 3, which was withdrawn.

On motion by Senator Hair, by two-thirds vote CS for SB 616 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Frank	Johnson	Scott
Beard	Girardeau	Langley	Stuart
Carlucci	Gordon	Malchon	Thomas
Childers, D.	Grant	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Hill	Meek	Weinstein
Deratany	Jenne	Myers	
Dunn	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Castor, Fox, Gersten, Kirkpatrick, Kiser, Mann, Neal

CS for SB 1162—A bill to be entitled An act relating to medical services; amending s. 458.313, F.S.; providing alternative qualifications for medical licensure by endorsement; creating s. 458.3155, F.S.; authorizing certain persons licensed to practice medicine in another state to be registered to perform locum tenens medical services in the state under certain circumstances; amending s. 617.01, F.S.; authorizing certain medical education and research corporations to be incorporated as not-for-profit corporations to practice medicine; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1162 to conform the bill to CS for HB 1132. An additional amendment was offered and failed.

On motion by Senator Hair, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1132 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform and Representatives Pajcic and Ogden—

CS for HB 1132—A bill to be entitled An act relating to medical services; amending s. 458.313, F.S.; providing alternative qualifications for medical licensure by endorsement; amending s. 617.01, F.S.; authorizing certain medical education and research corporations to be incorporated as not for profit corporations to practice medicine; providing for review and repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

SPECIAL ORDER, continued

On motion by Senator Hair, the rules were waived and by two-thirds vote CS for HB 1132 was withdrawn from the Committee on Commerce.

Senator Jenne presiding

The President presiding

On motion by Senator Hair, CS for HB 1132, a companion measure, was substituted for CS for SB 1162 and by two-thirds vote read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 1132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Jennings	Plummer
Barron	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Hair	Margolis	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	

Nays—7

Beard	Deratany	Myers	Thurman
Carlucci	Johnson	Peterson	

Vote after roll call:

Yea—Castor, Gersten, Kirkpatrick, Kiser, Neal

CS for SB 1162 was laid on the table.

Explanation of Vote

This is a major policy decision. I have principles and standards I live by. I cannot do for one what I cannot do for all. Hence, I cannot vote for this legislation.

Joe Carlucci, 8th District

SB 22—A bill to be entitled An act relating to campaign financing; amending ss. 106.011, 106.07, 106.08, 106.141, F.S.; defining “unopposed candidate”; providing reporting requirements and filing deadlines for unopposed candidates; restricting use of campaign accounts of unopposed candidates; prohibiting acceptance of certain contributions and expenditure of funds; providing penalties; providing an effective date.

—was taken up with pending Amendment 1 which was withdrawn.

Senators Scott and Hair offered the following amendment which was moved by Senator Hair and adopted:

Amendment 2—On page 5, strike line 5 and insert: *the candidate is unopposed, except as provided in this section, except with respect to miscellaneous expenses related to political fundraisers or events in a candidate’s district or the county where the candidate’s district is located, and except as provided in s. 106.141. However, for the 90-day period after the candidate becomes unopposed, the candidate may make expenditures of funds for “thank you” advertising or “thank you” communications or to conduct “thank you” parties. This*

Senator Carlucci moved the following amendment which failed:

Amendment 3—On page 10, between lines 9 and 10, insert:

Section 5. No attorney who has made any contribution to a judge’s campaign may practice before that judge for a period of 2 years following the election. This subsection also applies to any member of a firm of which such attorney is a member.

(Renumber subsequent section.)

On motion by Senator Hair, by two-thirds vote SB 22 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Jennings	Peterson
Barron	Frank	Johnson	Plummer
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	Stuart
Childers, D.	Grant	Mann	Thomas
Crawford	Hair	McPherson	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jenne	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, W. D. Childers, Kirkpatrick, Kiser, Neal

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 60 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott—

HB 60—A bill to be entitled An act relating to transfers to minors; creating ss. 710.101-710.126, F.S.; creating the “Florida Uniform Transfers to Minors Act” to replace the “Florida Gifts to Minors Act”; providing definitions and scope; providing for the nomination of custodian; providing for various types of transfers; providing for the creation of custodial property and the designation of the initial custodian; providing restrictions; providing for the validity and effect of transfers; providing powers and duties with respect to the care of custodial property; providing for custodian’s expenses, compensation, and bond; providing third party exemptions from liability and for liability to third persons; providing for replacement of custodians; providing for an accounting by and for the liability of the custodian; providing for the termination of custodian-

ship; providing for applicability of the act and for its effect on existing custodianships; providing for uniformity of application and construction; repealing ss. 710.01-710.10, F.S.; abolishing the "Florida Gifts to Minors Act"; providing an effective date.

—a companion measure, was substituted for SB 987 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 60 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Dunn	Johnson	Myers
Barron	Girardeau	Langley	Plummer
Beard	Grant	Malchon	Scott
Childers, D.	Hair	Mann	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Jenne	McPherson	Vogt
Deratany	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Kirkpatrick, Kiser, Neal

SB 987 was laid on the table.

CS for SB 304—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.011, F.S.; requiring hospitals to establish rules for considering applications for staff privileges by advanced registered nurse practitioners and psychologists; prohibiting hospitals from denying professional clinical privileges to advanced registered nurse practitioners in certain circumstances; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 2, line 4, after "psychologists" insert: *or advanced registered nurse practitioners*

Amendment 2—On page 2, lines 11 and 12, after "privileges" strike "*within the scope of the applicant's license,*"

Amendment 3—On page 2, line 6, after "staff" insert: *For the purposes of this section, advanced registered nurse practitioners shall not include certified nurse anesthetists licensed under chapter 464.*

Amendment 4—On page 2, strike lines 2-6 and insert: *464.012, in accordance with the provisions of subsection (1).*

Amendment 5—On page 3, lines 4 and 5, strike "*or a psychologist licensed under chapter 490*"

Amendment 6—In title, on page 1, lines 6 and 7, strike "and psychologists"

On motion by Senator Malchon, by two-thirds vote CS for SB 304 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Girardeau	Kiser	Plummer
Barron	Gordon	Langley	Scott
Beard	Grant	Malchon	Thomas
Childers, D.	Hair	Mann	Thurman
Crawford	Hill	Margolis	Vogt
Deratany	Jenne	McPherson	Weinstein
Dunn	Jennings	Meek	
Frank	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Castor, W. D. Childers, Gersten, Kirkpatrick, Neal

The hour of 3:00 p.m. having arrived, the Senate proceeded to consideration of—

On motion by Senator Frank, by two-thirds vote—

CS for CS for SB 1143—A bill to be entitled An act relating to local government comprehensive planning and land development regulation; amending part II of chapter 163, F.S.; revising the short title and various provisions of ss. 163.3161-163.3211, F.S., the Local Government Comprehensive Planning Act of 1975; revising the short title and definitions; deleting provisions relating to jurisdiction of municipalities over reserve areas; deleting application of act to special districts; requiring adoption or amendment of comprehensive plans by counties and municipalities; requiring submission to state and regional planning agencies; providing deadlines for establishment of planning agency and preparation of plan by newly established municipalities; requiring preparation of plan by regional planning agency under certain circumstances and providing for compensation; providing application to Reedy Creek Improvement District; repealing s. 163.3171(4), F.S., relating to said district; deleting requirement of passage of ordinance of intent to exercise authority under the act; revising provisions relating to designation of local planning agencies and appropriations of funds therefor; specifying responsibilities of such agencies; revising required elements of the comprehensive plan; repealing s. 163.3177(6)(c), (i) and (7)(e), F.S., relating to a required utility element and an optional public services and facilities element; creating s. 163.3178, F.S.; providing legislative intent; providing coastal management element content; creating s. 163.3179, F.S.; requiring local governments to identify undeveloped coastal barrier areas; revising requirements relating to adoption of comprehensive plans and submission to specified agencies; providing duties of state land planning agency; directing the state land planning agency to adopt minimum criteria for the review of local comprehensive plans; directing counties and municipalities, to comply with adopted requirements concerning local comprehensive plans; providing for review and hearings; providing that local governments found to be not in compliance are ineligible for certain funding, specified grants, and certain revenue sharing; revising procedures for, and providing restrictions on, amendment of comprehensive plans; requiring submission of current plans to the state land planning agency by a specified date; providing for updating plans on file; revising provision relating to conflict with other statutes; revising procedures for amendment of plans based on periodic evaluation reports; providing for cooperation between agencies; providing for the relationship between land development regulations and adopted plans; specifying status of certain development order applications; creating ss. 163.3202, 163.3215, F.S.; providing for land development regulations; providing for periodic review of land development regulations; providing for enforcement; repealing ss. 163.160, 163.165, 163.170, 163.175, 163.180, 163.183, 163.185, 163.190, 163.195, 163.200, 163.205, 163.210, 163.215, 163.220, 163.225, 163.230, 163.235, 163.240, 163.245, 163.250, 163.255, 163.260, 163.265, 163.270, 163.275, 163.280, 163.285, 163.290, 163.295, 163.300, 163.305, 163.310, 163.315, F.S., relating to optional planning authority for counties and municipalities to plan for future development; repealing s. 163.3207, F.S., relating to technical advisory committees; providing legislative intent; amending s. 163.01, F.S.; providing procedures for authorizing bonds; amending s. 186.508, F.S.; prescribing procedures for adoption of comprehensive regional policy plans; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment:

Amendment 1—On page 2, line 15, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(1) This *part act* shall be known and may be cited as the "Local Government Comprehensive Planning and Land Development Regulation Act of 1975."

Section 2. Present subsections (1), (2), and (11) of section 163.3164, Florida Statutes, are amended and renumbered as subsections (2), (3), and (12), respectively, present subsections (3) through (10) and (12) through (19) are renumbered as subsections (4) through (11) and (13) through (20), respectively, and new subsections (1), (21), (22), and (23) are added to said section to read:

163.3164 Definitions.—As used in this act:

(1) "Administration Commission" means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote except that for purposes of imposing the sanctions provided in s. 163.3184(8) the Governor must be on the prevailing side.

(2)(4) "Area" or "area of jurisdiction" means the total area qualifying under the provisions of this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties. ~~In the case of municipalities where reserve areas have been designated for future annexation by law, the term "area" shall include, as being under the jurisdiction of the municipality for the purposes of this act, such unincorporated but designated and reserved lands.~~

(3)(2) "Comprehensive plan" means a plan that meets the requirements of s. 163.3177 and s. 163.3178.

(12)(11) "Local government" means any county or municipality ~~or any special district or local governmental entity established pursuant to law which exercises regulatory authority over, and grants development permits for, land development.~~

(21) "Land development regulation commission" means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

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

(23) "Public facilities" means major capital improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Section 3. Section 163.3167, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3167, F.S., for present text.)

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) Beginning on July 1, 1987 and on or before December 1, 1987 each county, beginning on January 1, 1988 and on or before December 1, 1988 each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and beginning on January 1, 1989 and on or before December 1, 1989 each other municipality in this state shall prepare a comprehensive plan of the type and in the manner set out in this act, or amend its existing plan to meet the requirements of this act. The time limits established in this subsection may be extended by the state land planning agency for a period of not longer than 6 months upon application to the state land planning agency by the governing body involved and based on a demonstration that the local government cannot meet the time limits established in this subsection. The state land planning agency shall, prior to July 1, 1986, adopt by rule a schedule of local governments required to submit revised comprehensive plans for review and rules regarding the extension of time.

(3) Each local government shall submit its complete comprehensive plan to the state land planning agency and the appropriate regional planning agency when it completes its amendment or adoption pursuant to subsection (2).

(4) When a local government has not prepared all of the required elements or 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, 1988, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required, by this subsection, to prepare prior to initiating the planning process. At least 60 days before the adoption by the regional planning agency of a comprehensive plan or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan or element or portion thereof to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan or element or portion thereof in accordance with s. 163.3184(4). Section 163.3184(5), (6) and (7) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2) or this subsection.

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

(6) Any comprehensive plan or element or portion thereof adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

(7) When a regional planning agency is required to prepare or amend a comprehensive plan or element or portion thereof pursuant to subsections (4) and (5), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (4) and (5) or by the time the plan, element, or portion thereof is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon failure to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the State Comptroller, request payment from the State Comptroller from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the State Comptroller shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any 1 year.

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

(9) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order, and development has commenced and is continuing in good faith.

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

(11) Nothing in this part shall supersede any provision of sections 341.321-341.386.

Section 4. Subsection (4) of section 163.3171, Florida Statutes, is hereby repealed, and subsections (1) and (2) of said section are amended to read:

163.3171 Areas under this act.—

(1) ~~When exercising authority under this act, A municipality shall exercise such authority under this act for the total area under its jurisdiction upon the passage of an appropriate ordinance declaring its intent to do so.~~ Unincorporated areas adjacent to incorporated municipalities may be included in the area of municipal jurisdiction for the purposes of this act if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas, procedures for joint action in the preparation and adoption of the comprehensive plan, procedures for the administration of land development regulations or the land development code applicable thereto, and the manner of representation on any joint body or instrument that may be created under the joint agreement. Such joint agreement shall be formally stated and approved in appropriate official action by the governing bodies involved.

(2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1). ~~A county shall exercise such additional authority over municipalities within its boundaries under the circumstances and as set out in subsection 163.3167(4). The board of county commissioners shall by ordinance declare its intent to exercise the authority set out in this act.~~ In the case of chartered counties, the county may exercise such additional authority over municipalities or districts within its boundaries as is provided for in its charter.

Section 5. Section 163.3174, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3174, F.S., for present text.)

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. The governing body may designate itself as the local planning agency pursuant to this subsection. The governing body shall notify the state land planning agency of the establishment of its local planning agency. The local planning agency shall prepare the comprehensive plan after hearings to be held after due public notice and shall make recommendations to the governing body regarding the adoption of such plan or element or portion thereof. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

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

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

(2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.

(3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or

bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan and shall make recommendations to the governing body regarding the adoption of such plan or element or portion thereof. During the preparation of the plan and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with due public notice, on the proposed plan or element or portion thereof. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or any element thereof, but final recommendation of the adoption of such plan to the governing body shall be the responsibility of the local planning agency.

(b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by s. 163.3191.

(c) When the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission, review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan or element or portion thereof.

(d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

Section 6. Paragraphs (c) and (i) of subsection (6) and paragraph (e) of subsection (7) of section 163.3177, Florida Statutes, are hereby repealed, and subsection (3) and paragraphs (a), (d), (f), and (g) of subsection (6) of said section are amended, and subsection (9) is added to said section to read:

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

(3)(a) *The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and setting forth:*

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

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

3. *Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.*

4. *For areas served by septic tanks, soil surveys which indicate the suitability of soils for septic tanks.*

(b) *The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187, except that corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the capital improvements plan may be accomplished by ordinance and shall not be deemed amendments to the local comprehensive plan. All public facilities shall be consistent with the capital improvements element. ~~The economic assumptions on which the plan is based and any amendments thereto shall be analyzed and set out as a part of the plan. Those elements of the comprehensive plan requiring the~~*

~~expenditure of public funds for capital improvements shall carry fiscal proposals relating thereto, including, but not limited to, estimated costs, priority ranking relative to other proposed capital expenditures, and proposed funding sources.~~

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses housing, commercial uses business, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include ~~a statement of the standards to be followed in the control and distribution of population densities and building and structure intensities intensity as recommended for the various portions of the area. 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 measurable goals, objectives, and policies. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area including the amount of land required to accommodate anticipated growth, the projected population of the area, the character of undeveloped land, the availability of public services, and the need for redevelopment including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.~~ The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure ~~insure~~ development in accord with the principles and standards of the comprehensive plan and this act. ~~The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection.~~

(d) A conservation element for the conservation, use, development, utilization, and protection of natural resources in the area, including, ~~as the situation may be,~~ air, water, water recharge areas, wetlands, water-wells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs for a 10-year period. This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.
2. Beaches and shores, including estuarine systems.
3. Rivers, bays, lakes, flood plains, and harbors.
4. Wetlands.

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

(f) A housing element consisting of standards, plans, and principles to be followed in:

1. The provision of housing for existing residents and the anticipated population growth of the area.
2. The elimination of substandard dwelling conditions.
3. The structural and aesthetic improvement of existing housing.
4. The provision of adequate sites for future housing, including housing for low-income and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public community facilities as described in paragraphs (6)(e) and (7)(e) and (f).
5. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
6. The formulation of housing implementation programs.

(g) For those units of local government identified in s. 380.24 lying in part or in whole in the coastal zone as defined by the Coastal Zone Man-

agement Act of 1972, 16 U.S.C. s. 1453(a), a coastal management zone protection 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 policies that shall guide the local government's decisions and program implementation with respect to the following objectives, including surveys of existing vegetation types which need to be preserved for natural control of dune and beach erosion and surveys of traditional patterns of public access and use of beach resources, setting out the policies for:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Continued existence of viable optimum populations of all species of wildlife.
3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoidance of irreversible and irretrievable loss commitments of coastal zone resources.
5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.
6. Proposed management and regulatory techniques.
7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.
8. The orderly development and use of ports identified in s. 403.021(9) to facilitate deep-water commercial navigation and other related activities.
9. Preservation, including sensitive adaptive use of historic and archaeological resources.

In addition, at least 60 days before the adoption by a governing body of the coastal zone protection element, the governing body shall transmit a copy of the proposed element to the [Department of Environmental Regulation] or its successor for written comment pursuant to s. 163.3184.

(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by s. 163.3177(3) and (6) and this act. Such rules shall not be subject to rule challenges under s. 120.54(4) or to drawout proceedings under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:

(a) Proposed elements are in compliance with the requirements of part II, chapter 163, as amended by this act.

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

(c) The local government comprehensive plan elements are consistent with the state comprehensive plan, and the appropriate regional policy plan within 12 months after such plans become effective pursuant to s. 186.508(2).

(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g).

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

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

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

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

The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances, and upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plan.

Section 7. Section 163.3178, Florida Statutes, is created to read:

163.3178 Coastal management.—

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and to limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands, living marine resources, barrier islands including beach and dune systems, unique wildlife habitat, historical and archaeological sites, and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and population evacuation which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element, in the event of an impending natural disaster.

(e) A component which outlines principles for protecting existing beach and dune systems from man-induced erosion and restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component which identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities including marinas, along shoreline areas.

(h) Designation of high hazard coastal areas subject to destruction or severe damage by natural disasters which shall be subject to the provisions of s. 380.27(2).

(i) A component which outlines principles for providing that financial assurances are made that required infrastructure will be in place to meet the demand imposed by the completed development or redevelopment. Such infrastructure will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deep-water port listed in s. 403.021(9) which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port. Such component shall be submitted to the appropriate local government and shall be integrated with, and shall meet all criteria specified in, the coastal management element.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related in-water harbor facilities within ports listed in s. 403.021(9) shall not be developments of regional impact where such expansions are consistent with comprehensive master plans that are in compliance with s. 163.3178.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

Section 8. Subsections (1) and (2) of section 163.3184, Florida Statutes, 1984 Supplement are amended, present subsection (3) is repealed, present subsections (4) and (7) are amended and renumbered as subsections (12) and (15), present subsections (5) and (6) are renumbered as subsections (13) and (14), respectively, and new subsections (3), (4), (5), (6), (7), (8), (9), (10), and (11) are added to said section to read:

163.3184 Adoption of comprehensive plan or element or portion thereof.—

(1) At least 60 days before the adoption by a governing body of a comprehensive plan or element or portion thereof, or before the adoption of an amendment to a previously adopted comprehensive plan or element or portion thereof, the governing body shall:

(a) Transmit 5 copies a copy of the proposed comprehensive plan or element or portion thereof to the state land planning agency for written comment.

~~(b) Transmit a copy of the proposed comprehensive plan or element or portion thereof to the regional planning agency having responsibility over the area for written comment.~~

~~(c) If it is a municipality or a unit of local government under s. 163.3171(4), transmit a copy of the proposed comprehensive plan or element or portion thereof to the local planning agency of the county for written comment or, if there is no county land planning agency, to the clerk of the circuit court or the administrative officer of the county commission.~~

~~(b)(d)~~ Transmit a copy of the proposed comprehensive plan or element or portion thereof to any other unit of local government or governmental agency in the state that has filed with the governing body a request for copies of all proposed comprehensive plans or elements or portions thereof.

~~(c)(e)~~ Determine that the local planning agency has held a public hearing on the proposed plan or element or portion thereof with due public notice.

The governing body shall transmit 5 copies of the proposed plan to the state land planning agency, and shall not transmit elements or portions thereof at various times. In the case of comprehensive plan amendments, the governing body may submit only the elements amended. The state land planning agency shall transmit a copy of the proposed plan or element to various agencies and governments, as appropriate, for response, including, but not limited to, the Department of Environmental Regulation, the Department of Natural Resources, the regional planning council, and the appropriate county. The state land planning agency shall have 5 working days to transmit the plan or elements. The agencies and governments shall provide comments to the state land planning agency within 30 days after receipt of the plan or elements. The state land planning agency shall have responsibility for plan review, coordination, and transmitting comments to the governing body responsible for the proposed plan.

(2) Within 30 60 days, or any longer period to which the governing body has agreed, after the state land planning agency a local government

has transmitted a proposed comprehensive plan or element or portion thereof to the regional state land planning agency, the regional state land planning agency shall submit in writing its comments on the proposed comprehensive plan or element or portion thereof, together with the comments of any other regional state agencies to which the regional state land planning agency may have referred the plan. The regional state land planning agency shall specify any objections and may make recommendations for modifications. The review of the regional state land planning agency shall be primarily in the context of: the relationship and effect, under chapter 23, of the locally submitted plan or element or portion thereof to or on any regional policy the comprehensive plan developed pursuant to s. 186.507 or element or portion thereof; the relationship and effect of the local plan or element or portion thereof to or on adopted rules for areas of critical state concern; and the impact of the locally submitted plan or element or portion thereof on the lawful responsibility of state agencies. A regional planning agency shall not, however, review and comment on a comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. If the state land planning agency transmits objections to the proposed comprehensive plan or element or portion thereof, the governing body shall transmit a written statement in reply thereto within 4 weeks. The governing body shall take no action to adopt the comprehensive plan or element or portion thereof until 2 weeks have elapsed following the transmittal of the governing body's letter of reply. The written materials of the state land planning agency and the governing body required by this subsection shall become a permanent part of the public record in the matter.

(3) The procedure of subsection (2) shall apply to review by the regional planning agency. The time sequence of subsections (2) and (3) shall run concurrently upon appropriate transmittal. Review by the regional planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan or element or portion thereof to or on any regional comprehensive plan.

(3) As used in subsections (3)-(11):

(a) "Affected person" includes the affected local government, persons owning property or residing or owning or operating a business within the boundaries of the local government whose plan is the subject of the review, adjoining local governments who can demonstrate that adoption of the plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure, or substantially impact on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, to qualify under this definition, shall also have submitted objections, oral or written, during the local government review and adoption proceedings.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, and 163.3191 and the rules adopted pursuant to those sections.

(4) The state land planning agency shall review each local government's adopted comprehensive plan, element, or amendment to determine if it is in compliance. After the review of the local comprehensive plan, element, or amendment and the determination of the local government that its action is in compliance, the state land planning agency shall issue, through a senior administrator other than the secretary, as specified in the agency's procedural rules, a notice of intent to find that the local action is in compliance or not in compliance. A notice of intent shall be issued by publication of notice in the manner required by s. 163.3184(15)(c) and by mailing a copy to the local government and persons who request notice.

(5)(a) If the state land planning agency issues a notice of intent to find the local plan initially submitted or the plan subsequently submitted pursuant to s. 163.3191 in compliance, the local government shall adopt the plan, and any affected person, within 21 days after the adoption, may file a petition with the agency pursuant to s. 120.57. In this proceeding the local plan 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 a hearing officer from the Division of Administrative Hearings who shall hold the hearing in the affected local jurisdiction and submit a recommended order to the state land planning agency. After review of the recommended order the state land planning agency shall issue a final order if the agency determines that the plan is in compliance. If, after review of the recommended

order, the state land planning agency believes that the plan is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.

(6)(a) After consulting with the local government, if the state land planning agency determines preliminarily that the plan is not in compliance, it shall transmit to the local government specific objections and recommendations for amendment to bring the plan into compliance. The local government shall hold a public hearing on the proposed changes and shall reject them, adopt them as proposed, or adopt, through the comprehensive plan amendment process required by s. 163.3187, another plan which satisfies the stated objections. Each local government shall submit a copy of the revised plan to the state land planning agency immediately upon approval of the revisions.

(b) The state land planning agency shall review the revised plan in the same manner as set forth in paragraph (a). If the state land planning agency determines that the plan is still not in compliance and it has complied with paragraph (a) and participated in the public hearing at the request of the local government, it shall, within 90 days after receipt of the adopted revised plan, issue its notice of intent.

(7)(a) If the state land planning agency issues a notice of intent to determine that the local comprehensive plan, element, or amendment is not in compliance, the notice of intent shall be forwarded to the Division of Administrative Hearings which shall conduct a proceeding under s. 120.57. The parties to this proceeding shall be the state land planning agency, the affected local government, and any affected person who may intervene.

(b) The hearing officer assigned by the division shall conduct a hearing in the affected local jurisdiction and submit a recommended order to the Administration Commission for final agency action. The local government's determination that the local plan, element, or amendment is in compliance is presumed to be correct. The local government's determination must be sustained unless it is shown by a preponderance of the evidence that the local plan, element, or amendment is not in compliance. Further, the local government's determination that elements of its plans are related to and consistent with each other must be sustained if the determination is fairly debatable.

(8)(a) If the Administration Commission finds that the plan is not in compliance with ss. 163.3177 and 163.3191, the commission shall specify remedial actions required by the local government to bring the comprehensive plan into compliance. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, and water and sewer systems in those local governments which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.
2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.
3. Beach erosion control projects, as authorized by s. 161.091.
4. Revenue sharing pursuant to s. 206.60, 210.20, and 218.61 and part I of chapter 212, to the extent not pledged to pay back bonds.

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

(9) The signature of an attorney or party constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his 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.

tion. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or his 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) 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.

(11) The state land planning agency shall notify each local government whether its plan is in compliance not later than 3 months after it receives the plan.

(12)(4) The procedure of subsection (2) shall apply to review by the county land planning agency. The time sequence of subsections (2) and (12)(4) shall run concurrently upon appropriate transmittal. Review by the county land planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan or element or portion thereof to or on any county comprehensive plan or element or portion thereof.

(15)(7)(a) The procedure for adoption of a comprehensive plan or element or portion thereof, ~~except for the future land use plan element~~, shall be by not less than a majority of the total membership of the governing body, in the manner prescribed by this subsection law. Each local government shall adopt the comprehensive plan or element or portion thereof by ordinance.

(b) ~~The procedure for adoption of the future land use element or portion thereof which involves less than 5 percent of the total land area of the local government unit shall be by not less than a majority of the total membership of the governing body, in the following manner:~~

1. ~~The governing body shall direct the clerk of the governing body to notify by mail each real property owner the use of whose land the governmental agency will restrict or limit by enactment of the proposal and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposal as it affects that property owner and shall set a time and place for one or more public hearings on such proposal. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during regular business hours of the office of the clerk of the governing body.~~

2. ~~The governing body shall hold a public hearing on the proposal and may, upon the conclusion of the hearing, adopt the proposal.~~

(c) ~~The procedure for adoption of the future land use plan element or portion thereof which involves 5 percent or more of the total land area of the local government unit shall be by not less than a majority of the total membership of the governing body, in the following manner:~~

(b)1. The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan, plan element, or plan amendment proposal. At the option of the governing body, one of the public hearings may be held by the local planning agency. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

(c)2. If the proposed comprehensive plan, plan element, or plan amendment changes the permitted uses of land or changes land-use categories, the required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

NOTICE OF CHANGE REGULATION OF LAND USE

The . . . (name of local governmental unit) . . . proposes to change regulate the use of land within the area shown in the map in this advertisement.

A public hearing on the proposal will be held on . . . (date and time) . . . at . . . (meeting place) . . .

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

~~3. In lieu of publishing the advertisements set out in this paragraph, the local governmental unit may mail a notice to each person owning real property within the area covered by the proposal. Such notice shall clearly explain the proposal and shall notify the person of the time, place, and location of both public hearings.~~

Section 9. Section 163.3187, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3187, F.S., for present text.)

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except, in the case of an emergency, comprehensive plan amendments may be made more often than once during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or funds. Additionally, any local government comprehensive plan amendments directly related to a proposed development of regional impact may be initiated by a local planning agency and 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 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 subsection 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 amendment of an adopted comprehensive plan or element or portion thereof shall be as for the original adoption of the comprehensive plan or element or portion thereof set forth in s. 163.3184. Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

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

Section 10. Section 163.3191, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3191, F.S., for present text.)

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan, which shall be sent to the governing body at least once every 5 years after the adoption of the comprehensive plan or element or portion thereof. Reports may be transmitted at lesser intervals as may be required or upon request of the governing body. It is the intent of this act that adopted comprehensive plans be periodically updated through the evaluation and appraisal report.

(2) The report shall present an assessment and evaluation of the success or failure of the comprehensive plan or element or portion thereof and shall contain appropriate statements (using words, maps, illustrations, or other forms) related to:

(a) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area.

(b) The condition of each element in the comprehensive plan at the time of adoption and at date of report.

(c) The comprehensive plan objectives as compared with actual results at date of report.

(d) The extent to which unanticipated and unforeseen problems and opportunities occurred between date of adoption and date of report.

(3) The report shall also suggest changes needed to update the comprehensive plan or elements or portions thereof, including reformulated objectives, policies, and standards.

(4) The governing body shall adopt, or adopt with changes, the report or portions thereof after complying with the procedures of s. 163.3184. The governing body shall amend its comprehensive plan based on the recommendations contained in the adopted evaluation and appraisal report and pursuant to the procedures in s. 163.3187. Amendments to the plan and the adoption of the report may be simultaneous. When amendments to the plan do not occur simultaneously with the adoption of the evaluation and appraisal report, the report shall contain a schedule for adoption of proposed amendments within 1 year after the report is adopted. The report and a complete copy of the comprehensive plan as it is amended as a result of the report shall be transmitted to the state land planning agency, to the regional agency having responsibility over the area, and, for municipalities, to the county planning agency.

(5) A local government may notify the state land planning agency that it shall complete its evaluation and appraisal report in accordance with this section at the time specified or provided for submission of a revised comprehensive plan in compliance with this part. Upon such notification, the state land planning agency shall extend any due dates established pursuant to subsection (1).

Section 11. Subsections (1) and (2) of section 163.3194, Florida Statutes, are amended, subsections (3) and (4) are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to said section, to read:

163.3194 Legal status of comprehensive plan.—

(1)(a) After a comprehensive plan or element or portion thereof has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan or element or portion thereof shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan or element or portion thereof to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan or element or portion thereof and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan or element or portion thereof shall govern any action taken in regard to an application for a development order.

(2)(a) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development zoning commission created pursuant to local ordinance, or to both, under the authority of s. 163.183 for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(b) For purposes of this subsection, "land development regulations" or "regulations for the development of land" include any local government zoning, subdivision, building and construction, or other regulations controlling the development of land. The various types of local govern-

ment regulations or laws dealing with the development of land within a jurisdiction may be combined in their totality in a single document known as the "land development code" of the jurisdiction.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

Section 12. Section 163.3197, Florida Statutes, is amended to read:

163.3197 Legal status of prior comprehensive plan.—Where, prior to July 1, 1985 the effective date of this act, a local government had adopted a comprehensive plan or element or portion thereof, such adopted plan or element or portion thereof shall have such force and effect as it had at the date of adoption and until appropriate action is taken to adopt a new comprehensive plan or element or portion thereof is adopted by or for such local government pursuant to the provisions of as required by this act. The prior adopted plan or element or portion thereof may be the basis for meeting the requirement of comprehensive plan adoption set out in this act, provided all requirements of this act are met.

Section 13. Section 163.3201, Florida Statutes, is amended to read:

163.3201 Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code, as defined in s. 163.3194(2)(b), for an area shall be based on, related to, and a means of implementation for an adopted comprehensive plan as required by this act.

Section 14. Section 163.3202, Florida Statutes, is created to read:

163.3202 Land development regulations.—

(1) Within 1 year after submission of its revised comprehensive plan for review pursuant to s. 163.3167(2), each county, each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and each other municipality in this state shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

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

- (a) Regulate the subdivision of land;
- (b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space;
- (c) Provide for protection of potable water wellfields;
- (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
- (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan;
- (f) Regulate signage;
- (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements plan required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. No development order or permit may be issued which results in

a reduction in level of services for the affected public facilities; below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient on-site traffic flow, considering needed vehicle parking.

(3) This section shall be construed to encourage the use of innovative land development regulations which include provisions such as transfer of development rights, incentive and inclusionary zoning, planned-unit development, impact fees, and performance zoning. These and all other such regulations shall be combined and compiled into a single land development code for the jurisdiction.

(4) The state land planning agency may require a local government to submit its land development regulation, if it has reasonable grounds to believe that a local government has totally failed to adopt any one or more of the land development regulations required by this section. If the state land planning agency determines after review and consultation with local government that the local government has failed to adopt regulations required by this section, it may institute an action in circuit court to require adoption of these regulations. This action shall not review compliance of adopted regulations with this section or consistency with locally adopted plans. The state land planning agency shall adopt rules by February 15, 1987, for review of land development regulations pursuant to this subsection. These rules shall not be subject to a rule challenge under s. 120.54(4) or to a drawout proceeding under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules may become effective.

Section 15. Section 163.3213, Florida Statutes, is created to read:

163.3213 Administrative review of land development regulations.—

(1) It is the intent of the Legislature that substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

(2) As used in this section:

(a) "Substantially affected person" means a substantially affected person as provided pursuant to chapter 120.

(b) "Land development regulation" means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation, or any other regulation concerning the development of land. This term shall include a general zoning code, but shall not include a zoning map or an action which results in zoning or rezoning of land or any building construction standard adopted pursuant to and in compliance with the provisions of chapter 553.

(3) After the deadline specified in s. 163.3202 for each local government to adopt land development regulations, a substantially affected person, within 12 months after final adoption, of the land development regulation, may challenge a land development regulation on the basis that it is inconsistent with the local comprehensive plan. As a condition precedent to the institution of a proceeding pursuant to subsection (4), such affected person shall file a petition with the local government whose land development regulation is the subject of the petition outlining the facts on which the petition is based and the reasons that the substantially affected person considers the land development regulation to be inconsistent with the local comprehensive plan. The local government receiving the petition shall have 30 days after the receipt of the petition to respond. Thereafter, the substantially affected person may petition the state land planning agency not later than 30 days after the local government has responded or at the expiration of the 30-day period which the local government has to respond. The local government and the petitioning substantially affected person may by agreement extend the 30-day time period within which the local government has to respond. The petition to the state land planning agency shall contain the facts and reasons outlined in the prior petition to the local government.

(4) The state land planning agency shall notify the local government of its receipt of a petition and shall give the local government and the

petitioning substantially affected person an opportunity to present written or oral testimony on the issue and shall conduct any investigations of the matter that it deems necessary. These proceedings shall be informal and shall not include any hearings pursuant to s. 120.57(1). Not later than 60 days nor earlier than 30 days after receiving the petition, the state land planning agency shall issue its written decision on the issue of whether the land development regulation is consistent with the local comprehensive plan, giving the grounds for its decision. The state land planning agency shall send a copy of its decision to the local government and the petitioning substantially affected person.

(5)(a) If the state land planning agency determines that the regulation is consistent with the local comprehensive plan, the substantially affected person who filed the original petition with the local government may, within 21 days, request a hearing from the Division of Administrative Hearings, and a hearing officer shall hold a hearing in the affected jurisdiction no earlier than 30 days after the state land planning agency renders its decision pursuant to subsection (4). The parties to a hearing held pursuant to this paragraph shall be the petitioning substantially affected person, any intervenor, the state land planning agency, and the local government. The adoption of a land development regulation by a local government is legislative in nature and shall not be found to be inconsistent with the local plan if it is fairly debatable that it is consistent with the plan. The hearing shall be held pursuant to s. 120.57(1), except that the order of the hearing officer shall be a final order and shall be appealable pursuant to s. 120.68.

(b) If the state land planning agency determines that the regulation is inconsistent with the local comprehensive plan, the state land planning agency shall, within 21 days, request a hearing from the Division of Administrative Hearings, and a hearing officer shall hold a hearing in the affected jurisdiction not earlier than 30 days after the state land planning agency renders its decision pursuant to subsection (4). The parties to a hearing held pursuant to this paragraph shall be the petitioning substantially affected person, the local government, any intervenor, and the state land planning agency. The adoption of a land development regulation by a local government is legislative in nature and shall not be found to be inconsistent with the local plan if it is fairly debatable that it is consistent with the plan. The hearing shall be held pursuant to s. 120.57(1), except that the order of the hearing officer shall be the final order and shall be appealable pursuant to s. 120.68.

(6) If the hearing officer in his order finds the land development regulation to be inconsistent with the local comprehensive plan, the order will be submitted to the Administration Commission. An appeal pursuant to s. 120.68 may not be taken until the Administration Commission acts pursuant to this subsection. The Administration Commission shall hold a hearing no earlier than 30 days or later than 60 days after the hearing officer renders his final order. The sole issue before the Administration Commission shall be the extent to which any of the sanctions described in s. 163.3184(8)(a) or (b) shall be applicable to the local government whose land development regulation has been found to be inconsistent with its comprehensive plan. If a land development regulation is not challenged within 12 months, it shall be deemed to be consistent with the adopted local plan.

(7) An administrative proceeding under this section shall be the sole proceeding available to challenge the consistency of a land development regulation with a comprehensive plan adopted under this part.

(8) The signature of an attorney or party constitutes a certificate that he has read the petition, motion, or other paper and that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, 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 petition, motion, or other paper is signed in violation of these requirements, the administrative hearing officer, upon motion or his 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 petition, motion, or other paper, including a reasonable attorney's fee.

(9) Initiation of administrative review of determination of inconsistency of a land development regulation pursuant to this section shall not affect the validity of the regulation or a development order issued pursuant to the regulation.

Section 16. Section 163.3204, Florida Statutes, is amended to read:

163.3204 Cooperation by state and regional agencies.—The *Department of Community Affairs Division of Resource Management of the Department of Natural Resources or its successor* and any ad hoc working groups appointed by the *department division and all state and regional agencies* involved in the administration and implementation of this act shall cooperate and work with units of local government and ~~technical advisory committees~~ in the preparation and adoption of comprehensive plans or elements or portions thereof *and of local land development regulations*.

Section 17. Section 163.3211, Florida Statutes, is amended to read:

163.3211 Conflict with other statutes.—Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, the provisions of this act shall govern unless the provisions of this act are met or exceeded by other provision or provisions of law relating to local government, *including land development regulations adopted pursuant to chapter 125 or chapter 166*. Nothing in this act is intended to withdraw or diminish any legal powers or responsibilities of state agencies or change any requirement of existing law that local regulations comply with state standards or rules.

Section 18. Section 163.3215, Florida Statutes, is created to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party of the state may maintain an action for injunctive or other relief against any local government to prevent such local government from taking any action on a development order, as defined in s. 163.3164(5), which materially alters the use or density or intensity of use on a particular piece of property that is not consistent with the comprehensive plan adopted under this part.

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

(3)(a) No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to the effective date of this section or applied for prior to July 1, 1985.

(b) Suit under this section shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part.

(4) As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his 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 require-

ments, the court, upon motion or its 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.

(7) In any action under this section, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.

Section 19. Sections 163.160, 163.165, 163.170, 163.175, 163.180, 163.183, 163.185, 163.190, 163.195, 163.200, 163.205, 163.210, 163.215, 163.220, 163.225, 163.230, 163.235, 163.240, 163.245, 163.250, 163.255, 163.260, 163.265, 163.270, 163.275, 163.280, 163.285, 163.290, 163.295, 163.300, 163.305, 163.310, 163.315, and 163.3207, Florida Statutes, are hereby repealed.

Section 20. It is the intent of the Legislature that the repeal of the sections 163.160 through 163.315, Florida Statutes, by this act shall not be interpreted to limit or restrict the powers of municipal or county officials, but shall be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent of the Legislature to reconfirm that sections 163.3161 through 163.3215, Florida Statutes, have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

Section 21. Paragraph (d) is added to subsection (7) of section 163.01, Florida Statutes, to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) *Notwithstanding the provisions of paragraph (c), any separate legal entity, wholly owned by the municipalities or counties of this state, the membership of which consists or is to consist only of municipalities or counties, created pursuant to the provisions of this section, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. All of the privileges, benefits, powers, and terms of part I of chapter 159 and, in the case of counties, part I of chapter 125, and, in the case of municipalities, part II of chapter 166, notwithstanding any limitations provided above, shall be fully applicable to such entity. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located.*

Section 22. Subsection (2) of section 171.062, Florida Statutes, is amended to read:

171.062 Effects of annexations or contractions.—

(2) If the area annexed was subject to a county land use plan and county zoning or subdivision regulations, said regulations shall remain in full force and effect until the area is rezoned by the municipality to comply with its comprehensive plan otherwise provided by law. However, a municipal governing body shall not be authorized to increase, and is expressly prohibited from increasing, or decrease the density allowed under such county plan and regulations for a period of 2 years from the effective date of the annexation unless approval of such increase is granted by the governing body of the county.

Section 23. Section 186.508, Florida Statutes, 1984 Supplement, is amended to read:

186.508 Comprehensive regional policy plan adoption; consistency with state comprehensive plan.—

(1) Within 18 months of the adoption of the state comprehensive plan, each regional planning council shall submit to the Executive Office of the Governor its proposed comprehensive regional policy plan. The Executive Office of the Governor, or its designee, shall review the proposed comprehensive regional policy plan for consistency with the adopted state comprehensive plan and shall, within 90 days, return the proposed comprehensive regional policy plan to the council, together with any revisions recommended by the Governor. The rules adopting the regional policy plan shall not be subject to rule challenge under s. 120.54(4) or to drawout proceedings under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the adopted rules. The regional planning council shall conform the rules to the changes made by the Legislature, or, if no action was taken, the rules may become effective.

(2) The regional planning council shall, within 60 days of the return of its proposed comprehensive regional policy plan, initiate rulemaking to adopt the comprehensive regional policy plan, incorporating all revisions recommended by the Governor, or shall petition the Florida Land and Water Adjudicatory Commission to resolve any disputes regarding the consistency of the comprehensive regional policy plan or the revisions recommended by the Governor with the state comprehensive plan. The Florida Land and Water Adjudicatory Commission shall resolve all such disputes within 60 days of initiation.

(3) If the Executive Office of the Governor rejects the regional policy plan, the regional planning council shall submit a revised plan for the region within 6 months. The Executive Office of the Governor shall state the reasons for rejecting the regional policy plan. If the regional planning council fails to resubmit its plan for the region within 6 months, the state land planning agency shall develop a regional policy plan and submit the plan to the Florida Land and Water Adjudicatory Commission. The commission shall adopt the plan by rule for the region, with any necessary amendments, after allowing a reasonable opportunity for public comment.

(4) The Florida Land and Water Adjudicatory Commission, on its own motion by a majority vote of all its members or on the petition of the Executive Office of the Governor, shall require any regional planning council to submit its comprehensive regional policy plan or any rule or program implementing such plan to the commission for review for consistency with the state comprehensive plan.

(5) The Florida Land and Water Adjudicatory Commission shall order any regional planning council to amend each portion of a comprehensive regional policy plan found to be inconsistent with the state comprehensive plan or shall amend the appropriate portions of the state comprehensive plan to achieve consistency with the comprehensive regional policy plan.

Section 24. (1) There is hereby created a committee for the study of substate district boundaries to consist of 16 members. The Governor shall appoint 12 members and shall include among the members appointed a representative of the regional planning councils; a representative of the Department of Environmental Regulation; a representative of the Department of Transportation; a representative of the water management districts; a representative of municipal governments; a representative of county governments; a representative of independent special districts; a representative of the state land planning agency; and a representative of the Governor's Office of Planning and Budgeting. The President of the Senate shall appoint two Senate members and the

Speaker of the House of Representatives shall appoint two House members. The committee shall elect a chairman from among its legislator members and a vice-chairman and other such officers as is necessary. Members shall serve without compensation, but shall be reimbursed for all necessary expenses in the performance of their duties, including travel. The committee shall continue in existence until its duties are terminated, but no later than June 30, 1987. The Executive Office of the Governor shall cooperate with and provide assistance to the committee and shall provide administrative and clerical services as may be necessary for the operation of the committee.

(2) The committee shall thoroughly review the current system of substate districts which are being used to divide the state for administrative, jurisdictional, planning, or other purposes, including the geographic boundaries of the following: water management districts, regional planning councils, and substate districts of the executive departments. The committee shall also thoroughly review the process of designating geographic boundaries of such substate districts to determine whether the current geographic boundaries and the system for designating them promotes efficient service delivery, coordinated planning, and cooperative agency functioning. The committee shall solicit comments and positions from and consider the responses of any governmental entity the boundaries or substate districts of which may be affected by the committee's recommendations.

(3) The committee shall prepare and submit to the Governor and the Legislature no later than February 1, 1986, an initial report which shall contain a thorough review of existing substate districts and such recommendations as are appropriate. The committee shall prepare and submit to the Governor and the Legislature no later than December 31, 1986, a final report which shall contain specific recommendations for executive and legislative implementation. In preparing its reports, the committee shall consider the following:

(a) Executive department and agency rules relating to establishing substate districts, district offices, and branch offices.

(b) The role and importance of substate districts in state and agency planning activities, in coordination of interagency programs, in data collection, and in the efficient delivery of services to clients and others.

(c) Advantages of implementing a statewide system of substate districts with coterminous jurisdictional boundaries for related state or agency programs and functions.

The report shall also contain such other findings and recommendations relating to substate districts, including recommendations relating to needed changes in current statutes or administrative rules, as the committee chooses to make.

(4) The committee shall employ an executive director and may employ other staff as needed to carry out its functions. All state agencies are hereby authorized and directed to cooperate to the fullest extent possible with the committee.

Section 25. Subsections (1) and (4) of section 235.193, Florida Statutes, are amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is hereby declared to be the policy of this state to require the coordination of planning between the school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall 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. Such planning shall 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.

(4) The local governing body is empowered to reject development plans when public school facilities made necessary by the proposed development are not available in the area which is proposed for development or are not planned to be constructed in such area concurrently with the development. The general location of public educational facilities shall

also be consistent with the capital improvements plan found in the comprehensive plan of the appropriate local governing body developed pursuant to s. 163.3177(3) and in accordance with s. 163.3194(1).

Section 26. This act shall take effect October 1, 1985.

Senator Stuart moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 14, line 14, insert: 5. *Minerals and soils.*

Amendment 1B—On page 15, line 23, after “wildlife” insert: and marine life

Senator Thurman moved the following amendment to Amendment 1 which was adopted:

Amendment 1C—On page 14, line 5, after “needs” insert: and sources

Senators Dunn and Kiser offered the following amendment to Amendment 1 which was moved by Senator Dunn and failed:

Amendment 1D—On page 15, between lines 4 and 5, insert: 7. The provision for the non-exclusive access to telecommunications services, including cable television services, to all persons desiring to receive same, so long as the provider of such services is duly licensed or franchised by the municipality or county in which such service is to be provided.

Senator Langley moved the following amendments to Amendment 1 which were adopted:

Amendment 1E—On page 16, between lines 3 and 4, insert: 8. *Protection of human life against the effects of natural disasters.*

(Renumber subsequent subparagraphs.)

Amendment 1F—On page 19, line 18, after “and” insert: protection of human life against the effects of natural disaster including

Amendment 1G—On page 20, line 15, after “to” insert: mitigate the threat to human life and

Amendment 1H—On page 18, line 18, after “to” insert: protect human lives and

Senators Deratany and Vogt offered the following amendment to Amendment 1 which was moved by Senator Deratany and failed:

Amendment 1I—On page 50, strike all of lines 9-22 and renumber.

Senator Johnson moved the following amendment to Amendment 1 which was adopted:

Amendment 1J—On page 9, line 15, strike “stipulated in the charter.” and insert: agreed to by the charter county and any municipality. Absent such agreement, municipal planning responsibility shall be independent of the charter county, except as otherwise required by law.

Senator Stuart moved the following amendment to Amendment 1 which was adopted:

Amendment 1K—On page 45, lines 24 and 25, strike “of the state” Amendment 1 as amended was adopted.

Senator Stuart moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to local government comprehensive planning and land development regulation; amending part II of chapter 163, F.S.; revising the short title and various provisions of ss. 163.3161-163.3211, F.S., the Local Government Comprehensive Planning Act of 1975; revising the short title and definitions; deleting provisions relating to jurisdiction of municipalities over reserve areas; deleting application of act to special districts; requiring adoption or amendment of comprehensive plans by counties and municipalities; requiring submission to state and regional planning agencies; providing deadlines for establishment of planning agency and preparation of plan by newly established municipalities; requiring preparation of plan by regional planning agency under certain circumstances and providing for compensation; providing application to Reedy Creek Improvement District; repealing s. 163.3171(4), F.S., relating to said district;

deleting requirement of passage of ordinance of intent to exercise authority under the act; revising provisions relating to designation of local planning agencies and appropriations of funds therefor; specifying responsibilities of such agencies; revising required elements of the comprehensive plan; repealing s. 163.3177(6)(c), (i) and (7)(e), F.S., relating to a required utility element and an optional public services and facilities element; creating s. 163.3178, F.S.; providing legislative intent; providing coastal management element content; revising requirements relating to adoption of comprehensive plans and submission to specified agencies; providing duties of state land planning agency; directing the state land planning agency to adopt minimum criteria for the review of local comprehensive plans; directing counties and municipalities, to comply with adopted requirements concerning local comprehensive plans; providing for review and hearings; providing that local governments found to be not in compliance are ineligible for certain funding, specified grants, and certain revenue sharing; revising procedures for, and providing restrictions on, amendment of comprehensive plans; requiring submission of current plans to the state land planning agency by a specified date; providing for updating plans on file; revising provision relating to conflict with other statutes; revising procedures for amendment of plans based on periodic evaluation reports; providing for cooperation between agencies; providing for the relationship between land development regulations and adopted plans; specifying status of certain development order applications; creating ss. 163.3202, 163.3215, F.S.; providing for land development regulations; providing for periodic review of land development regulations; providing for enforcement; repealing ss. 163.160, 163.165, 163.170, 163.175, 163.180, 163.183, 163.185, 163.190, 163.195, 163.200, 163.205, 163.210, 163.215, 163.220, 163.225, 163.230, 163.235, 163.240, 163.245, 163.250, 163.255, 163.260, 163.265, 163.270, 163.275, 163.280, 163.285, 163.290, 163.295, 163.300, 163.305, 163.310, 163.315, F.S., relating to optional planning authority for counties and municipalities to plan for future development; repealing s. 163.3207, F.S., relating to technical advisory committees; providing legislative intent; amending s. 163.01, F.S.; providing procedures for authorizing bonds; amending s. 171.062, F.S.; providing requirements for certain annexed areas; amending s. 186.508, F.S.; prescribing procedures for adoption of comprehensive regional policy plans; creating a committee for the study of substate district boundaries; amending s. 253.193, F.S.; providing coordination planning; providing an effective date.

On motion by Senator Frank, by two-thirds vote CS for CS for SB 1143 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Kirkpatrick	Plummer
Beard	Girardeau	Kiser	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Hill	McPherson	Weinstein
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	
Fox	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten, Neal

Senator Peterson presiding

The President presiding

On motion by Senator Frank, the rules were waived and CS for CS for SB 1143 after being engrossed was ordered immediately certified to the House.

RECONSIDERATION

On motion by Senator Peterson, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for CS for SB 1193—A bill to be entitled An act relating to adult education courses; creating s. 230.2215, F.S.; requiring the publication of a district course directory; specifying information to be included in such directory; prohibiting school districts and community colleges from expending state funds for any course not listed in such directory; creating

s. 229.13, F.S.; requiring school districts and community colleges to use a uniform registration form to enroll adults in courses; amending s. 229.565, F.S.; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; amending s. 228.072, F.S.; defining the term "basic skills" for the purpose of the Adult General Education Program; authorizing the waiver of certain fees for students in adult general education courses who document financial need or basic skills deficiencies or who are 60 years of age or older; limiting the total number of full-time equivalent students for whom school districts and community colleges may grant fee waivers; providing reporting requirements; providing graduation requirements for adult students; amending s. 228.072, F.S., relating to the adult general education program; revising a definition, certain criteria for participation in the program, and the location of instruction; providing an effective date.

—as amended passed this day.

Senator Peterson moved the following amendments which were adopted by two-thirds vote:

Amendment 5—On page 16, strike all of lines 29-31 and insert:

Section 4. Paragraph (a) of subsection (4) and subsection (5) of section 228.072, Florida Statutes, 1984 Supplement, are amended to read:

Amendment 6—On page 18, between lines 16 and 17, insert:

(d) *Students who have high school diplomas who wish to enroll in adult general education courses to pursue personal interests and goals. Such students shall be served on a space-available basis only, after all students in priorities (a) through (c) have been enrolled and shall be ineligible to generate state funding through the Florida Education Finance Program or Florida Community College Program Fund.*

(Renumber subsequent paragraph.)

Amendment 7—In title, on page 1, line 19, after the semicolon (;) insert: authorizing certain students to enroll in adult general education courses on a space available basis; prohibiting such students from generating state funding for such enrollments;

CS for CS for SB 1193 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Johnson	Myers
Beard	Girardeau	Kirkpatrick	Peterson
Carlucci	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hair	Mann	Thomas
Deratany	Hill	Margolis	Thurman
Dunn	Jenne	McPherson	Vogt
Fox	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Neal

On motion by Senator Scott, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 22—A bill to be entitled An act relating to campaign financing; amending ss. 106.011, 106.07, 106.08, 106.141, F.S.; defining "unopposed candidate"; providing reporting requirements and filing deadlines for unopposed candidates; restricting use of campaign accounts of unopposed candidates; prohibiting acceptance of certain contributions and expenditure of funds; providing penalties; providing an effective date.

—as amended passed this day.

On motion by Senator Scott, the rules were waived and the Senate reconsidered the vote by which SB 22 was read the third time.

On motion by Senator Scott, the rules were waived and the Senate reconsidered the vote by which Amendment 2 was adopted. By permission Amendment 2 was withdrawn.

Senators Scott and Hair offered the following amendment which was moved by Senator Scott and adopted:

Amendment 4—On page 5, line 5, after the period (.) insert: *However, for the 90-day period after the candidate becomes unopposed, the candidate may make expenditures of funds for "thank you" advertising or "thank you" communications or to conduct "thank you" parties.*

On motion by Senator Scott, by two-thirds vote SB 22 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Kiser	Stuart
Carlucci	Grant	Langley	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Hill	Meek	Weinstein
Deratany	Jenne	Myers	
Dunn	Jennings	Peterson	
Frank	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Castor, Fox, Gersten, Neal

On motion by Senator Deratany, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 647—A bill to be entitled An act relating to transportation; amending s. 337.241, F.S., relating to the preparation of right-of-way maps by the Department of Transportation and local governmental entities; providing an effective date.

—as amended passed this day.

Pending further consideration of SB 647, on motion by Senator Deratany, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 314 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Crotty—

CS for HB 314—A bill to be entitled An act relating to transportation; amending s. 337.241, F.S., relating to the preparation of maps of reservation by the Department of Transportation and local governmental entities; amending s. 348.754, F.S., providing the authority with certain eminent domain and right of entry powers of the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

SPECIAL ORDER, continued

On motions by Senator Deratany, by two-thirds vote CS for HB 314, a companion measure, was withdrawn from the Committee on Transportation and substituted for SB 647. On motion by Senator Deratany, by two-thirds vote CS for HB 314 was read the second time by title.

Senator Deratany moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Section 337.241, Florida Statutes, 1984 Supplement, is amended to read:

337.241 Acquisition by ~~department~~ of rights-of-way for roads on ~~State Highway System~~; approval by local governments of maps of reservation for proposed rights-of-way; establishment of building setback lines; restrictions on issuance of development permits; hearings.—

(1) The department or any expressway authority created under chapter 348 with eminent domain authority pursuant to chapter 74

shall acquire all rights-of-way and may prepare maps of reservation for any road within its jurisdiction ~~roads designated as state roads on the State Highway System~~. Any such maps shall delineate the limits of proposed rights-of-way for the eventual widening of an existing road or shall delineate the limits of proposed rights-of-way for the initial construction of a road. Before approving or disapproving such map, the governing body of the county in which the right-of-way is located shall advertise and hold a public hearing and shall notify all affected property owners of record, as recorded in the property appraiser's office, and all local governmental entities in which the right-of-way is located, by mail at least 20 days prior to the date set for the hearing. If the map is approved by the governing body of the county, the circuit court clerk of the affected county shall forthwith record the map in accordance with chapter 177 in the public land records of the county.

(2) Upon recording, such map shall establish:

(a) A building setback line from the centerline of any road existing as of the date of such recording; and no development permits, as defined in s. 380.031(4), shall be granted by any governmental entity for new construction of any type or for renovation of an existing commercial structure that exceeds 20 percent of the appraised value of the structure. No restriction shall be placed on the renovation or improvement of existing residential structures, as long as such structures continue to be used as private residences.

(b) An area of proposed road highway construction within which development permits, as defined in s. 380.031(4), shall not be issued for a period of 5 years from the date of recording such map.

(3) Upon petition by an affected property owner alleging that such property regulation is unreasonable or arbitrary and that its effect is to deny a substantial portion of the beneficial use of such property, the department or expressway authority shall hold an administrative hearing in accordance with the provisions of chapter 120. When such a hearing results in an order finding in favor of the petitioning property owner, the department or expressway authority shall have 150 days from the date of such order to acquire such property or file appropriate proceedings. Appellate review by either party may be resorted to, but such review will not affect the 150-day limitation when such appeal is taken by the department or expressway authority unless execution of such order is stayed by the appellate court having jurisdiction.

(4) Upon the failure by the department or expressway authority to acquire such property or initiate acquisition proceedings, the appropriate local governmental entity may issue any permit in accordance with its established procedures.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 337.241, F.S., relating to the preparation of maps of reservation by the Department of Transportation and expressway authorities; providing an effective date.

On motion by Senator Deratany, by two-thirds vote CS for HB 314 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Johnson	Myers
Beard	Girardeau	Kirkpatrick	Peterson
Carlucci	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hair	Mann	Thomas
Deratany	Hill	Margolis	Thurman
Dunn	Jenne	McPherson	Vogt
Fox	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Neal

SB 647 was laid on the table.

On motions by Senator Mann, the rules were waived and by two-thirds vote CS for SB 74, CS for SB 80, SB 259, CS for SB 365, Senate Bills 391,

392, 403, CS for CS for SB 446, CS for SB 526, CS for SB 573, CS for SB 585, Senate Bills 590, 716, 745, 764, 936, 1063, 220, 401, 856, CS for SB 904, CS for SB 1005, Senate Bills 1084, 1129, CS for SB 1137, Senate Bills 1201, 940, 28, 937, 692 and CS for SB 492 were withdrawn from the Committee on Appropriations.

On motion by Senator Stuart, by two-thirds vote—

CS for CS for CS for SB 441—A bill to be entitled An act relating to land development regulation; amending s. 380.031, F.S.; revising a definition; amending s. 380.032, F.S.; providing for approval of certain rules by the Administration Commission; amending s. 380.06, F.S., relating to developments of regional impact; providing for adoption of statewide guidelines and standards; requiring that a developer obtain a binding letter of interpretation under certain circumstances; authorizing local governments to petition that development in an adjacent jurisdiction obtain a binding letter; revising time period for issuance of binding letters; providing a time period after which certain binding letters expire; deleting certain provisions relating to local governments which have no subdivision or zoning ordinances; specifying effect on state and regional permits; providing for concurrent consideration of related local government comprehensive plan amendments; authorizing preliminary development agreements; authorizing developer to elect a conceptual agency review by certain permitting agencies; removing provisions which establish an optional coordinated review process; requiring development orders to contain dates until which the approved development will not be subject to down-zoning, unit density reduction, or intensity reduction, except in certain circumstances; providing criteria for development orders that require certain contributions by developers; authorizing the state land planning agency to record certain notices; providing certain credits and other related provisions for developers who are required to make contributions; revising procedures and criteria for substantial deviation determinations; providing for expiration of certain provisions relating to vested rights; deleting requirement for biweekly notice of applications for development; revising provisions for changes to development orders of downtown development authorities; authorizing the state land planning agency and the regional planning agencies to develop rules relating to reduced information requirements; providing that a general purpose local government shall not have to petition itself to prepare an application for an areawide development plan; making certain provisions with regard to property owner consent and withdrawal of consent if the developer of an areawide development is a general purpose local government; revising provisions for changes to areawide development plans; creating s. 380.065, F.S.; providing for certification of local review of development in lieu of regional review; creating s. 380.0651, F.S.; providing statewide presumptive guidelines and standards; amending s. 380.07, F.S.; providing additional appeal procedures; amending s. 380.11, F.S.; revising power of state land planning agency with respect to administrative remedies; amending s. 403.524, F.S.; correcting cross-references; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment:

Amendment 1—On page 3, line 10, strike everything after the enacting clause and insert:

Section 1. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(18) "State land planning agency" means the *Department of Community Affairs agency designated by law, or its successor agency, to undertake statewide comprehensive planning.*

Section 2. Section 380.032, Florida Statutes, is amended to read:

380.032 State land planning agency; powers and duties.—The state land planning agency shall have the power and the duty to:

(1) Exercise general supervision of the administration and enforcement of this act and all rules and regulations promulgated hereunder.

(2)(a) Adopt or modify rules to carry out the intent and purposes of this act. Such rules shall be consistent with the provisions of this act.

(b) Within 20 days following adoption, any substantially affected party may initiate review of any rule adopted by the state land planning agency interpreting the guidelines and standards by filing a request for

review with the Administration Commission and serving a copy on the state land planning agency. Filing a request for review shall stay the effectiveness of the rule pending a decision by the Administration Commission. Within 45 days following receipt of a request for review, the commission shall either reject the rule or *approve* ~~adopt~~ the rule, with or without modification.

(3) Enter into agreements with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions and purposes of this act or any rules promulgated hereunder.

Section 3. Section 380.06, Florida Statutes, 1984 Supplement, is amended to read:

380.06 Developments of regional impact.—

(1) DEFINITION.—The term “development of regional impact,” as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(2) STATEWIDE ADOPTION OF GUIDELINES AND STANDARDS BY ADMINISTRATION COMMISSION.—

(a) The state land planning agency shall recommend to the Administration Commission specific *statewide* guidelines and standards for adoption pursuant to this subsection. The Administration Commission shall by rule adopt *statewide* guidelines and standards to be used in determining whether particular developments shall *undergo development-of-regional-impact review* ~~be presumed to be of regional impact~~. The *statewide guidelines and standards* ~~and guidelines~~ previously adopted by the Administration Commission and approved by the Legislature shall remain in effect unless revised pursuant to this section, or *superseded by other provisions of law*. Revisions to the present *statewide guidelines and standards* ~~and guidelines~~, after adoption by the Administration Commission, shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved by law by ~~joint resolution~~ of the Legislature, the revisions to the present *guidelines and standards* ~~and guidelines~~ shall not become effective.

(b) In adopting its guidelines and standards, the Administration Commission shall consider and shall be guided by:

1. The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.
2. The amount of pedestrian or vehicular traffic likely to be generated.
3. The number of persons likely to be residents, employees, or otherwise present.
4. The size of the site to be occupied.
5. The likelihood that additional or subsidiary development will be generated.
6. The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.
7. The unique qualities of particular areas of the state.

(c) *With regard to the changes in the guidelines and standards authorized pursuant to this act, in determining whether a proposed development must comply with the review requirements of this section, the state land planning agency shall apply the guidelines and standards which were in effect when the developer received authorization to commence development from the local government. If a developer has not received authorization to commence development from the local government prior to the effective date of new or amended guidelines and standards, the new or amended guidelines and standards shall apply.*

(d) *The guidelines and standards shall be applied as follows:*

1. *Fixed thresholds.—*
 - a. *A development that is at or below 80 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.*

b. *A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.*

2. *Rebuttable presumptions.—*

a. *It shall be presumed that a development that is between 80 and 100 percent of a numerical threshold shall not be required to undergo development-of-regional-impact review.*

b. *It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.*

~~(c) Any modifications to the initial guidelines and standards prescribed pursuant to this subsection shall not modify or abridge rights that have vested pursuant to subsection (18) or development-of-regional-impact status determinations acquired through executed agreements or binding letters issued pursuant to this section, upon which the developer has relied and upon the basis of which he has changed his position prior to the effective date of such rules.~~

(3) *VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS RECOMMENDATIONS OF MODIFICATIONS BY REGIONAL PLANNING AGENCY.—*

The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an increase or decrease for a particular local government's jurisdiction, or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction, or a part of its jurisdiction. A number of requests may be combined in a single petition.

(a) *When a petition is filed, the state land planning agency shall have no more than 180 days to prepare and submit to the Administration Commission a report and recommendations on the proposed variation. The report shall evaluate, and the Administration Commission shall consider, the following criteria:*

1. *Whether the local government has adopted and effectively implemented a comprehensive plan that reflects and implements the goals and objectives of an adopted state comprehensive plan.*
2. *Any applicable policies in an adopted comprehensive regional policy plan.*
3. *Whether the local government has adopted and effectively implemented both a comprehensive set of land development regulations, which regulations shall include a planned unit development ordinance, and a capital improvements plan that are consistent with the local government comprehensive plan.*
4. *Whether the local government has adopted and effectively implemented the authority and the fiscal mechanisms for requiring developers to meet development order conditions.*
5. *Whether the local government has adopted and effectively implemented and enforced satisfactory development review procedures.*

(b) *The affected regional planning agency, adjoining local governments, and the local government shall be given a reasonable opportunity to submit recommendations to the Administration Commission regarding any such proposed variations.*

(c) *The Administration Commission shall have authority to increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.*

(d) *The Administration Commission shall adopt rules setting forth the procedures for submission and review of petitions filed pursuant to this subsection.*

(e) *Variations to guidelines and standards adopted by the Administration Commission under this subsection shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved as submitted by general law, the revisions shall not become effective. Each regional planning agency may rec-*

~~ommend to the state land planning agency from time to time modifications to guidelines and standards adopted under subsection (2). Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions regarding modifications to be recommended.~~

~~(4) BINDING LETTER DETERMINATIONS BY STATE LAND PLANNING AGENCY.—~~

~~(a) If any developer is in doubt whether his proposed development must undergo ~~would be~~ a development of regional impact review under the guidelines and standards, whether his rights have vested pursuant to subsection (20) (18), or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) (18) would divest such rights, he may request a determination from the state land planning agency.~~

~~(b) Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if:~~

~~1. The development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards; or~~

~~2. The development is between a presumptive numerical threshold and 20 percent below the numerical threshold, and the local government or the state land planning agency is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of residents of more than one county.~~

~~(c) Any local government may petition the state land planning agency to require a developer of a development located in an adjacent jurisdiction to obtain a binding letter of interpretation. The petition shall contain facts to support a finding that the development as proposed is a development of regional impact. This paragraph shall not be construed to grant standing to the petitioning local government to initiate an administrative or judicial proceeding pursuant to this chapter.~~

~~(d) A request for a binding letter of interpretation shall be in writing and in such form and content as prescribed by the state land planning agency. Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the state land planning agency shall determine and notify the applicant whether the information in the application is sufficient to enable the agency to issue a binding letter or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the state land planning agency in writing that the information will not be supplied and the reasons therefor. If the applicant does not respond to the request for additional information within 120 days, the application for a binding letter of interpretation shall be deemed to be withdrawn. Within 35 ~~30~~ days after ~~of~~ acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development. A binding letter of interpretation issued by the state land planning agency shall bind all state, regional, and local agencies, as well as the developer.~~

~~(e)(b) In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) (18) would divest such rights, the state land planning agency shall review the proposed change within the context of:~~

- ~~1. Criteria specified in paragraph (19)(b) (17)(b);~~
- ~~2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;~~
- ~~3. All rights and obligations arising out of the vested status of such development;~~
- ~~4. Permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and~~
- ~~5. Any regional impacts arising from the proposed change.~~

~~(f)(e) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) (18) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (20) (18).~~

~~(g) Every binding letter determining that a proposed development is not a development of regional impact, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:~~

~~1. Three years from the effective date of this act for binding letters issued prior to the effective date of this act; or~~

~~2. Three years from the date of issuance of binding letters issued on or after the effective date of this act.~~

~~(h) The expiration date of a binding letter, established pursuant to paragraph (g), shall begin to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of jurisdiction and the developer.~~

~~(5) AUTHORIZATION TO DEVELOP CONDITIONS FOR DEVELOPMENT OF REGIONAL IMPACT.—A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if:~~

~~(a) The land on which the development is proposed is within the jurisdiction of a local government that has adopted subdivision regulations or a zoning ordinance under chapter 163 or under appropriate special or local laws or ordinances and the development has been approved under the requirements of this section; and~~

~~(b) The land on which the development is proposed is within an area of critical state concern and the development has been approved under the requirements of s. 380.05; or~~

~~(c) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, state or regional permits necessary for the construction or operation of the project that are valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), state or regional agency permits necessary for the construction or operation of the project that are valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development-of-regional-impact review, or after the developer obtains a development order pursuant to this section. The developer has given written notice to the state land planning agency and to any local government having jurisdiction to adopt zoning or subdivision regulations for the area in which the development is proposed and, after 90 days have passed, no zoning or subdivision regulations have been adopted or designation of area of critical state concern issued.~~

~~(6) FILING BY DEVELOPER OF APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—~~

~~(a) Prior to undertaking any development, a if the development of regional impact is to be located within the jurisdiction of a local government that has adopted a zoning ordinance or subdivision regulations, the developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a "development of regional impact" as required defined under this section.~~

~~(b) Any local government comprehensive plan amendments related to the specific site of a proposed development of regional impact may be~~

initiated by a local planning agency and 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 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 shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.

(7) PREAPPLICATION PROCEDURES CONFERENCE ON PROPOSED DEVELOPMENT; PROCEDURE TO ELIMINATE QUESTION FROM APPLICATION.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development.

(b) The regional planning agency shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review. It is the legislative intent of this subsection to encourage reduction of paperwork, to discourage unnecessary gathering of data, and to encourage the coordination of the development-of-regional-impact review process with federal, state, and local environmental reviews when such reviews are required by law.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7), within 45 days after the execution of the agreement.

2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.

3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area, and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.

4. The preliminary development shall be limited to lands that the state land planning agency agree are suitable for development, and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.

5. The preliminary development agreement may allow development of more than 25 percent of any applicable threshold only if the developer demonstrates that such development is in the best interest of the state and local government, is essential to the ultimate viability of the proposed total development, and development will not result in material adverse impacts to existing resources or planned facilities.

6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development nor to particular conditions in a final development order.

7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.

8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.

9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.

10. The preliminary development agreement shall be recorded by the developer in the public records of the county where the land is located. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032.

(9) CONCEPTUAL AGENCY REVIEW.—

(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).

2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.

3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.62(2) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under s. 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under s. 120.57 on the proposed development by any parties to the prior proceeding.

4. A conceptual agency review approval shall be valid for up to 10 years unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.

(b) By July 1, 1986, the Department of Environmental Regulation, each water management district, and other state or regional agencies that require construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:

1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.

2. Dredging and filling activities.

3. The management and storage of surface waters.

4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph (a)3.

Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.

(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.

2. Each agency shall cooperate with the state land planning agency to standardize to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.

(d) At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 120.60(3), and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.

(e) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:

1. That an applicant or his agent has submitted materially false or inaccurate information in the application for conceptual approval;

2. That the developer has violated a condition of the conceptual approval; or

3. That the development will cause a violation of the agency's applicable laws or rules.

(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.

(g) Nothing contained in this subsection shall be construed to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.

~~(8) OPTIONAL COORDINATED REVIEW PROCESS. An optional coordinated review process is established consisting of the following:~~

~~(a) As part of the preapplication conference, the developer may, in addition to regular development of regional impact review, elect to proceed in a coordinated review process with other affected state or regional licensing agencies. The developer may select the state or regional agencies which will participate in this coordinated review process.~~

~~(b) The developer may request a binding agreement from an agency on any of the following:~~

~~1. The identifiable areas of agency jurisdiction over the proposed development;~~

~~2. The identifiable agency rules, subject to changes imposed by law, applicable to the proposed development;~~

~~3. The types and categories of information which may be required at the time of the license or permit application for the proposed development.~~

~~4. Any other appropriate agreement pursuant to appropriate state or federal law or regulation.~~

~~Any agreements entered into under this paragraph are subject to the provisions of chapter 120 and are not subject to paragraph (14)(a). Every agreement entered into pursuant to this paragraph shall be binding upon the developer and the agency, unless the agency determines that the information upon which the agreement was based was inaccurate, that conditions have changed substantially, or that a modification has been proposed which materially changes the circumstances of the proposed development. The developer shall notify the agency of any such modification. The binding agreement shall be valid for a period of 5 years after issuance.~~

~~(e) The developer may request that agencies, for nonbinding information purposes only, identify issues or problems which could later constitute grounds for permit denial or major modifications of the proposed agreement.~~

~~(d) The regional planning agency shall notify all affected agencies and coordinate this review process. To further effectuate this review process, the regional planning agency may encourage additional preapplication conferences, the development of permit processing schedules with other agencies, concurrent processing of applications, and the use of the development of regional impact application for development approval as a substitute for permit data requirements or plans when appropriate.~~

~~(e) The developer must submit copies of the application for development approval to all state or regional agencies which are to participate in this coordinated review process.~~

~~(10)(9) RECEIPT BY REGIONAL PLANNING AGENCY OF APPLICATION FOR DEVELOPMENT APPROVAL; DETERMINATION OF SUFFICIENCY.—~~

~~(a) When an application for development approval is filed with a local government, the developer shall also send copies of the application to the appropriate regional planning agency and the state land planning agency.~~

~~(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (12)(11), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. If an applicant does not provide the information requested by a regional planning agency within 120 days of its request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn.~~

~~(c) The regional planning agency shall notify the local government that a public hearing date may be set when the regional planning agency determines that the application is sufficient or when it receives notification from the developer that the additional requested information will not be supplied, as provided for in paragraph (b).~~

~~(11)(10) LOCAL NOTICE AND HEARING ON APPLICATION ON PROPOSED DEVELOPMENT.—~~ Upon receipt of the sufficiency notification from the regional planning agency required by paragraph (10)(9)

~~(c), the appropriate local government shall give notice and hold a public hearing on the application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:~~

(a) The notice of public hearing shall state that the proposed development *is undergoing a development-of-regional-impact review* ~~would be a development-of-regional-impact~~.

(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development of regional impact application may be reviewed.

(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a *conceptual agency coordinated* review process under subsection (9) (8), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

~~(12)(11) REGIONAL REPORTS REPORT AND RECOMMENDATIONS BY REGIONAL PLANNING AGENCY.—~~

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11) (10)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on the environment and natural *and historical* resources of the region.
2. The development will have a favorable or unfavorable impact on the economy of the region.
3. The development will efficiently use or unduly burden water, sewer, solid waste disposal, or other necessary public facilities.
4. The development will efficiently use or unduly burden public transportation facilities.
5. The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.
6. The development complies with such other criteria for determining regional impact as the regional planning agency deems appropriate, including, but not limited to, the extent to which the development would create an additional demand for, or additional use of, energy, provided such criteria and related policies have been adopted by the regional planning agency pursuant to s. 120.54. Regional planning agencies may also review and comment upon issues which affect only the local governmental entity with jurisdiction pursuant to this section; however, such issues shall not be grounds for, or be included as, issues in a regional planning agency appeal of a development order under s. 380.07

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Regulation permits have been issued *pursuant to chapter 373 or chapter 403*, the regional planning council may comment on the regional implications of the permits, but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

~~(13)(12) CRITERIA APPROVAL BY LOCAL GOVERNMENT OF DEVELOPMENT IN AREAS AN AREA OF CRITICAL STATE CONCERN.—~~If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section.

~~(14)(13) CRITERIA OUTSIDE AREAS FOR APPROVAL OF DEVELOPMENT NOT IN AREA OF CRITICAL STATE CONCERN.—~~If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

(a) The development unreasonably interferes with the achievement of the objectives of an adopted state land development plan applicable to the area;

(b) The development is consistent with the local *comprehensive plan and local* land development regulations; and

(c) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12) (11).

~~(15)(14) LOCAL GOVERNMENT DECISION AND ISSUANCE OF DEVELOPMENT ORDER BY LOCAL GOVERNMENT.—~~

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) (12) and (14) (13). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the *developer development* with the development order.

2. Shall ~~May~~ establish *compliance expiration* dates for the development order, including a deadline for commencing physical development *and*; for compliance with conditions of approval or phasing requirements, and shall include a ~~for the~~ termination date that reasonably reflects the time required to complete the development ~~of the order~~.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the annual report designated under subsection (18) (16), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. Shall specify the types of changes to the development which *shall* will require submission for a substantial deviation determination under subsection (19) ~~paragraph (17)(a)~~.

6. Shall include a legal description of the property.

(d) Conditions of a development order that require a developer to contribute land for a public facility, or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:

1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.

3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.

(e) *Development order exactions.*—

1. Effective July 1, 1986, local governments shall not include as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof, unless the local government has enacted a local ordinance which requires other development not subject to this section, to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Local governments shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development, unless the local government includes in the development order a commitment by the local government to provide these facilities consistent with the development schedule approved in the development order; provided, however, a local government's failure to meet the requirements of subparagraph 1. and this paragraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government and technical advisory committees provided for in s. 163.3207 in preparing and adopting local impact fee and other contribution ordinances.

(f)1.(d) Notice of the adoption of a development order or the subsequent modification of an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any modifications to the development order, the location where the adopted order with any modifications may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, nor actual nor constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980.

2. The state land planning agency may record a notice of adoption of any agreement entered into pursuant to subsection (8), in accordance with s. 28.222, with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement may constitute a land development regulation applicable to portions of the land covered by the agreement.

(g)(e) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.

(16) *CREDITS AGAINST LOCAL IMPACT FEES.*—

(a) If the development order requires the developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the local government shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the local government

shall not be required to grant a credit toward the local exaction or impact fee unless the local government determines that said required contribution, payment or construction meets the same need that the local exaction or impact fee would address.

(b) If the local government imposes or increases an impact fee or exaction by local ordinance after a development order has been issued, the developer may petition the local government, and the local government shall modify the affected provisions of the development order to give the developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition, or construction or expansion of a public facility, or a portion thereof, required by the development order toward an impact fee or exaction for the same need.

(c) The local government and the developer may enter into capital contribution front-ending agreements as part of a development of regional impact development order to reimburse the developer, or his successor, for voluntary contributions paid in excess of his fair share.

(d) This subsection does not apply to internal, on-site facilities required by local regulations or to any off-site facilities to the extent such facilities are necessary to provide safe and adequate services to the development.

~~(17)(15) ENFORCEMENT OF DEVELOPMENT ORDER BY LOCAL MONITORING GOVERNMENT.~~—The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.

~~(18)(16) ANNUAL REPORTS BY DEVELOPER.~~—The developer shall submit an annual report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies, on the date specified in the development order. If the annual report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the annual report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government.

~~(19)(17) MODIFICATION OF DEVELOPMENT ORDER; DETERMINATION BY LOCAL GOVERNMENT OF SUBSTANTIAL DEVIATIONS DEVIATION.~~—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review.

(b) A proposed change to a previously approved development of regional impact or development order condition which meets or exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 10 percent expansion to an existing runway or a 20 percent increase in the floor area of an existing terminal.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water

consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent or 20,000 barrels or 7 million pounds, whichever is greater.

8. An increase of development at a water port of wet storage for 20 watercraft, or dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional water port development, or a 5 percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent, or 50 dwelling units, whichever is greater.

10. An increase in commercial development by 6 acres of land area, or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or 5 percent, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. Net changes to two or more types of development which cumulatively meet or exceed 100 percent of the criteria set forth herein.

15. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. A change proposed for 15 percent or more of the acreage of an approved development of regional impact to a land use not previously approved in the development order.

17. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other such special areas.

18. A proposed change involving simultaneous increases and decreases of the uses set forth in subparagraphs 4., 6., 10., and 11., only if regional impacts of the change exceed the adverse regional impacts of the originally authorized development or the project as changed creates regional impacts which were not reviewed by the regional planning agency.

(c) An extension of the date of buildout of a development by 5 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by local government. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits.

(d)1. A proposed change which does not meet or exceed any of the criteria listed in paragraph (b) shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

2. A change in the plan of development of an approved development of regional impact, resulting from requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e) Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact. At a minimum, the standard form shall require the developer to provide the precise language which the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (19)(a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraph (c) and (d) shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review, shall be subject to the appeal provisions of s. 380.07. However, neither the regional planning agency nor the state land planning agency may appeal the local government decision if neither participated at the local hearing.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change as it relates to the entire development should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required, because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate

regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

(a) ~~A developer shall submit proposed changes to a development of regional impact previously approved pursuant to this section to the local government for a substantial deviation determination. The local government shall review the proposed changes pursuant to the criteria enumerated in this subsection and shall make a substantial deviation determination. The local government shall, at the conclusion of local review, modify the development order to reflect approved changes to the development and shall notify the regional planning agency and the state land planning agency of the changes to the development order, with the findings subject to the appeal provisions of s. 380.07. If the proposed changes are found to be a substantial deviation, the development shall be subject to further review pursuant to this section. Nothing in this section precludes the right of the local government or of the state land planning agency to injunctive relief under s. 380.11. As used in this section, the term "Substantial deviation" means any change to the previously approved development of regional impact which creates a reasonable likelihood of additional adverse regional impact, or any other regional impact created by the change not previously reviewed by the regional planning agency.~~

(b) ~~In determining whether a development of regional impact previously approved pursuant to this section is subject to further review pursuant to this section, the local government shall consider the following changes which shall be presumed not to be substantial deviations requiring further review:~~

1. ~~An increase in the number of dwelling units of not more than 5 percent or 200 dwelling units, whichever is less.~~

2. ~~A decrease in the number of dwelling units which does not require a major redistribution of density.~~

3. ~~A decrease in the area set aside for common open space of not more than 5 percent or 50 acres, whichever is less.~~

4. ~~An increase in the area set aside for common open space.~~

5. ~~An increase in the floor area proposed for nonresidential use of not more than 5 percent or 10,000 square feet, whichever is less.~~

6. ~~A decrease in the regional impact of the development.~~

7. ~~A change required by permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.060 or any of their successor agencies or by any appropriate federal regulatory agency.~~

(c) ~~Unless the presumptions set forth in paragraph (b) are rebutted by clear and convincing evidence offered by the moving party, the development shall not be subject to further development of regional impact review pursuant to this section. The appropriate local government shall afford a reasonable opportunity for a developer or other substantially affected party to present evidence to support or rebut such presumptions.~~

(20)(18) **VESTED PRESERVATION OF SPECIFIED RIGHTS OF DEVELOPERS.**—Nothing in this section shall limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 498 478, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the effective date of the rules issued by the Administration Commission pursuant to subsection (2). If a developer has, by his actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place. *However, the provisions of this paragraph shall expire on June 30,*

1986. Vested rights that have been recognized by the state land planning agency through binding letters of vested rights or of modification to a development of regional impact with vested rights, shall not divest upon expiration of the provisions of this paragraph.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

~~(19) PUBLICATION OF NOTICES OF APPLICATIONS FOR DEVELOPMENTS OF REGIONAL IMPACT.~~—The state land planning agency shall print biweekly, and mail to any person upon payment of a reasonable charge to cover costs of preparation and mailing, a list of all notices of applications for developments of regional impact that have been filed with the state land planning agency.

~~(21)(20) APPLICATIONS FOR COMPREHENSIVE APPLICATION; DEVELOPMENT OF REGIONAL IMPACT AND FOR MASTER PLAN DEVELOPMENT ORDER APPROVAL.~~—

(a) If a development project includes two or more developments of regional impact, a developer may file a comprehensive development-of-regional-impact application.

(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) (8) do not apply to this subsection.

1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.

2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order, unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.

(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.

~~(22)(31) APPLICATION BY DOWNTOWN DEVELOPMENT AUTHORITIES AUTHORITY.~~—

(a) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to this section subsection (6). The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in s. 380.031(5). For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.

(b) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category. In addition to the requirements of subsection (15) (14), the development order shall specify the amount of development approved within each land use category. Development undertaken in conformance with a development order issued under this section does not require further review.

(c) If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity, *changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria listed in paragraph (19)(b) shall be double those listed in the local government shall make a substantial deviation determination in regard to that proposal, pursuant to subsection (17).*

(d) The provisions of subsection (9) (9) do not apply to this subsection.

(23)(22) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY AND REGIONAL PLANNING AGENCIES.—

(a) The state land planning agency shall adopt rules to ensure uniform procedural review of developments of regional impact by the state land planning agency and regional planning agencies under this section. These rules shall be adopted pursuant to chapter 120 and shall include all forms, application content, and review guidelines necessary to implement developments-of-regional-impact review. *The state land planning agency, in consultation with the regional planning agencies may also designate types of development or areas suitable for development in which reduced information requirements for development-of-regional-impact review shall apply.*

(b) All Regional planning agencies shall develop a list of regional issues to be used in reviewing development-of-regional-impact applications for development approval. *Such regional issues shall be consistent with state laws and rules where state laws and rules on those issues exist. Within 9 months of the effective date of this paragraph,* These lists of regional issues must be submitted to the state land planning agency for its adoption or rejection. Should a new agency be designated a regional planning agency pursuant to s. 380.031(15), that agency shall have 9 months from its date of designation to submit a list of regional issues to the state land planning agency for its adoption or rejection.

(c) Regional planning agencies shall be subject to rules adopted by the state land planning agency; however, a regional planning agency may adopt additional rules, not inconsistent with rules adopted by the state land planning agency, to promote efficient review of developments-of-regional-impact applications. Regional planning agency rules shall be adopted pursuant to chapter 120.

(24)(23) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital which has a designed capacity of not more than 100 beds is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section, except any steam or solar electrical generating facility of less than 50 megawatts in capacity attached to a development of regional impact.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.
2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.
3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(25)(24) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT PLAN.—

(a) An authorized "developer," ~~as defined in paragraph (a),~~ may submit an areawide development of regional impact plan to be reviewed pursuant to the procedures and standards for development of regional-impact-review set forth in this section. *The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required by rule pursuant to this section.* After review and approval of an areawide development of regional impact plan under this section, all development within the defined planning area shall ~~must~~ conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development-of-regional-impact review, unless ~~such review is~~ otherwise provided for in the development order. ~~(a)~~ As used in this subsection, the term:

1. "Areawide development plan" means a plan of development that, at a minimum:

a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;

b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;

c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;

d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and

e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.

~~1. "Areawide development plan" means a plan of development that encompasses a defined planning area that will include at least two or more developments.~~

2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.

(b) The state land planning agency shall establish by rule procedures and criteria for a developer to petition for authorization to submit a proposed areawide development of regional impact plan for a defined planning area. At a minimum, the rules shall provide for:

1. ~~The submission of~~ A petition that shall be submitted to the local government, the regional planning agency, and the state land planning agency. Such petition shall include proof that timely, actual notice has been provided by the petitioner to each every person owning land within the proposed areawide development plan. This notice shall be in addition to other notice of public hearings as required by this act.

2. ~~The provision of~~ A public hearing or joint public hearing if required by paragraph (e) (d), with appropriate notice, before the affected local government.

3. ~~The provision of~~ Criteria for evaluating a petition, including, but not limited to:

a. Whether the developer is financially capable of processing the application for development approval through to final approval pursuant to this section.

b. Whether the defined planning area and anticipated development therein in the defined planning area appear to be of such a character, magnitude, and location that a proposed areawide development plan would will be in the public interest. The rules shall specify that any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.

4. ~~The provision of~~ Standard forms for petitions and applications for development approval for use under this subsection.

(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that which petition requests the local government to approve that such person as a developer, whether or not any or all development will be undertaken by that such person, and to approve the area as appropriate for an areawide development of regional impact.

(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only after:

1. Scheduling and conducting a public hearing as specified in paragraph (e); and

2. After conducting such hearing, finding that the planning area meets the standards and criteria established by the state land planning agency pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.

(e)(d) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. ~~At least 30 days prior to the public hearing,~~ The local government shall specifically notify in writing the regional planning agency and the state land planning agency ~~at least 30 days prior to the public of the hearing.~~ At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for, and benefits of, an areawide development of regional impact, and such other issues relevant to a full consideration of the petition.

2. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such joint hearing shall address, at a minimum, the need to resolve conflicting ordinances or comprehensive plans, if any. The local government ~~holding which holds~~ the joint hearing shall comply with the following additional requirements:

1.a. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.

2.b. The notice of the hearing shall be given to the state land planning agency, to the applicable regional planning agency, and to such any other persons as who may have been designated by the state land planning agency as entitled to receive such notices.

3.e. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

(f)(e) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. ~~It The local government shall approve the petitioner as the developer if it the local government finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, established by the state land planning agency.~~

(g)(f) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency, within 30 days after the order becomes effective.

(h)(g) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.

(i)(h) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact plan for land within the defined planning area, pursuant to subsection (6). ~~The undertaking of Development undertaken~~ in conformance with an areawide development order issued under this section shall does not require further development-of-regional-impact review.

(j)(i) In reviewing an application for a proposed areawide development of regional impact plan, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:

1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact plan.

2. Whether the developer has demonstrated that all property owners within the defined planning area consent, or do not object to, the proposed areawide development of regional impact plan.

3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans *except as provided for in paragraph (k).*

(k)(j) In addition to the requirements of subsection (14) ~~(13)~~, a development order approving, or approving with conditions, a proposed areawide development of regional impact plan shall specify the approved land uses and the amount of development approved *within for* each land

use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan *except that a local government may amend its comprehensive plan pursuant to s. 380.06(6)(b).*

(l)(k) Any owner of property within the defined planning area may withdraw his consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, *the areawide development order*, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued ~~plan is approved~~, a landowner may withdraw his consent only with the approval of the local government.

(m) *If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:*

1. *Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and*

2. *The option to withdraw consent does not apply and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.*

(n)(l) After a development order approving an areawide development plan is received, ~~the developer shall submit any proposed changes shall be subject to the provisions of to the local government for a modification of the development order and a substantial deviation determination pursuant to subsection (19) (17), except the percentages and numerical criteria listed in paragraph (19)(b) shall be double those listed. A proposed change in the type of land use or an increase in the amount of development shall be presumed to create a substantial deviation.~~

Section 4. Section 380.061, Florida Statutes, is created to read:

380.061 Florida's Quality Developments program.—

(1) There is hereby created the Florida's Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire.

(2) Developments which may be designated as Florida's Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development-of-regional-impact review pursuant to s. 380.06.

(3)(a) As a condition precedent for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment with the Board of Trustees of the Internal Improvement Trust Fund, or to the appropriate water management district created pursuant to chapter 373, to donate the fee or a lesser interest sufficient to protect in perpetuity the natural attributes of the following types of lands:

a. Wetlands and waterbodies within the jurisdiction of the Department of Environmental Regulation pursuant to s. 403.8171. This requirement may be waived where the department asserts jurisdiction over man-made canals or other artificially created waterbodies and the developer proposes a plan to redesign them in a manner which will more nearly approach a naturally functioning system. The developer may use such areas for the purpose of stormwater or domestic sewage management to the extent that such use is permitted pursuant to chapter 403.

b. Active beach or primary and secondary dunes and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Archives, History and Records Management of the Department of State.

d. Habitat known to be significant to one or more endangered or threatened plant and animal species designated by the U.S. Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission or the Department of Agriculture and Consumer Services.

2. In lieu of the requirement in subparagraph 1., the developer may enter into a binding commitment which runs with the land to set aside such areas on the property as open space to be retained in a natural condition in perpetuity.

3. Produce, or dispose of, no substances designated as hazardous or toxic substances by the U.S. Environmental Protection Agency or by the Department of Environmental Regulation or the Department of Agriculture and Consumer Services.

4. Participation in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

5. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves or outstanding Florida waters.

6. Include open space, recreation areas, energy conservation, and minimize impermeable surfaces as appropriate to the location and type of project.

7. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded infrastructure and phase the development to insure that public infrastructure will be operational when needed.

8. Enter into a binding commitment with the state land planning agency to design and construct the development in a manner which is consistent with the adopted state plan, state land development plan, and the applicable adopted local government comprehensive plan.

(b) In addition to the foregoing requirements, the developer is encouraged to plan his development in a manner which considers innovative design and the quality of life of the people who will live and work in or near the development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.

(4) To apply for designation as one of Florida's Quality Developments, the developer shall submit an application which consists of:

(a) A series of large-scale maps which clearly depict the following information:

1. General location of the project.
2. Existing topography, indicating the project boundaries and those areas prone to flooding during a 100-year storm event.
3. Existing land uses showing existing uses on and abutting the project site.
4. Soils, for which a Soil Conservation Service soils survey may be used.
5. Vegetation associations, indicating the total acreage of each association, using Level III of The Florida Land Use and Cover Classification System.
6. The master drainage plan, delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals and other major drainage features.
7. The proposed plan of development which shows, at least, the proposed land uses, the type and location and density of each activity; recreation and open space; retained natural areas; points of sewage discharge; landfills or other waste disposal sites; well sites; sewage treatment facilities; roads and other capital improvements; and additional information to give a full and complete depiction of the types and location of activities which will occur within the development. If the project will have a proposed completion date of greater than 10 years from the start of construction, this information shall include the planned project phasing.
8. Existing highway and transportation network within a 5-mile radius from the project, indicating level of service.

(b) A recent vertical aerial photograph of the area clearly depicting the development boundaries.

(c) Agreements and other documentation sufficient to demonstrate compliance with subsection (3).

(5)(a) The developer shall submit the application to the state land planning agency, the appropriate regional planning agency, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in s. 120.60, except that the 90-day time limit shall cease to run when all three entities reviewing the project have notified the applicant of their decision on whether the development should be designated under this program.

(b) If all three reviewing entities agree that the project should be designated under this program, the state land planning agency shall issue a development order which incorporates the plan of development as set out in the application along with any agreed upon modifications and conditions and a certification that the development is designated as one of Florida's Quality Developments. Upon designation, the development, as approved, is exempt from development-of-regional-impact review pursuant to s. 380.06.

(c) If one or more of the reviewing entities recommends against designation, the development shall undergo development-of-regional-impact review pursuant to s. 380.06, except as provided in subsection (6) of this section.

(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of the Department of Environmental Regulation, the Executive Director of the Florida Game and Fresh Water Fish Commission, the Executive Director of the Department of Natural Resources, the executive director of the appropriate water management district created pursuant to chapter 373, the executive director of the appropriate regional planning agency, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development appeal to the board, the Director of the Division of Archives, History and Records Management of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.

(b) The board shall meet once each quarter of the year. However, a meeting may be waived if no appeals are pending.

(c) On appeal, the sole issue shall be whether the development meets the statutory criteria for designation under this program. An affirmative vote of at least five members of the board, including the affirmative vote of the chief executive officer of the appropriate local government, shall be necessary to designate the development by the board.

(d) The state land planning agency shall adopt procedural rules for consideration of appeals under this subsection.

(7) The development order issued pursuant to this section is enforceable in the same manner as a development order issued pursuant to s. 380.06.

Section 5. Section 380.065, Florida Statutes, is created to read:

380.065 Certification of local government review of development.—

(1) By petition to the Administration Commission, a local government may request certification to review developments of regional impact that are located within the jurisdiction in lieu of the regional review requirements set forth in s. 380.06. Such petitions shall not be accepted by the commission until the state plan and the regional comprehensive policy plan have been adopted pursuant to chapter 186. To demonstrate the practicality of that certification program, the department shall work with at least one regional planning council where certification is desirable and feasible to have its comprehensive regional policy plan available for presentation to the Legislature no later than March 1, 1986. Once certified, the development of regional impact provisions of s. 380.06 shall not be applicable within such jurisdiction.

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act.

(b) The local government's comprehensive plan is consistent with the adopted state comprehensive plan and adopted regional comprehensive policy plans applicable to the local governmental jurisdiction.

(c) The local government has adopted land development regulations and a capital improvements program which are consistent with and effectively implement the local comprehensive plan, and which provide that no development order may be approved until adequate provision has been made for the services and infrastructure necessary to support the development.

(d) The local government has authority for, and has established an effective mechanism for resolving greater-than-local impacts of developments.

(e) The local government comprehensive plan shall provide for effective intergovernmental coordination, including a method to address any significant incompatibilities between and among local government comprehensive plans where implementation of such incompatible plan would result in a substantial adverse effect on the citizens of another local government.

(f) The local government shall have adopted procedures which permit orderly local citizen participation in at least one public hearing held during the local government review process.

(g) The local government has adequate review procedures and the financial and staffing resources necessary to assume responsibility for adequate review of developments.

(h) The local government has a record of effectively monitoring and enforcing compliance with development orders, permits, and chapter 380.

(3) Development orders issued pursuant to this section are subject to the provisions of s. 380.07; however, a certified local government's findings of fact and conclusions of law are presumed to be correct on appeal. The grounds for appeal of a development order issued by a certified local government under this section shall be limited to:

(a) Inconsistency with the local government's comprehensive plan or land use regulations.

(b) Inconsistency with the state land development plan and the state comprehensive plan.

(c) Inconsistency with any regional standard or policy identified in an adopted regional comprehensive policy plan for use in reviewing a development of regional impact.

(d) Whether the public facilities meet or exceed the standards established in the capital improvements plan required by s. 163.3177 and will be available when needed for the proposed development, or that development orders and permits are conditioned on the availability of the public facilities necessary to serve the proposed development. Such development orders and permit conditions shall not allow a reduction in the level of service for affected regional public facilities below the level of services provided in the adopted comprehensive regional policy plan.

(4) After a local government has been certified to conduct development-of-regional-impact review, that review responsibility may be revoked by the Administration Commission upon a determination, subject to the provisions of s. 120.57, that one or more of the criteria specified in subsection (2) is not being met.

(5) Upon revocation of certification, developments of regional impact shall be reviewed by the regional planning agency designated development-of-regional-impact review responsibilities for the region in which the local government is located, pursuant to s. 380.06.

(6) The Administration Commission shall adopt rules to implement this section.

(7) A county may petition to conduct development-of-regional-impact review within a municipality if approved by the municipality, or so provided in the county charter or a special act.

(8) Nothing contained herein shall abridge or modify any vested or other rights or any obligations pursuant to any development order which are now applicable to developments of regional impact.

(9) Development of regional impact with pending applications for development approval may elect to continue such review pursuant to s. 380.06.

(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 6. Section 380.0651, Florida Statutes, is created to read:

380.0651 Statewide guidelines and standards.—

(1) The statewide guidelines and standards for developments required to undergo development-of-regional-impact review provided in this section supersede the statewide guidelines and standards previously adopted by the Administration Commission that address the same development. The guidelines and standards shall be applied in the manner described in s. 380.06(2)(a).

(2) The Administration Commission shall publish the statewide guidelines and standards established in this section in its administrative rule in place of the guidelines and standards that are superseded by this act, without the proceedings required by s. 120.54 and notwithstanding the provisions of s. 120.545(1)(c). The Administration Commission shall initiate rulemaking proceedings pursuant to s. 120.54 to make all other technical revisions necessary to conform the rules to this act. Rule amendments made pursuant to this subsection shall not be subject to the requirement for legislative approval pursuant to s. 380.06(2)(d).

(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 presumed to be a development of regional impact:

- a. A new airport with paved runways.
- b. A new paved runway.
- c. A new passenger terminal facility.

2.a. Expansion of an existing runway or terminal facility by 25 percent or more on a commercial service airport or a general aviation airport with regularly scheduled flights shall be presumed to be a development of regional impact.

b. For the purpose of this section, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size, or the addition of jet aircraft utilizing the airport.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, sports arenas, stadiums, race tracks, tourist attractions, amusement parks, and pari-mutuel facilities, the construction or expansion of which:

1. For single performance facilities:

- a. Provides parking spaces for more than 2,500 cars; or
 - b. Provides more than 10,000 permanent seats for spectators; or
2. For serial performance facilities:

- a. Provides parking spaces for more than 1,000 cars; or
- b. Provides more than 4,000 permanent seats for spectators.

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.

(c) Industrial plants and industrial parks.—Any proposed industrial, manufacturing, or processing plant under common ownership, or any proposed industrial park under common ownership which provides sites for industrial, manufacturing, or processing activity which:

1. Provides parking for more than 2,500 motor vehicles; or
2. Occupies a site greater than 320 acres.

(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;
2. Has a total site size of 30 or more acres; or
3. Encompasses more than 600,000 square feet of gross floor area in counties with a population greater than 500,000 and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the comprehensive regional policy plan.

(e) Port facilities.—The proposed construction of any waterport or marina required to undergo development-of-regional-impact review, except those designed for:

1. The wet storage or mooring of less than 100 watercraft used exclusively for sport, pleasure or commercial fishing.
2. The dry storage of less than 150 watercraft used exclusively for sport, pleasure, or commercial fishing.
3. The wet or dry storage or mooring of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.
4. The dry storage of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

(f) Retail, service, and wholesale development.—Any proposed retail, service, or wholesale business establishment or group of establishments operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or
2. Occupies more than 40 acres of land; or
3. Provides parking spaces for more than 2,500 cars.

(g) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or
2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in counties with a population greater than 500,000, and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and the comprehensive regional policy plan.

(h) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(i) Multi-use development.—Any proposed development with two or more land uses under common ownership, development plan, advertising or management where the sum of the percentages of the appropriate thresholds identified in chapter 27F-2, Florida Administrative Code, or this section, for each land use in the development is equal to or greater than 130 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(j) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county.

(4) The state land planning agency shall recommend to the Administration Commission specific criteria to be used in determining whether two or more developments shall be aggregated and treated as a single development under this act. The Administration Commission shall adopt appropriate aggregation criteria by rule no later than March 1, 1986. The rule shall specify criteria that, in addition to common ownership or majority interest, shall require that one or more of the following factors

must exist: proximity, sharing of infrastructure, common advertising or management, or master plan or other corroborative documentation which includes each project in a unified plan of development.

Section 7. Subsection (5) is added to section 380.07, Florida Statutes, to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(5) *If an appeal is filed with respect to any issues within the scope of a permitting program authorized by chapter 161, chapter 373, or chapter 403, and for which a permit or conceptual review approval has been obtained prior to the issuance of a development order, any such issue shall be specifically identified in the notice of appeal which is filed pursuant to this section, together with other issues which constitute grounds for the appeal. The appeal may proceed with respect to issues within the scope of permitting programs for which a permit or conceptual review approval has been obtained prior to the issuance of a development order only after the commission determines by majority vote at a regularly scheduled commission meeting that statewide or regional interests may be adversely affected by the development. In making this determination, there shall be a rebuttable presumption that statewide and regional interests relating to issues within the scope of the permitting programs for which a permit or conceptual approval has been obtained are not adversely affected.*

Section 8. Paragraph (a) of subsection (2) of section 380.11, Florida Statutes, is amended, and paragraph (d) is added to said subsection to read:

380.11 Enforcement; procedures; remedies.—

(2) ADMINISTRATIVE REMEDIES.—

(a) *If the state land planning agency has reason to believe a violation of this part, s. 380.06, s. 380.065, s. 380.0551, or s. 380.0552 or of any rule, development order, or other order issued thereunder, or of any agreement entered into under s. 380.032(3) or s. 380.06(8) has occurred or is about to occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.*

(d) *The state land planning agency may institute an administrative proceeding against any developer or responsible party to obtain compliance with s. 380.06 and binding letters, agreements, rules, orders, or development orders issued pursuant to s. 380.032(3), s. 380.05, s. 380.06, or s. 380.07. The state land planning agency may seek enforcement of its final agency action in accordance with s. 120.69 or by written agreement with the alleged violator pursuant to s. 380.032(3).*

Section 9. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability and certification.—

(2) Except as provided in subsection (1), no construction of any transmission line may be undertaken without first obtaining certification under this act, but the provisions of this act do not apply to:

(b) Transmission lines which have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of Community Affairs or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(20)(17).

Section 10. There is hereby appropriated from the General Revenue Fund of the state to the Department of Community Affairs the sum of \$150,000 to be used for the study of undeveloped platted lands and antiquated subdivisions in the State of Florida. One hundred thousand dollars of the total amount shall be used by the Department of Community Affairs to retain experts or consultants who shall prepare reports and suggest legislation on methods of deplating antiquated subdivisions, on providing incentives for voluntary reassembly or replating platted or subdivided lands, and on maintaining a proper balance between private property rights and the state's interest in the regulation of antiquated subdivisions and promoting well-planned developments and appropriate land usage throughout the state. The remaining \$50,000 shall be utilized by the Department of Community Affairs for its staff costs and expenses, including travel, in supporting, coordinating and reviewing the work of the consultants retained to work on the platted lands project.

Section 11. This act shall take effect October 1, 1985, except that this section, section 10, and subsection (8) of section 380.06, Florida Statutes, shall take effect July 1, 1985.

Senator Stuart moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 41, strike all of lines 1-6 and insert:

Anyone claiming vested rights under this paragraph must so notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, any commencing of development upon which there has been reliance and change of position shall vest the applicant's rights until June 30, 1990. Where the notification requirements have not been met, the vested rights authorized for this section shall expire June 30, 1986

Amendment 1 as amended was adopted.

Senator Stuart moved the following amendment which was adopted:

Amendment 2—In title, on pages 1, 2 and 3, strike everything before the enacting clause and insert: A bill to be entitled An act relating to land development regulation; amending s. 380.031, F.S.; revising a definition; amending s. 380.032, F.S.; providing for approval of certain rules by the Administration Commission; amending s. 380.06, F.S., relating to developments of regional impact; providing for adoption of statewide guidelines and standards; providing for variation of thresholds in statewide guidelines and standards; requiring that a developer obtain a binding letter of interpretation under certain circumstances; authorizing local governments to petition that development in an adjacent jurisdiction obtain a binding letter; revising time period for issuance of binding letters; providing a time period after which certain binding letters expire; deleting certain provisions relating to local governments which have no subdivision or zoning ordinances; specifying effect on state and regional permits; providing for concurrent consideration of related local government comprehensive plan amendments; authorizing preliminary development agreements; authorizing developer to elect a conceptual agency review by certain permitting agencies; removing provisions which establish an optional coordinated review process; requiring development orders to contain dates until which the approved development will not be subject to down-zoning, unit density reduction, or intensity reduction, except in certain circumstances; providing criteria for development orders that require certain contributions by developers; authorizing the state land planning agency to record certain notices; providing certain credits and other related provisions for developers who are required to make contributions; revising procedures and criteria for substantial deviation determinations; providing for expiration of certain provisions relating to vested rights; deleting requirement for biweekly notice of applications for development; revising provisions for changes to development orders of downtown development authorities; authorizing the state land planning agency and the regional planning agencies to develop rules relating to reduced information requirements; providing that a general purpose local government shall not have to petition itself to prepare an application for an areawide development plan; making certain provisions with regard to property owner consent and withdrawal of consent if the developer of an areawide development is a general purpose local government; revising provisions for changes to areawide development plans; creating s. 380.061, F.S.; providing for Florida's Quality Developments Program; creating s. 380.065, F.S.; providing for certification of local review of development in lieu of regional review; creating s. 380.0651, F.S.; providing statewide presumptive guidelines and standards; amending s. 380.07, F.S.; providing additional appeal procedures; amending s. 380.11, F.S.; revising power of state land planning agency with respect to administrative remedies; amending s. 403.524, F.S.; correcting cross-references; providing an effective date.

On motion by Senator Stuart, by two-thirds vote CS for CS for CS for SB 441 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crawford	Girardeau	Hill
Beard	Deratany	Gordon	Jenne
Carlucci	Dunn	Grant	Jennings
Childers, D.	Fox	Grizzle	Johnson
Childers, W. D.	Frank	Hair	Kirkpatrick

Kiser	Margolis	Peterson	Thomas
Langley	McPherson	Plummer	Thurman
Malchon	Meek	Scott	Vogt
Mann	Myers	Stuart	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Gersten, Neal

CS for HB 287—A bill to be entitled An act relating to growth management; creating the Growth Management Act of 1985; amending s. 380.031, F.S.; revising a definition; amending s. 380.032, F.S., relating to powers of state land planning agency; providing for state and regional planning agency rules with respect to developments of regional impact; amending s. 380.06, F.S., relating to developments of regional impact; providing for statewide guidelines and standards and specifying thresholds applicable thereto; providing application; providing for threshold variations; providing that a developer may be required to obtain a binding letter of interpretation under certain circumstances; authorizing local governments to petition that development in an adjacent jurisdiction obtain a binding letter; providing for expiration; revising exemptions; requiring certain notification with respect to claims to vested rights; providing expiration dates with respect thereto; specifying when a developer required to undergo development of regional impact review may undertake development; specifying effect on state and regional permits; providing for applications for development approval; providing for consideration of related local government comprehensive plan amendments; authorizing preliminary development agreements and certain subthreshold development; revising provisions relating to downtown development authorities and areawide developments; authorizing conceptual agency review by certain permitting agencies in conjunction with development of regional impact review; removing provisions which establish an optional coordinated review process; revising criteria for developments located within or outside areas of critical state concern; revising requirements for local government issuance of a development order; providing criteria for development orders that require certain contributions by developers; providing for certain credits and other related provisions for developers required to make contributions; imposing conditions on development orders that require developer contributions; requiring certain commitments by local governments; providing for substantial deviations from approved developments; removing certain publication of notice requirements; creating s. 380.0651, F.S.; providing statewide guidelines and standards; creating s. 380.065, F.S.; authorizing certification of local governments to conduct review of developments of regional impact under certain circumstances; amending s. 380.07, F.S.; providing requirements with respect to certain appeals to the Florida Land and Water Adjudicatory Commission; amending s. 380.11, F.S.; revising power of state land planning agency with respect to administrative remedies; amending s. 403.524, F.S.; correcting references; creating s. 380.061, F.S.; creating the Florida's Quality Developments program; providing requirements for such designation; providing that designated projects are exempt from development of regional impact review; providing for appeal to a Quality Developments Review Board; amending s. 161.021, F.S.; providing definitions with respect to beach and shore preservation; amending s. 161.053, F.S., relating to coastal construction and excavation; providing for hearings; providing for the adoption and reestablishment of coastal construction control lines; restricting permitting authority for certain structures seaward of a designated erosion line; revising penalty provisions; revising exemptions and provisions relating to purchase of land; amending s. 161.0535, F.S.; revising provisions relating to the fee schedule for permits; amending s. 161.054, F.S.; revising administrative penalty and liability provisions; creating ss. 161.52-161.58, F.S., the "Coastal Zone Protection Act of 1985"; providing legislative intent; providing definitions; providing requirements with respect to the expenditure of state funds in coastal building zones and barrier islands; providing requirements for construction within the coastal building zone and barrier islands; providing for local enforcement; providing requirements with respect to vehicular traffic on coastal beaches; authorizing certain fees; providing penalties; creating s. 380.26, F.S.; providing for establishment of coastal building zones for certain counties; creating s. 380.27, F.S.; creating an Interagency Management Committee and providing duties with respect to coastal issues and problems; amending s. 403.813, F.S., relating to permits issued at district centers; specifying that certain exemptions do not affect the requirements of chapter 161; revising ss. 163.3161-163.3211, F.S., the Local Government Comprehensive Planning Act of 1975; revising the short title and definitions; deleting application of act to special districts; requiring

preparation or amendment of comprehensive plans by counties and municipalities; requiring submission to state and regional planning agencies; providing deadlines for establishment of planning agency and preparation of plan by newly established municipalities; requiring preparation of plan by regional planning agency under certain circumstances and providing for compensation; providing application to Reedy Creek Improvement District; repealing s. 163.3171(4), F.S., relating to said district; deleting requirement of passage of ordinance of intent to exercise authority under the act; revising provisions relating to designation of local planning agencies and appropriations of funds therefor; specifying responsibilities of such agencies; revising required elements of the comprehensive plan; requiring certain water needs assessments; deleting certain requirements for adoption of coastal elements; providing for criteria for review of plan elements; repealing s. 163.3177(7)(e), F.S., relating to an optional public services and facilities element; creating s. 163.3178, F.S.; providing for contents of coastal management elements of comprehensive plans; providing that certain port-related activities are not developments of regional impact; revising requirements relating to adoption of comprehensive plans and submission to specified agencies; providing duties of state, regional and local land planning agencies; providing for appeal and hearings; providing for ineligibility for certain funding and for effect on certain permits and land conveyances; providing for ineligibility for specified grants and revenue sharing; providing that local governments may be required to submit land development regulations; revising procedures for, and providing restrictions on, amendment of comprehensive plans; requiring submission of current plans to the state land planning agency by a specified date; providing for updating plans on file; revising procedures for amendment of plans based on periodic evaluation reports; providing for conforming land development regulations to adopted plans; specifying status of prior plans; creating s. 163.3202, F.S.; providing requirements with respect to land development regulations; revising provisions relating to cooperation by other agencies, technical advisory committees, and conflicts with other statutes; creating s. 163.3215, F.S.; providing for enforcement; providing for actions for injunctive or other relief; providing procedures; authorizing certain sanctions; repealing ss. 163.160-163.315, F.S., relating to county and municipal planning, zoning, and subdivision regulation, and providing legislative intent with respect to such repeal; amending s. 171.062, F.S., relating to municipal annexation; revising provisions which restrict changes in density; amending s. 235.193, F.S.; providing requirements with respect to planning location of educational facilities; amending s. 186.507, F.S.; providing for establishment of regional data bases by regional planning councils; creating a committee for the study of substate district boundaries and providing for reports; providing an appropriation to the Department of Community Affairs for the study of undeveloped platted lands and antiquated subdivisions; directing that changes in terminology in the Florida Statutes be made; providing effective dates.

—was read the second time by title.

Senator Stuart moved the following amendment:

Amendment 1—On page 7, line 2, strike everything after the enacting clause and insert:

Section 1. Section 161.053, Florida Statutes, is amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(1) The Legislature finds and declares that the beaches in this state and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe fluctuations and represent one of the most valuable natural resources of Florida and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, and endanger adjacent property and the beach-dune system. In furtherance of these findings, it is the intent of the Legislature to provide that the department establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean or the Gulf of Mexico. Such lines shall be established so as to define that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. However, the department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm surge, provided such segment or segments do not extend beyond the landward toe of the coastal barrier dune structure that intercepts the 100-year storm surge. Such segment or segments shall not

be established if adequate dune protection is provided by a state-approved dune management plan. Special siting and design considerations shall be necessary seaward of established coastal construction control lines to ensure the protection of the beach-dune system, proposed or existing structures, and adjacent properties.

(2) Coastal construction control lines shall be established by the department only after it has been determined from a comprehensive engineering study and topographic survey that the establishment of such control lines is necessary for the protection of upland properties and the control of beach erosion. No such line shall be set until a public hearing has been held *in* for each affected county area involved. After the department has given consideration to the results of such public hearing, it shall, after considering ground elevations in relation to historical storm and hurricane tides, predicted maximum wave uprush, beach and offshore ground contours, the vegetation line, erosion trends, the dune or bluff line, if any exist, and existing upland development, set and establish a coastal construction control line and cause such line to be duly recorded in the public records of any county and municipality affected and shall furnish the clerk of the circuit court in each county affected a survey of such line with references made to permanently installed monuments at such intervals and locations as may be considered necessary. *However, no coastal construction control line shall be set until a public hearing has been held by the Governor and Cabinet and the affected persons have an opportunity to appear. The hearing shall constitute a public hearing and shall satisfy all requirements for a public hearing pursuant to s. 120.54(3). The hearing shall be noticed in the Florida Administrative Weekly in the same manner as a rule. Any coastal construction control line adopted pursuant to this section shall not be subject to a s. 120.54(4) rule challenge or a s. 120.54(17) drawout proceeding, but once adopted shall be subject to a s. 120.56 invalidity challenge. The rule shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13).* Upon the establishment, approval, and recordation of such control line or lines, no person, firm, corporation, or governmental agency shall construct any structure whatsoever seaward thereof; make any excavation, remove any beach material, or otherwise alter existing ground elevations; drive any vehicle on, over, or across any sand dune; or damage or cause to be damaged such sand dune or the vegetation growing thereon seaward thereof except as hereinafter provided. Control lines established under the provisions of this section shall be subject to review at the discretion of the department after consideration of hydrographic and topographic data which indicates shoreline changes that render established coastal construction control lines to be ineffective for the purposes of this act or at the written request of officials of affected counties or municipalities. Any riparian upland owner who feels that such line as established is unduly restrictive or prevents a legitimate use of his property shall be granted a review of the line upon written request. After such review, the department shall decide if a change in the control line as established is justified and shall so notify the person or persons making the request. The decision of the department shall be subject to judicial review as provided in chapter 120.

(3) *It is the intent of the Legislature that any coastal construction control line that has not been updated since June 30, 1980, shall be considered a critical priority for reestablishment by the department. In keeping with this intent, the department shall notify the Legislature if all such lines cannot be reestablished by June 30, 1989, so that the Legislature may subsequently consider interim lines of jurisdiction for the remaining counties.*

(4)(3) Any coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the provisions of this section, provided such zones and codes are approved by the department as being adequate to protect the shoreline from erosion and safeguard adjacent structures. Exceptions to locally established coastal construction zoning and building codes shall not be granted unless previously approved by the department. It is the intent of this subsection to provide for local administration of established coastal construction control lines through approved zoning and building codes where desired by local interests and where such local interests have, in the judgment of the department, sufficient funds and personnel to adequately administer the program. Should the department determine at any time that the program is inadequately administered, the department shall have authority to revoke the authority granted to the county or municipality.

(5)(4) Except in those areas where local zoning and building codes have been established pursuant to subsection (4) (3), a permit to alter, excavate, or construct on property seaward of established coastal construction control lines may be granted by the department as follows:

(a) The department may authorize an excavation or erection of a structure at any coastal location as described in subsection (1) upon receipt of an application from a property and/or riparian owner and upon the consideration of facts and circumstances, including adequate engineering data concerning shoreline stability and storm tides related to shoreline topography, design features of the proposed structures or activities, and potential impacts of the location of such structures or activities including potential cumulative effects of any proposed structures or activities upon such beach-dune system, which, in the opinion of the department, clearly justify such a permit.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if the existing structures have not been unduly affected by erosion, a proposed structure may, at the discretion of the department, be permitted along such line on written authorization from the department if such structure is also approved by the department. However, the department shall not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, those requirements provided herein.

(c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat pursuant to s. 370.12 and to native salt-resistant vegetation and endangered plant communities.

(6)(a) *As used in this subsection:*

1. "Frontal dune" means the first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

2. "Seasonal high-water line" means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.

(b) After October 1, 1985, and notwithstanding any other provision of this part, the department, or a local government to which the department has delegated permitting authority pursuant to subsections (4) and (15), shall not issue any permit for any structure, other than a coastal or shore protection structure, minor structure, or pier, meeting the requirements of this part, or other than intake and discharge structures for a facility sited pursuant to part II of chapter 403, which is proposed for a location which, based on the department's projections of erosion in the area, will be seaward of the seasonal high-water line within 30 years after the date of application for such permit. The procedures for determining such erosion shall be established by rule. In determining the area which will be seaward of the seasonal high-water line in 30 years, the department shall not include any areas landward of a coastal construction control line.

(c) Where the application of paragraph (b) would preclude the construction of a structure, other than a coastal or shore protection structure, minor structure, pier, or intake and discharge structures for a facility sited pursuant to part II of chapter 403, the department may issue a permit for a single-family dwelling for the parcel so long as:

1. The parcel for which the single-family dwelling is proposed was platted or subdivided by metes and bounds before the effective date of this section;

2. The owner of the parcel for which the single-family dwelling is proposed does not own another parcel immediately adjacent to and landward of the parcel for which the dwelling is proposed;

3. The proposed single-family dwelling is located landward of the frontal dune structure; and

4. The proposed single-family dwelling will be as far landward on its parcel as is practicable without being located seaward of or on the frontal dune.

(d) In determining the land areas which will be below the seasonal high-water line within 30 years after the permit application date, the department shall consider the impact on the erosion rates of an existing beach renourishment or restoration project or a beach renourishment or restoration project for which all funding arrangements have been made and all permits have been issued at the time the application is submitted by considering that each year that there is sand seaward of the ero-

sion control line that no erosion took place that year. However, the seaward extent of the artificial accretion beyond the erosion control line shall not be considered in determining the applicable erosion rates. Nothing in this subsection shall prohibit the department from requiring structures to meet criteria established in subsection (1), subsection (2), or subsection (5) or to be further landward than required by this subsection based on the criteria established in subsection (1), subsection (2), or subsection (5).

(e) The department shall annually report to the Legislature the status of this program, including any changes to the previously adopted erosion projections.

(7)(5) Any coastal structure erected, or excavation created, in violation of the provisions of this section is hereby declared to be a public nuisance; and such structure shall be forthwith removed or such excavation shall be forthwith refilled after written notice by the department directing such removal or filling. In the event the structure is not removed or the excavation refilled within a reasonable time as directed, the department may remove such structure or fill such excavation at its own expense; and the costs thereof shall become a lien upon the property of the upland owner upon which such unauthorized structure or excavation is located.

(8)(6) Any person, firm, corporation, or agent thereof who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; except that a person driving any vehicle on, over, or across any sand dune and damaging or causing to be damaged such sand dune or the vegetation growing thereon in violation of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person, firm, corporation, or agent thereof shall be deemed guilty of a separate offense for each day month during any portion of which any violation of this section is committed or continued.

(9)(7) The provisions of this section do not apply to structures intended for shore protection purposes which are regulated by s. 161.041 or to structures existing or under construction prior to the establishment of the coastal construction control line as provided herein, provided such structures may not be materially altered except as provided in subsection (5)(4).

(10)(8) The department may by regulation exempt specifically described portions of the coastline from the provisions of this section when in its judgment such portions of coastline because of their nature are not subject to erosion of a substantially damaging effect to the public.

(11)(9) Pending the establishment of coastal construction control lines as provided herein, the provisions of s. 161.052 shall remain in force. However, upon the establishment of coastal construction control lines, or the establishment of coastal construction zoning and building codes as provided in subsection (4)(3), the provisions of s. 161.052 shall be superseded by the provisions of this section.

(12)(10) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection (6) do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. The department may, however, at its discretion, issue a permit for the repair or rebuilding within the confines of the original foundation of a major structure pursuant to the provisions of subsection (5). Under no circumstances shall the department permit such repairs or rebuilding that expand the capacity of the original structure seaward of the 30-year erosion projection established pursuant to subsection (6). However, in reviewing applications for rebuilding, the department shall specifically consider changes in shoreline conditions, the availability of other rebuilding options, and the design adequacy of the project sought to be rebuilt. Permits issued under this subsection shall not be considered precedential as to the issuance of subsequent permits. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

(13)(11) Concurrent with the establishment of a coastal construction control line and the ongoing administration of this chapter, the executive director of the department shall make recommendations to the Governor and Cabinet as head of the department concerning the purchase of

the fee or any lesser interest in any lands seaward of the control line pursuant to the state's *Save our Coast, Conservation and Recreation Lands, or Outdoor Recreation Land acquisition programs as environmentally endangered lands or as outdoor recreation lands*; and, with respect to those control lines established pursuant to this section prior to June 14, 1978, the executive director may make such recommendations.

(14)(12) A coastal county or municipality fronting on the Gulf of Mexico or the Atlantic Ocean shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located seaward of the line established by the department pursuant to the provisions of this section. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

(15)(13) In keeping with the intent of subsection (4) (3), and at the discretion of the department, authority for permitting certain types of activities which have been defined by the department may be delegated by the department to a coastal county or coastal municipality. Such partial delegation shall be narrowly construed to those particular activities specifically named in the delegation and agreed to by the affected county or municipality; and the delegation may be revoked by the department at any time if it is determined that the delegation is improperly or inadequately administered.

Section 2. Section 161.0535, Florida Statutes, is amended to read:

161.0535 Permits; fees, costs.—The department may establish by rule a fee schedule and may assess fees for the filing, processing, and issuance of permits issued pursuant to s. 161.041 and s. 161.053. The fee schedule shall contain categories of permits based on the varying costs of evaluating applications for different types of proposed construction. The fee schedule shall be based on the actual costs of administering these permitting programs, ~~less the amounts appropriated by the Legislature for such purposes~~. The department may also assess the applicant for the costs of public notice by publication prior to the consideration of these permit applications.

Section 3. Section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, *firm, corporation, or governmental agency*, or agent thereof, ~~of any person~~ refusing to comply with or willfully violating any of the provisions of s. 161.041, s. 161.052, or s. 161.053 or any rule or order prescribed by the department thereunder shall incur a fine for each offense in an amount up to \$10,000 to be fixed, imposed, and collected by the department. Each day during any portion of which such violation occurs constitutes a separate offense.

(2) Whenever any person, *firm, corporation, or governmental agency*, or agent thereof, ~~of any person~~ knowingly violates any of the provisions of s. 161.041, s. 161.052, or s. 161.053 so that damage is caused to *sovereignty lands seaward of mean high water or to beaches, shores, or beach-dune systems, including animal, plant, or aquatic life thereon*, such violator shall be liable for such damage. If two or more persons, *firms, corporations, or governmental agencies*, or their agents, cause damage, and if liability for such damage cannot be apportioned, each violator shall be jointly and severally liable for the damage. If, however, liability for such damage can be apportioned, each violator is liable only for that portion of the damage and subject to that portion of the fine attributable to his violation.

(3) The imposition of a fine or an award of damages pursuant to this section shall create a lien upon the real and personal property of the violator, enforceable by the department as are statutory liens under chapter 85. The proceeds of such fines and awards of damages shall be deposited in the Erosion Control Trust Fund.

(4) Fines imposed by the department or damages awarded shall be of such amount so as to ensure immediate and continued compliance with the provisions of ss. 161.041, 161.052, and 161.053.

Section 4. Sections 161.52, 161.53, 161.54, 161.55, 161.56, 161.57 and 161.58, Florida Statutes, are created to read:

161.52 Short title.—Sections 161.52-161.58 may be cited as the "Coastal Zone Protection Act of 1985."

161.53 Legislative intent.—

(1) The Legislature recognizes that coastal areas play an important role in protecting the ecology and the public health, safety, and welfare of the citizens of the state, that in recent years the coastal areas have been subjected to increasing growth pressures, and that unless these pressures are controlled, the very features which make coastal areas economically, aesthetically, and ecologically rich will be destroyed.

(2) The Legislature further recognizes that coastal areas form the first line of defense for the mainland against both winter storms and hurricanes, that the dunes of coastal areas perform valuable protective functions for public and private property, and that placement of permanent structures in these protective areas may lead to increased risks to life and property and increased costs to the public. Coastal areas often protect lagoons, salt marshes, estuaries, bays, marine habitats, and the mainland from the direct action of ocean waves or storm surges, absorb the forces of oceanic activity on their seaward sides and protect calmer waters and stable shores to their landward sides, and are dynamic geologic systems with topography that is subject to alteration by waves, storm surges, flooding, or littoral currents.

(3) The Legislature further recognizes that these coastal areas are among Florida's most valuable resources and have extremely high recreational and aesthetic value which should be preserved and enhanced. Coastal areas provide a unique habitat for birds, wildlife, marine life, and plant life and protect waters that are vital to the food chain.

(4) The Legislature further recognizes that there is a tremendous cost to the state for postdisaster redevelopment in the coastal areas and that preventive measures should be taken on a continuing basis in order to reduce the harmful consequences of natural and manmade disasters or emergencies.

(5) It is, therefore, the intent of the Legislature that the most sensitive portion of the coastal area shall be managed through the imposition of strict construction standards in order to minimize damage to the natural environment, private property, and life.

161.54 Definitions.—In construing ss. 161.52-161.58:

(1) "Coastal building zone" means the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico and not included under s. 161.053, a line 3,000 feet landward from the mean high-water line.

(2) "Coastal barrier islands" means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico, Atlantic Ocean, or Strait of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

(3) "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore."

(4) "Dune" means a mound or ridge or loose sediments, usually sand-sized sediments, lying landward of the beach, and deposited by any natural or artificial mechanism.

(5) "Construction" means the carrying out of any building, clearing, filling, or excavation or the making of any material change in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

(6)(a) "Major structure" means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.

(b) "Minor structure" means pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining

walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

(c) "Nonhabitable major structure" means swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

(d) "Coastal or shore protection structure" means shore-hardening structures, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, and aggregates of materials other than beach sand used for shoreline protection; beach and dune restoration; and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

The enumeration of types of structures in this subsection shall not be construed as excluding from the operation of ss. 161.52-161.58 any other structure which by its usage, design, dimensions, or structural configuration would require engineering consideration similar to the listed structures.

(7) "Building support structure" means any structure which supports floor, wall, or column loads, and transmits them to the foundation, including beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

(8) "Breakaway wall" or "frangible wall" means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under such conditions, the wall will fail in a manner such that it dissolves or breaks up into components that will not act as potentially damaging missiles.

(9) "Department" means the Department of Natural Resources.

(10) "State land planning agency" means the Department of Community Affairs.

(11) The "Standard Building Code" means the Standard Building Code as applied to the Florida Keys, except that the wind velocity factor shall be in accordance with s. 161.55(1)(e), or any local building code which has adopted the requirements of s. 161.55 and has been certified by the Board of Building Codes and Standards for compliance.

(12) When used in ss. 161.52-161.58, the terms defined in s. 177.27(1)-(31) shall have the same meaning as provided in said section.

161.55 Requirements for activities or construction within the coastal building zone.—The following requirements shall apply beginning March 1, 1986, to construction within the coastal building zone, and shall be minimum standards for construction in this area:

(1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.—

(a) Major structures shall conform to the Standard Building Code.

(b) Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI book A-119.1, pursuant to s. 320.823, in addition to the other major structure requirements contained within this section.

(c) Major structures shall also be designed and constructed to resist the anticipated wave, hydrostatic, and hydrodynamic loads accompanying a 100-year storm event.

(d) Major structures shall be securely fastened to their foundations and the foundation adequately braced and anchored in such a manner as to prevent flotation, collapse, or lateral displacement during a 100-year storm event.

(e) Major structures, except those conforming to the standards of paragraph (b), shall also be designed and constructed to withstand a wind velocity of no less than 140 miles per hour up to a height of 30 feet above the average surrounding ground level. Appropriate shape factors shall be applied in accordance with standard building code practice. Internal pressures on internal walls, ceilings, and floors resulting from damaged windows or doors shall also be considered in design.

(f) Major structures shall be elevated in such a manner as to locate the building support structure above the design breaking wave crests or wave uprush as superimposed on the storm surge of a 100-year storm. The storm surge of a 100-year storm shall be the elevation determined by the department either by model studies associated with coastal construction control line establishment or by acceptance of comparable data obtained by the Federal Emergency Management Agency. If a federal base-flood elevation or a department elevation has not been established in an area, the appropriate local government, after consultation with the department, shall establish a base-flood elevation based on the best available scientific and engineering data.

(g) Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, hydrodynamic, and wind loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade.

(h) No substantial walls or partitions shall be constructed below the level of the building support structure of a major structure. This does not preclude stairways; shearwalls perpendicular to the shoreline; shearwalls parallel to the shoreline, which are limited to a maximum of 20 percent of the building length; wind or sand screens constructed of fiber or wire mesh; light, open-lattice partitions with wooden lattice strips not greater than three-quarters of an inch thick and 3 inches wide; elevator shafts; breakaway or frangible walls; or substantial walls constructed above the wave action and storm surge of a 100-year storm event where the building support structure is above the minimum permissible elevation.

(2) STRUCTURAL REQUIREMENTS; MINOR STRUCTURES.—Minor structures need not meet specific structural requirements provided in paragraphs (1)(f), (g) or (h), except such structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

(3) STRUCTURAL REQUIREMENTS; NONHABITABLE MAJOR STRUCTURES.—Nonhabitable major structures need not meet specific structural requirements provided in paragraphs (1)(f), (g) or (h), except such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be flood proofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event.

(4) LOCATION OF CONSTRUCTION.—Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

(5) APPLICATION TO COASTAL BARRIER ISLANDS.—All building requirements applicable to the coastal building zone shall also apply to coastal barrier islands. No areas landward of a line that is 5,000 feet from the coastal construction control line shall be included in the coastal building zone unless the local government elects to include such areas under the requirements of the coastal building zone.

(6) PUBLIC ACCESS.—Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of public access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as the accessways provided by the developer are:

- (a) Of substantially similar quality and convenience to the public;
- (b) Approved by the local government; and

(c) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to s. 163.3178.

161.56 Establishment of local enforcement.—

(1) Each local government which is required to adopt a building code by s. 553.73 and which has a coastal building zone or some portion of a coastal zone within its territorial boundaries shall adopt, not later than March 1, 1986, as part of its building code, the requirements established in s. 161.55, and such requirements shall be enforced by the local enforcement agency as defined in s. 553.71.

(2) Each local government shall provide evidence to the state land planning agency that they have adopted a building code pursuant to this section. Within 90 days after March 1, 1986, the state land planning agency shall submit to the Administration Commission a list of those local governments which have not submitted such evidence of adoption. The sole issue before the Administration Commission shall be whether or not to impose sanctions pursuant to s. 163.3184(8).

(3) Nothing in ss. 161.52-161.58 shall be construed to limit or abrogate the right and power of the department to require permits or to adopt and enforce standards pursuant to 161.041 or 161.053 for construction seaward of the coastal construction control line or the rights or powers of local governments to enact and enforce setback requirements or zoning or building codes that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55.

161.57 Coastal properties disclosure statement.—

(1) The Legislature finds that it is necessary to ensure that the purchasers of interests in real property located in coastal areas partially or totally seaward of the coastal construction control line as defined in s. 161.053 are fully apprised of the character of the regulation of the real property in such coastal areas, and in particular that such lands are subject to frequent and severe fluctuations.

(2) The original developer or seller of such undeveloped real properties shall disclose the character of such real properties prior to purchase or agreement to purchase.

(3) As used in this section:

(a) "Interest in real property" means a nonleasehold, legal or other equitable interest in real property or any severable part thereof created by deed, contract, easement, or other instrument.

(b) "Purchaser" means a buyer, transferee, grantee, donee or other party acquiring an interest in real property.

(c) "Real property transaction" means the sale, grant, conveyance or other transfer of an interest in real property.

(4) All transactions involving the sale or transfer of real property or interest in real property from the original developer or seller to a purchaser of undeveloped real properties located either partially or totally seaward of the coastal construction control line as defined in s. 161.053 shall include, with the documents of transaction, the following disclosure statement:

THE LAND OR OTHER REAL PROPERTY INTEREST WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED EITHER PARTIALLY OR TOTALLY SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE AS DEFINED IN SECTION 161.053, FLORIDA STATUTES.

PURSUANT TO SECTION 161.053, FLORIDA STATUTES, NO PERSON, FIRM, CORPORATION OR GOVERNMENTAL AGENCY SHALL CONSTRUCT ANY STRUCTURE WHATSOEVER SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE; MAKE ANY EXCAVATION, REMOVE ANY BEACH MATERIALS, OR OTHERWISE ALTER EXISTING GROUND ELEVATIONS; DRIVE ANY VEHICLE ON, OVER, OR ACROSS ANY SAND DUNE; OR DAMAGE OR CAUSE TO BE DAMAGED SUCH SAND DUNE OR VEGETATION GROWING THEREON SEAWARD THEREOF EXCEPT AS PROVIDED IN SECTION 161.053 AND THE IMPLEMENTING RULES THEREOF.

(5) The provisions of this section do not apply to any transactions occurring prior to the effective date of this section.

161.58 Vehicular traffic on coastal beaches.—

(1) Vehicular traffic, except that which is necessary for clean-up, repair, or public safety, and except for authorized local or state dune crossovers, is prohibited on the dunes or native stabilizing vegetation of the dune system of coastal beaches. Except as otherwise provided in this section, any person driving any vehicle on, over, or across any dune or native stabilizing vegetation of the dune system shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Vehicular traffic, except that which is necessary for clean-up, repair, or public safety, or for the purpose of maintaining existing authorized public accessways, is prohibited on coastal beaches. Notwithstanding the provisions of this subsection, the local government with jurisdiction over a coastal beach or part of a coastal beach, by a three-fifths vote of its governing body, may authorize vehicular traffic on all or portions of the beaches under its jurisdiction. Any such local government shall be authorized by a three-fifths vote to charge a reasonable fee for vehicular traffic access. The revenues from any such fees shall be used only for beach maintenance purposes. Except where authorized by the local government, any person driving any vehicle on, over, or across the beach shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 380.26, Florida Statutes, is created to read:

380.26 Establishment of coastal building zone for certain counties.—The coastal building zone for counties not subject to s. 161.053 shall be as described in s. 161.54(1), after a public hearing is held in the affected county by the state land planning agency or its designee. The state land planning agency shall furnish the clerk of the circuit court in each county affected a survey of such line with references made to permanently installed monuments at such intervals and locations as may be necessary.

Section 6. Section 380.27, Florida Statutes, is created to read:

380.27 Coastal infrastructure policy.—

(1) No state funds or state lands shall be used for the purpose of constructing bridges or causeways to coastal barrier islands as defined in s. 161.54(2) which are not accessible by bridges or causeways on the effective date of this act.

(2) After a local government has an approved coastal management element pursuant to s. 163.3178, no state funds which were unobligated on the effective date of this act shall be expended for the purpose of planning, designing, excavating for, preparing foundations for, or constructing projects which increase the capacity of infrastructure unless such expenditure is consistent with the approved coastal management element.

(3) The state land planning agency shall, by March 1 of each year, prepare and transmit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the state's coastal barrier areas. The report shall assess the effectiveness of the state's coastal barrier area infrastructure policy on growth and development.

Section 7. Paragraphs (e) and (o) of subsection (2) of section 403.813, Florida Statutes, 1984 Supplement, are amended to read:

403.813 Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, or chapter 253, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(e) The restoration of seawalls at their previous locations or upland of, or within 1 foot waterward of, their previous locations. *However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.*

(o) The construction of private seawalls in waters of the state where such construction is between and adjoins at both ends existing seawalls, follows a continuous and uniform seawall construction line with the existing seawalls, is no more than 150 feet in length, and does not violate exist-

ing water quality standards, impede navigation, or affect flood control. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

Section 8. Paragraphs (a) and (b) of subsection (5) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the county or subcounty special taxing district which approved the ordinance levying and imposing the tax by referendum pursuant to subsection (6). However, these purposes may be implemented through service contracts and leases with persons who maintain and operate adequate existing facilities;

2. To promote and advertise tourism in the State of Florida and nationally and internationally; or

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county; or

4. To finance beach improvement, maintenance, renourishment, restoration, and erosion control.

(b) In any county in which the electors of the county or the electors of the subcounty special tax district have approved by referendum the ordinance levying and imposing the tourist development tax, the revenues to be derived from the tourist development tax may be pledged to secure and liquidate revenue bonds issued by the county for the purposes set forth in subparagraph (a)1. or subparagraph (a)4.

Senator Stuart moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 14, line 14, insert: 5. Minerals and soils.

Amendment 1B—On page 15, line 23, after “wildlife” insert: and marine life

Senator Langley moved the following amendments to Amendment 1 which were adopted:

Amendment 1C—On page 16, between lines 3 and 4, insert: 8. Protection of human life against the effects of natural disasters.

(Renumber subsequent subparagraphs.)

Amendment 1D—On page 20, line 15, after “to” insert: mitigate the threat to human life and

Senator Johnson moved the following amendment to Amendment 1 which was adopted:

Amendment 1E—On page 9, line 15, strike “stipulated in the charter.” and insert: agreed to by the charter county and any municipality. Absent such agreement, municipal planning responsibility shall be independent of the charter county, except as otherwise required by law.

Senator Langley moved the following amendment to Amendment 1 which was adopted:

Amendment 1F—On page 18, line 18, after “to” insert: protect human lives and

Amendment 1 as amended was adopted.

Senator Stuart moved the following amendment:

Amendment 2—On page 7, line 2, insert:

Section 1. Subsection (1) of section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(1) This part act shall be known and may be cited as the “Local Government Comprehensive Planning and Land Development Regulation Act of 1975.”

Section 2. Present subsections (1), (2), and (11) of section 163.3164, Florida Statutes, are amended and renumbered as subsections (2), (3), and (12), respectively, present subsections (3) through (10) and (12) through (19) are renumbered as subsections (4) through (11) and (13) through (20), respectively, and new subsections (1), (21), (22), and (23) are added to said section to read:

163.3164 Definitions.—As used in this act:

(1) “Administration Commission” means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote except that for purposes of imposing the sanctions provided in s. 163.3184(8) the Governor must be on the prevailing side.

(2)(1) “Area” or “area of jurisdiction” means the total area qualifying under the provisions of this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties. ~~In the case of municipalities where reserve areas have been designated for future annexation by law, the term “area” shall include, as being under the jurisdiction of the municipality for the purposes of this act, such unincorporated but designated and reserved lands.~~

(3)(2) “Comprehensive plan” means a plan that meets the requirements of s. 163.3177 and s. 163.3178.

(12)(11) “Local government” means any county or municipality ~~or any special district or local governmental entity established pursuant to law which exercises regulatory authority over, and grants development permits for, land development.~~

(21) “Land development regulation commission” means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

(22) “Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition shall not apply in s. 163.3213.

(23) “Public facilities” means major capital improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Section 3. Section 163.3167, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3167, F.S., for present text.)

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) Beginning on July 1, 1987 and on or before December 1, 1987 each county, beginning on January 1, 1988 and on or before December 1, 1988 each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and beginning on January 1, 1989 and on or before December 1, 1989 each other municipality in this state shall prepare a comprehensive plan of the type and in the manner set out in this act, or amend its existing plan to meet the requirements of this act. The time limits established in this subsection may be extended by the state land planning agency for a period of not longer than 6 months upon application to the state land planning agency by the governing body involved and based on a demonstration that the local government cannot meet the time limits established in this subsection. The state land planning agency shall, prior to July 1, 1986, adopt by rule a schedule of local governments required to submit revised comprehensive plans for review and rules regarding the extension of time.

(3) Each local government shall submit its complete comprehensive plan to the state land planning agency and the appropriate regional planning agency when it completes its amendment or adoption pursuant to subsection (2).

(4) When a local government has not prepared all of the required elements or 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, 1988, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required, by this subsection, to prepare prior to initiating the planning process. At least 60 days before the adoption by the regional planning agency of a comprehensive plan or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan or element or portion thereof to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan or element or portion thereof in accordance with s. 163.3184(4). Section 163.3184(5), (6) and (7) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2) or this subsection.

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

(6) Any comprehensive plan or element or portion thereof adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

(7) When a regional planning agency is required to prepare or amend a comprehensive plan or element or portion thereof pursuant to subsections (4) and (5), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (4) and (5) or by the time the plan, element, or portion thereof is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon failure to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the State Comptroller, request payment from

the State Comptroller from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the State Comptroller shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any 1 year.

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

(9) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order, and development has commenced and is continuing in good faith.

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

(11) Nothing in this part shall supersede any provision of sections 341.321-341.386.

Section 4. Subsection (4) of section 163.3171, Florida Statutes, is hereby repealed, and subsections (1) and (2) of said section are amended to read:

163.3171 Areas under this act.—

(1) ~~When exercising authority under this act,~~ A municipality shall exercise such authority *under this act* for the total area under its jurisdiction ~~upon the passage of an appropriate ordinance declaring its intent to do so.~~ Unincorporated areas adjacent to incorporated municipalities may be included in the area of municipal jurisdiction for the purposes of this act if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas, procedures for joint action in the preparation and adoption of the comprehensive plan, procedures for the administration of land development regulations or the land development code applicable thereto, and the manner of representation on any joint body or instrument that may be created under the joint agreement. Such joint agreement shall be formally stated and approved in appropriate official action by the governing bodies involved.

(2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1). ~~A county shall exercise such additional authority over municipalities within its boundaries under the circumstances and as set out in subsection 163.3167(4). The board of county commissioners shall by ordinance declare its intent to exercise the authority set out in this act.~~ In the case of chartered counties, the county may exercise such additional authority over municipalities or districts within its boundaries as is provided for in its charter.

Section 5. Section 163.3174, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3174, F.S., for present text.)

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. The governing body may designate itself as the local planning agency pursuant to this subsection. The governing body shall notify the state land planning agency of the establishment of its local planning agency. The local planning agency shall prepare the comprehensive plan after hearings to be held after due public notice and shall make recommendations to the governing body regarding the adoption of such plan or element or portion thereof. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

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

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

(2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.

(3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan and shall make recommendations to the governing body regarding the adoption of such plan or element or portion thereof. During the preparation of the plan and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with due public notice, on the proposed plan or element or portion thereof. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or any element thereof, but final recommendation of the adoption of such plan to the governing body shall be the responsibility of the local planning agency.

(b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by s. 163.3191.

(c) When the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission, review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan or element or portion thereof.

(d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

Section 6. Paragraphs (c) and (i) of subsection (6) and paragraph (e) of subsection (7) of section 163.3177, Florida Statutes, are hereby repealed, and subsection (3) and paragraphs (a), (d), (f), and (g) of subsection (6) of said section are amended, and subsection (9) is added to said section to read:

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

(3)(a) *The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and setting forth:*

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

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

3. *Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.*

4. *For areas served by septic tanks, soil surveys which indicate the suitability of soils for septic tanks.*

(b) *The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187, except that corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the capital improvements plan may be accomplished by ordinance and shall not be deemed amendments to the local comprehensive plan. All public facilities shall be consistent with the capital improvements element. ~~The economic assumptions on which the plan is based and any amendments thereto shall be analyzed and set out as a part of the plan. Those elements of the comprehensive plan requiring the expenditure of public funds for capital improvements shall carry fiscal proposals relating thereto, including, but not limited to, estimated costs, priority ranking relative to other proposed capital expenditures, and proposed funding sources.~~*

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for ~~residential uses housing, commercial uses business,~~ industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include ~~a statement of the standards to be followed in the control and distribution of population densities and building and structure intensities intensity as recommended for the various portions of the area.~~ *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 measurable goals, objectives, and policies. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area including the amount of land required to accommodate anticipated growth, the projected population of the area, the character of undeveloped land, the availability of public services, and the need for redevelopment including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.* The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure ~~insure~~ development in accord with the principles and standards of the comprehensive plan and this act. *The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection.*

(d) A conservation element for the conservation, ~~use, development, utilization,~~ and protection of natural resources in the area, including, ~~as the situation may be,~~ air, water, *water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs for a 10-year period. This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:*

1. *Existing and planned waterwells and cones of influence where applicable.*
2. *Beaches and shores, including estuarine systems.*
3. *Rivers, bays, lakes, flood plains, and harbors.*
4. *Wetlands.*

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

(f) A housing element consisting of standards, plans, and principles to be followed in:

1. The provision of housing for existing residents and the anticipated population growth of the area.
2. The elimination of substandard dwelling conditions.
3. The *structural and aesthetic* improvement of existing housing.
4. The provision of adequate sites for future housing, including housing for low-income and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and *public community* facilities ~~as described in paragraphs (6)(e) and (7)(e) and (f).~~
5. Provision for relocation housing and identification of *historically significant and other* housing for purposes of conservation, rehabilitation, or replacement.
6. The formulation of housing implementation programs.

(g) For those units of local government ~~identified in s. 380.24 lying in part or in whole in the coastal zone as defined by the Coastal Zone Management Act of 1972, 16 U.S.C. s. 1453(a), a coastal management zone protection 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 policies that shall guide the local government's decisions and program implementation with respect to the following objectives, including surveys of existing vegetation types which need to be preserved for natural control of dune and beach erosion and surveys of traditional patterns of public access and use of beach resources, setting out the policies for:~~

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Continued existence of *viable optimum* populations of all species of wildlife.
3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoidance of irreversible and irretrievable ~~loss commitments~~ of coastal zone resources.
5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.
6. Proposed management and regulatory techniques.
7. *Limitation of public expenditures that subsidize development in high-hazard coastal areas.*
8. *The orderly development and use of ports identified in s. 403.021(9) to facilitate deep-water commercial navigation and other related activities.*
9. *Preservation, including sensitive adaptive use of historic and archaeological resources.*

~~In addition, at least 60 days before the adoption by a governing body of the coastal zone protection element, the governing body shall transmit a copy of the proposed element to the [Department of Environmental Regulation] or its successor for written comment pursuant to s. 163.3184.~~

(9) *The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by s. 163.3177(3) and (6) and this act. Such rules shall not be subject to rule challenges under s. 120.54(4) or to drawout proceedings under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:*

- (a) *Proposed elements are in compliance with the requirements of part II, chapter 163, as amended by this act.*

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

(c) *The local government comprehensive plan elements are consistent with the state comprehensive plan, and the appropriate regional policy plan within 12 months after such plans become effective pursuant to s. 186.508(2).*

(d) *Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g).*

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

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

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

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

The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances, and upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plan.

Section 7. Section 163.3178, Florida Statutes, is created to read:

163.3178 Coastal management.—

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and to limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands, living marine resources, barrier islands including beach and dune systems, unique wildlife habitat, historical and archaeological sites, and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and population evacuation which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element, in the event of an impending natural disaster.

(e) A component which outlines principles for protecting existing beach and dune systems from man-induced erosion and restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component which identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities including marinas, along shoreline areas.

(h) Designation of high hazard coastal areas subject to destruction or severe damage by natural disasters which shall be subject to the provisions of s. 380.27(2).

(i) A component which outlines principles for providing that financial assurances are made that required infrastructure will be in place to meet the demand imposed by the completed development or redevelopment. Such infrastructure will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deep-water port listed in s. 403.021(9) which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port. Such component shall be submitted to the appropriate local government and shall be integrated with, and shall meet all criteria specified in, the coastal management element.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related in-water harbor facilities within ports listed in s. 403.021(9) shall not be developments of regional impact where such expansions are consistent with comprehensive master plans that are in compliance with s. 163.3178.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

Section 8. Subsections (1) and (2) of section 163.3184, Florida Statutes, 1984 Supplement are amended, present subsection (3) is repealed, present subsections (4) and (7) are amended and renumbered as subsections (12) and (15), present subsections (5) and (6) are renumbered as subsections (13) and (14), respectively, and new subsections (3), (4), (5), (6), (7), (8), (9), (10), and (11) are added to said section to read:

163.3184 Adoption of comprehensive plan or element or portion thereof.—

(1) At least 60 days before the adoption by a governing body of a comprehensive plan or element or portion thereof, or before the adoption of an amendment to a previously adopted comprehensive plan or element or portion thereof, the governing body shall:

(a) Transmit 5 copies a copy of the proposed comprehensive plan or element or portion thereof to the state land planning agency for written comment.

~~(b) Transmit a copy of the proposed comprehensive plan or element or portion thereof to the regional planning agency having responsibility over the area for written comment.~~

~~(c) If it is a municipality or a unit of local government under s. 163.3171(4), transmit a copy of the proposed comprehensive plan or element or portion thereof to the local planning agency of the county for written comment or, if there is no county land planning agency, to the clerk of the circuit court or the administrative officer of the county commission.~~

~~(b)(d)~~ Transmit a copy of the proposed comprehensive plan or element or portion thereof to any other unit of local government or governmental agency in the state that has filed with the governing body a request for copies of all proposed comprehensive plans or elements or portions thereof.

~~(c)(e)~~ Determine that the local planning agency has held a public hearing on the proposed plan or element or portion thereof with due public notice.

The governing body shall transmit 5 copies of the proposed plan to the state land planning agency, and shall not transmit elements or portions thereof at various times. In the case of comprehensive plan amendments, the governing body may submit only the elements amended. The state land planning agency shall transmit a copy of the proposed plan or element to various agencies and governments, as appropriate, for response, including, but not limited to, the Department of Environmental Regulation, the Department of Natural Resources, the regional planning council, and the appropriate county. The state land planning agency shall have 5 working days to transmit the plan or elements. The agencies and governments shall provide comments to the state land planning agency within 30 days after receipt of the plan or elements. The state land planning agency shall have responsibility for plan review, coordination, and transmitting comments to the governing body responsible for the proposed plan.

~~(2) Within 30 60 days, or any longer period to which the governing body has agreed, after the state land planning agency a local government has transmitted a proposed comprehensive plan or element or portion thereof to the regional state land planning agency, the regional state land planning agency shall submit in writing its comments on the proposed comprehensive plan or element or portion thereof, together with the comments of any other regional state agencies to which the regional state land planning agency may have referred the plan. The regional state land planning agency shall specify any objections and may make recommendations for modifications. The review of the regional state land planning agency shall be primarily in the context of: the relationship and effect, under chapter 23, of the locally submitted plan or element or portion thereof to or on any regional policy the comprehensive plan developed pursuant to s. 186.507 or element or portion thereof; the relationship and effect of the local plan or element or portion thereof to or on adopted rules for areas of critical state concern; and the impact of the locally submitted plan or element or portion thereof on the lawful responsibility of state agencies. A regional planning agency shall not, however, review and comment on a comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. If the state land planning agency transmits objections to the proposed comprehensive plan or element or portion thereof, the governing body shall transmit a written statement in reply thereto within 4 weeks. The governing body shall take no action to adopt the comprehensive plan or element or portion thereof until 2 weeks have elapsed following the transmittal of the governing body's letter of reply. The written materials of the state land planning agency and the governing body required by this subsection shall become a permanent part of the public record in the matter.~~

~~(3) The procedure of subsection (2) shall apply to review by the regional planning agency. The time sequence of subsections (2) and (3) shall run concurrently upon appropriate transmittal. Review by the regional planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan or element or portion thereof to or on any regional comprehensive plan.~~

~~(3) As used in subsections (3)-(11):~~

~~(a) "Affected person" includes the affected local government, persons owning property or residing or owning or operating a business within the boundaries of the local government whose plan is the subject of the review, adjoining local governments who can demonstrate that adoption of the plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure, or substantially impact on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, to qualify under this definition, shall also have submitted objections, oral or written, during the local government review and adoption proceedings.~~

~~(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, and 163.3191 and the rules adopted pursuant to those sections.~~

~~(4) The state land planning agency shall review each local government's adopted comprehensive plan, element, or amendment to determine if it is in compliance. After the review of the local comprehensive plan, element, or amendment and the determination of the local govern-~~

ment that its action is in compliance, the state land planning agency shall issue, through a senior administrator other than the secretary, as specified in the agency's procedural rules, a notice of intent to find that the local action is in compliance or not in compliance. A notice of intent shall be issued by publication of notice in the manner required by s. 163.3184(15)(c) and by mailing a copy to the local government and persons who request notice.

(5)(a) If the state land planning agency issues a notice of intent to find the local plan initially submitted or the plan subsequently submitted pursuant to s. 163.3191 in compliance, the local government shall adopt the plan, and any affected person, within 21 days after the adoption, may file a petition with the agency pursuant to s. 120.57. In this proceeding the local plan 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 a hearing officer from the Division of Administrative Hearings who shall hold the hearing in the affected local jurisdiction and submit a recommended order to the state land planning agency. After review of the recommended order the state land planning agency shall issue a final order if the agency determines that the plan is in compliance. If, after review of the recommended order, the state land planning agency believes that the plan is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.

(6)(a) After consulting with the local government, if the state land planning agency determines preliminarily that the plan is not in compliance, it shall transmit to the local government specific objections and recommendations for amendment to bring the plan into compliance. The local government shall hold a public hearing on the proposed changes and shall reject them, adopt them as proposed, or adopt, through the comprehensive plan amendment process required by s. 163.3187, another plan which satisfies the stated objections. Each local government shall submit a copy of the revised plan to the state land planning agency immediately upon approval of the revisions.

(b) The state land planning agency shall review the revised plan in the same manner as set forth in paragraph (a). If the state land planning agency determines that the plan is still not in compliance and it has complied with paragraph (a) and participated in the public hearing at the request of the local government, it shall, within 90 days after receipt of the adopted revised plan, issue its notice of intent.

(7)(a) If the state land planning agency issues a notice of intent to determine that the local comprehensive plan, element, or amendment is not in compliance, the notice of intent shall be forwarded to the Division of Administrative Hearings which shall conduct a proceeding under s. 120.57. The parties to this proceeding shall be the state land planning agency, the affected local government, and any affected person who may intervene.

(b) The hearing officer assigned by the division shall conduct a hearing in the affected local jurisdiction and submit a recommended order to the Administration Commission for final agency action. The local government's determination that the local plan, element, or amendment is in compliance is presumed to be correct. The local government's determination must be sustained unless it is shown by a preponderance of the evidence that the local plan, element, or amendment is not in compliance. Further, the local government's determination that elements of its plans are related to and consistent with each other must be sustained if the determination is fairly debatable.

(8)(a) If the Administration Commission finds that the plan is not in compliance with ss. 163.3177 and 163.3191, the commission shall specify remedial actions required by the local government to bring the comprehensive plan into compliance. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, and water and sewer systems in those local governments which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.
2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.
3. Beach erosion control projects, as authorized by s. 161.091.

4. Revenue sharing pursuant to s. 206.60, 210.20, and 218.61 and part I of chapter 212, to the extent not pledged to pay back bonds.

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

(9) The signature of an attorney or party constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his 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 hearing officer, upon motion or his 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) 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.

(11) The state land planning agency shall notify each local government whether its plan is in compliance not later than 3 months after it receives the plan.

(12)(4) The procedure of subsection (2) shall apply to review by the county land planning agency. The time sequence of subsections (2) and (12)(4) shall run concurrently upon appropriate transmittal. Review by the county land planning agency shall be primarily in the context of the relationship and effect of the locally submitted plan or element or portion thereof to or on any county comprehensive plan or element or portion thereof.

(15)(7)(a) The procedure for adoption of a comprehensive plan or element or portion thereof, ~~except for the future land use plan element,~~ shall be by not less than a majority of the total membership of the governing body, in the manner prescribed by this subsection law. Each local government shall adopt the comprehensive plan or element or portion thereof by ordinance.

~~(b) The procedure for adoption of the future land use element or portion thereof which involves less than 5 percent of the total land area of the local government unit shall be by not less than a majority of the total membership of the governing body, in the following manner:~~

~~1. The governing body shall direct the clerk of the governing body to notify by mail each real property owner the use of whose land the governmental agency will restrict or limit by enactment of the proposal and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposal as it affects that property owner and shall set a time and place for one or more public hearings on such proposal. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during regular business hours of the office of the clerk of the governing body.~~

~~2. The governing body shall hold a public hearing on the proposal and may, upon the conclusion of the hearing, adopt the proposal.~~

~~(c) The procedure for adoption of the future land use plan element or portion thereof which involves 5 percent or more of the total land area of the local government unit shall be by not less than a majority of the total membership of the governing body, in the following manner:~~

~~(b)1. The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan, plan element, or plan amendment proposal. At the option of the governing body, one of the public hearings may be held by the local planning agency. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held~~

approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

(c) If the proposed comprehensive plan, plan element, or plan amendment changes the permitted uses of land or changes land-use categories, the required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

NOTICE OF CHANGE REGULATION OF LAND USE

The . . . (name of local governmental unit) . . . proposes to change regulate the use of land within the area shown in the map in this advertisement.

A public hearing on the proposal will be held on . . . (date and time) . . . at . . . (meeting place) . . .

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

~~3.—In lieu of publishing the advertisements set out in this paragraph, the local governmental unit may mail a notice to each person owning real property within the area covered by the proposal. Such notice shall clearly explain the proposal and shall notify the person of the time, place, and location of both public hearings.~~

Section 9. Section 163.3187, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3187, F.S., for present text.)

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except, in the case of an emergency, comprehensive plan amendments may be made more often than once during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or funds. Additionally, any local government comprehensive plan amendments directly related to a proposed development of regional impact may be initiated by a local planning agency and 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 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 subsection 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 amendment of an adopted comprehensive plan or element or portion thereof shall be as for the original adoption of the comprehensive plan or element or portion thereof set forth in s. 163.3184. Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

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

Section 10. Section 163.3191, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3191, F.S., for present text.)

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan, which shall be sent to the governing body at least once every 5 years after the adoption of the comprehensive plan or element or portion thereof. Reports may be transmitted at lesser intervals as may be required or upon request of the governing body. It is the intent of this act that adopted comprehensive plans be periodically updated through the evaluation and appraisal report.

(2) The report shall present an assessment and evaluation of the success or failure of the comprehensive plan or element or portion thereof and shall contain appropriate statements (using words, maps, illustrations, or other forms) related to:

(a) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area.

(b) The condition of each element in the comprehensive plan at the time of adoption and at date of report.

(c) The comprehensive plan objectives as compared with actual results at date of report.

(d) The extent to which unanticipated and unforeseen problems and opportunities occurred between date of adoption and date of report.

(3) The report shall also suggest changes needed to update the comprehensive plan or elements or portions thereof, including reformulated objectives, policies, and standards.

(4) The governing body shall adopt, or adopt with changes, the report or portions thereof after complying with the procedures of s. 163.3184. The governing body shall amend its comprehensive plan based on the recommendations contained in the adopted evaluation and appraisal report and pursuant to the procedures in s. 163.3187. Amendments to the plan and the adoption of the report may be simultaneous. When amendments to the plan do not occur simultaneously with the adoption of the evaluation and appraisal report, the report shall contain a schedule for adoption of proposed amendments within 1 year after the report is adopted. The report and a complete copy of the comprehensive plan as it is amended as a result of the report shall be transmitted to the state land planning agency, to the regional agency having responsibility over the area, and, for municipalities, to the county planning agency.

(5) A local government may notify the state land planning agency that it shall complete its evaluation and appraisal report in accordance with this section at the time specified or provided for submission of a revised comprehensive plan in compliance with this part. Upon such notification, the state land planning agency shall extend any due dates established pursuant to subsection (1).

Section 11. Subsections (1) and (2) of section 163.3194, Florida Statutes, are amended, subsections (3) and (4) are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to said section, to read:

163.3194 Legal status of comprehensive plan.—

(1)(a) After a comprehensive plan or element or portion thereof has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan or element or portion thereof shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan or element or portion thereof to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan or element or portion thereof and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan or element or portion thereof shall govern any action taken in regard to an application for a development order.

(2)(a) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate *land development regulation zoning* commission created pursuant to local ordinance, or to both, under the authority of s. 163.183 for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

~~(b) For purposes of this subsection, "land development regulations" or "regulations for the development of land" include any local government zoning, subdivision, building and construction, or other regulations controlling the development of land. The various types of local government regulations or laws dealing with the development of land within a jurisdiction may be combined in their totality in a single document known as the "land development code" of the jurisdiction.~~

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

Section 12. Section 163.3197, Florida Statutes, is amended to read:

163.3197 Legal status of prior comprehensive plan.—Where, prior to July 1, 1985 the effective date of this act, a local government had adopted a comprehensive plan or element or portion thereof, such adopted plan or element or portion thereof shall have such force and effect as it had at the date of adoption and until appropriate action is taken to adopt a new comprehensive plan or element or portion thereof is adopted by or for such local government pursuant to the provisions of as required by this act. The prior adopted plan or element or portion thereof may be the basis for meeting the requirement of comprehensive plan adoption set out in this act, provided all requirements of this act are met.

Section 13. Section 163.3201, Florida Statutes, is amended to read:

163.3201 Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code, as defined in s. 163.3194(2)(b), for an area shall be based on, related to, and a means of implementation for an adopted comprehensive plan as required by this act.

Section 14. Section 163.3202, Florida Statutes, is created to read:

163.3202 Land development regulations.—

(1) Within 1 year after submission of its revised comprehensive plan for review pursuant to s. 163.3167(2), each county, each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and each other municipality in this state shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

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

(a) Regulate the subdivision of land;

(b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space;

(c) Provide for protection of potable water wellfields;

(d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;

(e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan;

(f) Regulate signage;

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements plan required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. No development order or permit may be issued which results in a reduction in level of services for the affected public facilities; below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient on-site traffic flow, considering needed vehicle parking.

(3) This section shall be construed to encourage the use of innovative land development regulations which include provisions such as transfer of development rights, incentive and inclusionary zoning, planned-unit development, impact fees, and performance zoning. These and all other such regulations shall be combined and compiled into a single land development code for the jurisdiction.

(4) The state land planning agency may require a local government to submit its land development regulation, if it has reasonable grounds to believe that a local government has totally failed to adopt any one or more of the land development regulations required by this section. If the state land planning agency determines after review and consultation with local government that the local government has failed to adopt regulations required by this section, it may institute an action in circuit court to require adoption of these regulations. This action shall not review compliance of adopted regulations with this section or consistency with locally adopted plans. The state land planning agency shall adopt rules by February 15, 1987, for review of land development regulations pursuant to this subsection. These rules shall not be subject to a rule challenge under s. 120.54(4) or to a drawout proceeding under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules may become effective.

Section 15. Section 163.3213, Florida Statutes, is created to read:

163.3213 Administrative review of land development regulations.—

(1) It is the intent of the Legislature that substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

(2) As used in this section:

(a) "Substantially affected person" means a substantially affected person as provided pursuant to chapter 120.

(b) "Land development regulation" means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation, or any other regulation concerning the development of land. This term shall include a general zoning code, but shall not include a zoning map or an action which results in zoning or rezoning of land or any building construction standard adopted pursuant to and in compliance with the provisions of chapter 553.

(3) After the deadline specified in s. 163.3202 for each local government to adopt land development regulations, a substantially affected person, within 12 months after final adoption, of the land development regulation, may challenge a land development regulation on the basis

that it is inconsistent with the local comprehensive plan. As a condition precedent to the institution of a proceeding pursuant to subsection (4), such affected person shall file a petition with the local government whose land development regulation is the subject of the petition outlining the facts on which the petition is based and the reasons that the substantially affected person considers the land development regulation to be inconsistent with the local comprehensive plan. The local government receiving the petition shall have 30 days after the receipt of the petition to respond. Thereafter, the substantially affected person may petition the state land planning agency not later than 30 days after the local government has responded or at the expiration of the 30-day period which the local government has to respond. The local government and the petitioning substantially affected person may by agreement extend the 30-day time period within which the local government has to respond. The petition to the state land planning agency shall contain the facts and reasons outlined in the prior petition to the local government.

(4) The state land planning agency shall notify the local government of its receipt of a petition and shall give the local government and the petitioning substantially affected person an opportunity to present written or oral testimony on the issue and shall conduct any investigations of the matter that it deems necessary. These proceedings shall be informal and shall not include any hearings pursuant to s. 120.57(1). Not later than 60 days nor earlier than 30 days after receiving the petition, the state land planning agency shall issue its written decision on the issue of whether the land development regulation is consistent with the local comprehensive plan, giving the grounds for its decision. The state land planning agency shall send a copy of its decision to the local government and the petitioning substantially affected person.

(5)(a) If the state land planning agency determines that the regulation is consistent with the local comprehensive plan, the substantially affected person who filed the original petition with the local government may, within 21 days, request a hearing from the Division of Administrative Hearings, and a hearing officer shall hold a hearing in the affected jurisdiction no earlier than 30 days after the state land planning agency renders its decision pursuant to subsection (4). The parties to a hearing held pursuant to this paragraph shall be the petitioning substantially affected person, any intervenor, the state land planning agency, and the local government. The adoption of a land development regulation by a local government is legislative in nature and shall not be found to be inconsistent with the local plan if it is fairly debatable that it is consistent with the plan. The hearing shall be held pursuant to s. 120.57(1), except that the order of the hearing officer shall be a final order and shall be appealable pursuant to s. 120.68.

(b) If the state land planning agency determines that the regulation is inconsistent with the local comprehensive plan, the state land planning agency shall, within 21 days, request a hearing from the Division of Administrative Hearings, and a hearing officer shall hold a hearing in the affected jurisdiction not earlier than 30 days after the state land planning agency renders its decision pursuant to subsection (4). The parties to a hearing held pursuant to this paragraph shall be the petitioning substantially affected person, the local government, any intervenor, and the state land planning agency. The adoption of a land development regulation by a local government is legislative in nature and shall not be found to be inconsistent with the local plan if it is fairly debatable that it is consistent with the plan. The hearing shall be held pursuant to s. 120.57(1), except that the order of the hearing officer shall be the final order and shall be appealable pursuant to s. 120.68.

(6) If the hearing officer in his order finds the land development regulation to be inconsistent with the local comprehensive plan, the order will be submitted to the Administration Commission. An appeal pursuant to s. 120.68 may not be taken until the Administration Commission acts pursuant to this subsection. The Administration Commission shall hold a hearing no earlier than 30 days or later than 60 days after the hearing officer renders his final order. The sole issue before the Administration Commission shall be the extent to which any of the sanctions described in s. 163.3184(8)(a) or (b) shall be applicable to the local government whose land development regulation has been found to be inconsistent with its comprehensive plan. If a land development regulation is not challenged within 12 months, it shall be deemed to be consistent with the adopted local plan.

(7) An administrative proceeding under this section shall be the sole proceeding available to challenge the consistency of a land development regulation with a comprehensive plan adopted under this part.

(8) The signature of an attorney or party constitutes a certificate that he has read the petition, motion, or other paper and that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, 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 petition, motion, or other paper is signed in violation of these requirements, the administrative hearing officer, upon motion or his 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 petition, motion, or other paper, including a reasonable attorney's fee.

(9) Initiation of administrative review of determination of inconsistency of a land development regulation pursuant to this section shall not affect the validity of the regulation or a development order issued pursuant to the regulation.

Section 16. Section 163.3204, Florida Statutes, is amended to read:

163.3204 Cooperation by state and regional agencies.—~~The Department of Community Affairs Division of Resource Management of the Department of Natural Resources or its successor~~ and any ad hoc working groups appointed by the ~~department division~~ and all state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government and ~~technical advisory committees~~ in the preparation and adoption of comprehensive plans or elements or portions thereof ~~and of local land development regulations~~.

Section 17. Section 163.3211, Florida Statutes, is amended to read:

163.3211 Conflict with other statutes.—Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, the provisions of this act shall govern unless the provisions of this act are met or exceeded by other provision or provisions of law relating to local government, *including land development regulations adopted pursuant to chapter 125 or chapter 166*. Nothing in this act is intended to withdraw or diminish any legal powers or responsibilities of state agencies or change any requirement of existing law that local regulations comply with state standards or rules.

Section 18. Section 163.3215, Florida Statutes, is created to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party of the state may maintain an action for injunctive or other relief against any local government to prevent such local government from taking any action on a development order, as defined in s. 163.3164(5), which materially alters the use or density or intensity of use on a particular piece of property that is not consistent with the comprehensive plan adopted under this part.

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

(3)(a) No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to the effective date of this section or applied for prior to July 1, 1985.

(b) Suit under this section shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part.

(4) As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30

days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his 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 court, upon motion or its 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.

(7) In any action under this section, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.

Section 19. Sections 163.160, 163.165, 163.170, 163.175, 163.180, 163.183, 163.185, 163.190, 163.195, 163.200, 163.205, 163.210, 163.215, 163.220, 163.225, 163.230, 163.235, 163.240, 163.245, 163.250, 163.255, 163.260, 163.265, 163.270, 163.275, 163.280, 163.285, 163.290, 163.295, 163.300, 163.305, 163.310, 163.315, and 163.3207, Florida Statutes, are hereby repealed.

Section 20. It is the intent of the Legislature that the repeal of the sections 163.160 through 163.315, Florida Statutes, by this act shall not be interpreted to limit or restrict the powers of municipal or county officials, but shall be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent of the Legislature to reconfirm that sections 163.3161 through 163.3215, Florida Statutes, have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulatory powers, duties, and responsibilities.

Section 21. Paragraph (d) is added to subsection (7) of section 163.01, Florida Statutes, to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) *Notwithstanding the provisions of paragraph (c), any separate legal entity, wholly owned by the municipalities or counties of this state, the membership of which consists or is to consist only of municipalities or counties, created pursuant to the provisions of this section, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. All of the privileges, benefits, powers, and terms of part I of chapter 159 and, in the case of counties, part I of chapter 125, and, in the case of municipalities, part II of chapter 166, notwithstanding any limitations provided above, shall be fully applicable to such entity. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity.*

However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located.

Section 22. Subsection (2) of section 171.062, Florida Statutes, is amended to read:

171.062 Effects of annexations or contractions.—

(2) If the area annexed was subject to a county land use plan and county zoning or subdivision regulations, said regulations shall remain in full force and effect until the area is rezoned by the municipality to comply with its comprehensive plan otherwise provided by law. ~~However, a municipal governing body shall not be authorized to increase, and is expressly prohibited from increasing, or decrease the density allowed under such county plan and regulations for a period of 2 years from the effective date of the annexation unless approval of such increase is granted by the governing body of the county.~~

Section 23. Section 186.508, Florida Statutes, 1984 Supplement, is amended to read:

186.508 Comprehensive regional policy plan adoption; consistency with state comprehensive plan.—

(4) Within 18 months of the adoption of the state comprehensive plan, each regional planning council shall submit to the Executive Office of the Governor its proposed comprehensive regional policy plan. The Executive Office of the Governor, or its designee, shall review the proposed comprehensive regional policy plan for consistency with the adopted state comprehensive plan and shall, within 90 days, return the proposed comprehensive regional policy plan to the council, together with any revisions recommended by the Governor. *The rules adopting the regional policy plan shall not be subject to rule challenge under s. 120.54(4) or to drawout proceedings under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the adopted rules. The regional planning council shall conform the rules to the changes made by the Legislature, or, if no action was taken, the rules may become effective.*

(2) ~~The regional planning council shall, within 60 days of the return of its proposed comprehensive regional policy plan, initiate rulemaking to adopt the comprehensive regional policy plan, incorporating all revisions recommended by the Governor, or shall petition the Florida Land and Water Adjudicatory Commission to resolve any disputes regarding the consistency of the comprehensive regional policy plan or the revisions recommended by the Governor with the state comprehensive plan. The Florida Land and Water Adjudicatory Commission shall resolve all such disputes within 60 days of initiation.~~

(3) ~~If the Executive Office of the Governor rejects the regional policy plan, the regional planning council shall submit a revised plan for the region within 6 months. The Executive Office of the Governor shall state the reasons for rejecting the regional policy plan. If the regional planning council fails to resubmit its plan for the region within 6 months, the state land planning agency shall develop a regional policy plan and submit the plan to the Florida Land and Water Adjudicatory Commission. The commission shall adopt the plan by rule for the region, with any necessary amendments, after allowing a reasonable opportunity for public comment.~~

(4) ~~The Florida Land and Water Adjudicatory Commission, on its own motion by a majority vote of all its members or on the petition of the Executive Office of the Governor, shall require any regional planning council to submit its comprehensive regional policy plan or any rule or program implementing such plan to the commission for review for consistency with the state comprehensive plan.~~

~~(5) The Florida Land and Water Adjudicatory Commission shall order any regional planning council to amend each portion of a comprehensive regional policy plan found to be inconsistent with the state comprehensive plan or shall amend the appropriate portions of the state comprehensive plan to achieve consistency with the comprehensive regional policy plan.~~

Section 24. (1) There is hereby created a committee for the study of substate district boundaries to consist of 16 members. The Governor shall appoint 12 members and shall include among the members appointed a representative of the regional planning councils; a representative of the Department of Environmental Regulation; a representative of the Department of Transportation; a representative of the water management districts; a representative of municipal governments; a representative of county governments; a representative of independent special districts; a representative of the state land planning agency; and a representative of the Governor's Office of Planning and Budgeting. The President of the Senate shall appoint two Senate members and the Speaker of the House of Representatives shall appoint two House members. The committee shall elect a chairman from among its legislator members and a vice-chairman and other such officers as is necessary. Members shall serve without compensation, but shall be reimbursed for all necessary expenses in the performance of their duties, including travel. The committee shall continue in existence until its duties are terminated, but no later than June 30, 1987. The Executive Office of the Governor shall cooperate with and provide assistance to the committee and shall provide administrative and clerical services as may be necessary for the operation of the committee.

(2) The committee shall thoroughly review the current system of substate districts which are being used to divide the state for administrative, jurisdictional, planning, or other purposes, including the geographic boundaries of the following: water management districts, regional planning councils, and substate districts of the executive departments. The committee shall also thoroughly review the process of designating geographic boundaries of such substate districts to determine whether the current geographic boundaries and the system for designating them promotes efficient service delivery, coordinated planning, and cooperative agency functioning. The committee shall solicit comments and positions from and consider the responses of any governmental entity the boundaries or substate districts of which may be affected by the committee's recommendations.

(3) The committee shall prepare and submit to the Governor and the Legislature no later than February 1, 1986, an initial report which shall contain a thorough review of existing substate districts and such recommendations as are appropriate. The committee shall prepare and submit to the Governor and the Legislature no later than December 31, 1986, a final report which shall contain specific recommendations for executive and legislative implementation. In preparing its reports, the committee shall consider the following:

(a) Executive department and agency rules relating to establishing substate districts, district offices, and branch offices.

(b) The role and importance of substate districts in state and agency planning activities, in coordination of interagency programs, in data collection, and in the efficient delivery of services to clients and others.

(c) Advantages of implementing a statewide system of substate districts with coterminous jurisdictional boundaries for related state or agency programs and functions.

The report shall also contain such other findings and recommendations relating to substate districts, including recommendations relating to needed changes in current statutes or administrative rules, as the committee chooses to make.

(4) The committee shall employ an executive director and may employ other staff as needed to carry out its functions. All state agencies are hereby authorized and directed to cooperate to the fullest extent possible with the committee.

Section 25. Subsections (1) and (4) of section 235.193, Florida Statutes, are amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is hereby declared to be the policy of this state to require the coordination of planning between the school boards and local governing bodies to ensure that plans for the construction and opening of public

educational facilities are coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall 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. *Such planning shall 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.*

(4) The local governing body is empowered to reject development plans when public school facilities made necessary by the proposed development are not available in the area which is proposed for development or are not planned to be constructed in such area concurrently with the development. *The general location of public educational facilities shall also be consistent with the capital improvements plan found in the comprehensive plan of the appropriate local governing body developed pursuant to s. 163.3177(3) and in accordance with s. 163.3194(1).*

Senator Stuart moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—On page 14, line 25, after "Gulf of Mexico" insert: Atlantic Ocean, Florida Bay, or Strait of Florida

Amendment 2B—On page 14, line 31, after "Ocean," insert: Florida Bay,

Amendment 2C—On page 25, line 11, strike "or state lands"

Amendment 2 as amended was adopted.

Senator Stuart moved the following amendment:

Amendment 3—On page 7, line 2, insert:

Section 1. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(18) "State land planning agency" means the *Department of Community Affairs agency designated by law, or its successor agency, to undertake statewide comprehensive planning.*

Section 2. Section 380.032, Florida Statutes, is amended to read:

380.032 State land planning agency; powers and duties.—The state land planning agency shall have the power and the duty to:

(1) Exercise general supervision of the administration and enforcement of this act and all rules and regulations promulgated hereunder.

(2)(a) Adopt or modify rules to carry out the intent and purposes of this act. Such rules shall be consistent with the provisions of this act.

(b) Within 20 days following adoption, any substantially affected party may initiate review of any rule adopted by the state land planning agency interpreting the guidelines and standards by filing a request for review with the Administration Commission and serving a copy on the state land planning agency. Filing a request for review shall stay the effectiveness of the rule pending a decision by the Administration Commission. Within 45 days following receipt of a request for review, the commission shall either reject the rule or *approve adopt* the rule, with or without modification.

(3) Enter into agreements with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions *and purposes* of this act or any rules promulgated hereunder.

Section 3. Section 380.06, Florida Statutes, 1984 Supplement, is amended to read:

380.06 Developments of regional impact.—

(1) DEFINITION.—The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(2) ~~STATEWIDE ADOPTION OF GUIDELINES AND STANDARDS BY ADMINISTRATION COMMISSION.—~~

(a) The state land planning agency shall recommend to the Administration Commission specific *statewide* guidelines and standards for adoption pursuant to this subsection. The Administration Commission shall by rule adopt *statewide* guidelines and standards to be used in determining whether particular developments shall ~~undergo development-of-regional-impact review~~ ~~be presumed to be of regional impact~~. The *statewide* guidelines and standards ~~and guidelines~~ previously adopted by the Administration Commission and approved by the Legislature shall remain in effect unless revised pursuant to this section, or superseded by other provisions of law. Revisions to the present *statewide* guidelines and standards ~~and guidelines~~, after adoption by the Administration Commission, shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved by law by ~~joint resolution~~ of the Legislature, the revisions to the present *guidelines and standards and guidelines* shall not become effective.

(b) In adopting its guidelines and standards, the Administration Commission shall consider and shall be guided by:

1. The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.
2. The amount of pedestrian or vehicular traffic likely to be generated.
3. The number of persons likely to be residents, employees, or otherwise present.
4. The size of the site to be occupied.
5. The likelihood that additional or subsidiary development will be generated.
6. The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.
7. The unique qualities of particular areas of the state.

(c) *With regard to the changes in the guidelines and standards authorized pursuant to this act, in determining whether a proposed development must comply with the review requirements of this section, the state land planning agency shall apply the guidelines and standards which were in effect when the developer received authorization to commence development from the local government. If a developer has not received authorization to commence development from the local government prior to the effective date of new or amended guidelines and standards, the new or amended guidelines and standards shall apply.*

(d) *The guidelines and standards shall be applied as follows:*

1. *Fixed thresholds.—*
 - a. *A development that is at or below 80 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.*
 - b. *A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.*
2. *Rebuttable presumptions.—*
 - a. *It shall be presumed that a development that is between 80 and 100 percent of a numerical threshold shall not be required to undergo development-of-regional-impact review.*
 - b. *It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.*

~~(e) Any modifications to the initial guidelines and standards prescribed pursuant to this subsection shall not modify or abridge rights that have vested pursuant to subsection (18) or development of regional impact status determinations acquired through executed agreements or binding letters issued pursuant to this section, upon which the developer has relied and upon the basis of which he has changed his position prior to the effective date of such rules.~~

(3) ~~VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS RECOMMENDATIONS OF MODIFICATIONS BY REGIONAL PLANNING AGENCY.—~~*The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an increase or decrease for a particular local government's jurisdiction, or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction, or a part of its jurisdiction. A number of requests may be combined in a single petition.*

(a) *When a petition is filed, the state land planning agency shall have no more than 180 days to prepare and submit to the Administration Commission a report and recommendations on the proposed variation. The report shall evaluate, and the Administration Commission shall consider, the following criteria:*

1. *Whether the local government has adopted and effectively implemented a comprehensive plan that reflects and implements the goals and objectives of an adopted state comprehensive plan.*
2. *Any applicable policies in an adopted comprehensive regional policy plan.*
3. *Whether the local government has adopted and effectively implemented both a comprehensive set of land development regulations, which regulations shall include a planned unit development ordinance, and a capital improvements plan that are consistent with the local government comprehensive plan.*
4. *Whether the local government has adopted and effectively implemented the authority and the fiscal mechanisms for requiring developers to meet development order conditions.*
5. *Whether the local government has adopted and effectively implemented and enforced satisfactory development review procedures.*

(b) *The affected regional planning agency, adjoining local governments, and the local government shall be given a reasonable opportunity to submit recommendations to the Administration Commission regarding any such proposed variations.*

(c) *The Administration Commission shall have authority to increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.*

(d) *The Administration Commission shall adopt rules setting forth the procedures for submission and review of petitions filed pursuant to this subsection.*

(e) *Variations to guidelines and standards adopted by the Administration Commission under this subsection shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved as submitted by general law, the revisions shall not become effective. Each regional planning agency may recommend to the state land planning agency from time to time modifications to guidelines and standards adopted under subsection (2). Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions regarding modifications to be recommended.*

(4) ~~BINDING LETTER DETERMINATIONS BY STATE LAND PLANNING AGENCY.—~~

(a) *If any developer is in doubt whether his proposed development must undergo ~~be~~ a development of regional impact review under the guidelines and standards, whether his rights have vested pursuant to subsection (20) (18), or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) (18) would divest such rights, he may request a determination from the state land planning agency.*

(b) *Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if:*

1. The development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards; or

2. The development is between a presumptive numerical threshold and 20 percent below the numerical threshold, and the local government or the state land planning agency is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of residents of more than one county.

(c) Any local government may petition the state land planning agency to require a developer of a development located in an adjacent jurisdiction to obtain a binding letter of interpretation. The petition shall contain facts to support a finding that the development as proposed is a development of regional impact. This paragraph shall not be construed to grant standing to the petitioning local government to initiate an administrative or judicial proceeding pursuant to this chapter.

(d) A request for a binding letter of interpretation shall be in writing and in such form and content as prescribed by the state land planning agency. Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the state land planning agency shall determine and notify the applicant whether the information in the application is sufficient to enable the agency to issue a binding letter or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the state land planning agency in writing that the information will not be supplied and the reasons therefor. If the applicant does not respond to the request for additional information within 120 days, the application for a binding letter of interpretation shall be deemed to be withdrawn. Within 35 ~~30~~ days after ~~of~~ acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development. A binding letter of interpretation issued by the state land planning agency shall bind all state, regional, and local agencies, as well as the developer.

(e)(b) In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) (18) would divest such rights, the state land planning agency shall review the proposed change within the context of:

1. Criteria specified in paragraph (19)(b) (17)(b);
2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
3. All rights and obligations arising out of the vested status of such development;
4. Permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and
5. Any regional impacts arising from the proposed change.

(f)(e) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) (18) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (20) (18).

(g) Every binding letter determining that a proposed development is not a development of regional impact, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:

1. Three years from the effective date of this act for binding letters issued prior to the effective date of this act; or
2. Three years from the date of issuance of binding letters issued on or after the effective date of this act.

(h) The expiration date of a binding letter, established pursuant to paragraph (g), shall begin to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of jurisdiction and the developer.

(5) ~~AUTHORIZATION TO DEVELOP CONDITIONS FOR DEVELOPMENT OF REGIONAL IMPACT.~~—A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if:

(a) ~~The land on which the development is proposed is within the jurisdiction of a local government that has adopted subdivision regulations or a zoning ordinance under chapter 163 or under appropriate special or local laws or ordinances and the development has been approved under the requirements of this section; and~~

(b) The land on which the development is proposed is within an area of critical state concern and the development has been approved under the requirements of s. 380.05; ~~or~~

(c) ~~State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, state or regional permits necessary for the construction or operation of the project that are valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), state or regional agency permits necessary for the construction or operation of the project that are valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development-of-regional-impact review, or after the developer obtains a development order pursuant to this section. The developer has given written notice to the state land planning agency and to any local government having jurisdiction to adopt zoning or subdivision regulations for the area in which the development is proposed and, after 90 days have passed, no zoning or subdivision regulations have been adopted or designation of area of critical state concern issued.~~

(6) ~~FILING BY DEVELOPER OF APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.~~—

(a) ~~Prior to undertaking any development, a if the development of regional impact is to be located within the jurisdiction of a local government that has adopted a zoning ordinance or subdivision regulations, the developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a "development of regional impact" as required defined under this section.~~

(b) ~~Any local government comprehensive plan amendments related to the specific site of a proposed development of regional impact may be initiated by a local planning agency and 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 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 shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.~~

(7) ~~PREAPPLICATION PROCEDURES CONFERENCE ON PROPOSED DEVELOPMENT; PROCEDURE TO ELIMINATE QUESTION FROM APPLICATION.~~—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development.

(b) The regional planning agency shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review. It is the legislative intent of this subsection to encourage reduction of paperwork, to discourage unnecessary gathering of data, and to encourage the coordination of the development-of-regional-impact review process with federal, state, and local environmental reviews when such reviews are required by law.

(8) *PRELIMINARY DEVELOPMENT AGREEMENTS.—*

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7), within 45 days after the execution of the agreement.

2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.

3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area, and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.

4. The preliminary development shall be limited to lands that the state land planning agency agree are suitable for development, and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.

5. The preliminary development agreement may allow development of more than 25 percent of any applicable threshold only if the developer demonstrates that such development is in the best interest of the state and local government, is essential to the ultimate viability of the proposed total development, and development will not result in material adverse impacts to existing resources or planned facilities.

6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development nor to particular conditions in a final development order.

7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.

8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.

9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.

10. The preliminary development agreement shall be recorded by the developer in the public records of the county where the land is located. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032

(9) *CONCEPTUAL AGENCY REVIEW.—*

(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).

2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.

3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.62(2) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under s. 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under s. 120.57 on the proposed development by any parties to the prior proceeding.

4. A conceptual agency review approval shall be valid for up to 10 years unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.

(b) By July 1, 1986, the Department of Environmental Regulation, each water management district, and other state or regional agencies that require construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:

1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.

2. Dredging and filling activities.

3. The management and storage of surface waters.

4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph (a)3.

Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.

(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.

2. Each agency shall cooperate with the state land planning agency to standardize to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.

(d) At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 120.60(3), and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development impacts and stating whether the agency

intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.

(e) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:

1. That an applicant or his agent has submitted materially false or inaccurate information in the application for conceptual approval;
2. That the developer has violated a condition of the conceptual approval; or
3. That the development will cause a violation of the agency's applicable laws or rules.

(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.

(g) Nothing contained in this subsection shall be construed to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.

~~(8) OPTIONAL COORDINATED REVIEW PROCESS. An optional coordinated review process is established consisting of the following:~~

~~(a) As part of the preapplication conference, the developer may, in addition to regular development of regional impact review, elect to proceed in a coordinated review process with other affected state or regional licensing agencies. The developer may select the state or regional agencies which will participate in this coordinated review process.~~

~~(b) The developer may request a binding agreement from an agency on any of the following:~~

1. The identifiable areas of agency jurisdiction over the proposed development.
2. The identifiable agency rules, subject to changes imposed by law, applicable to the proposed development.
3. The types and categories of information which may be required at the time of the license or permit application for the proposed development.
4. Any other appropriate agreement pursuant to appropriate state or federal law or regulation.

Any agreements entered into under this paragraph are subject to the provisions of chapter 120 and are not subject to paragraph (14)(a). Every agreement entered into pursuant to this paragraph shall be binding upon the developer and the agency, unless the agency determines that the information upon which the agreement was based was inaccurate, that conditions have changed substantially, or that a modification has been proposed which materially changes the circumstances of the proposed development. The developer shall notify the agency of any such modification. The binding agreement shall be valid for a period of 5 years after issuance.

(e) The developer may request that agencies, for nonbinding information purposes only, identify issues or problems which could later constitute grounds for permit denial or major modifications of the proposed agreement.

(d) The regional planning agency shall notify all affected agencies and coordinate this review process. To further effectuate this review process, the regional planning agency may encourage additional preapplication conferences, the development of permit processing schedules with other agencies, concurrent processing of applications, and the use of the development of regional impact application for development approval as a substitute for permit data requirements or plans when appropriate.

~~(e) The developer must submit copies of the application for development approval to all state or regional agencies which are to participate in this coordinated review process.~~

~~(10)(9) RECEIPT BY REGIONAL PLANNING AGENCY OF APPLICATION; FOR DEVELOPMENT APPROVAL; DETERMINATION OF SUFFICIENCY.—~~

(a) When an application for development approval is filed with a local government, the developer shall also send copies of the application to the appropriate regional planning agency and the state land planning agency.

(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (12)(11), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. If an applicant does not provide the information requested by a regional planning agency within 120 days of its request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn.

(c) The regional planning agency shall notify the local government that a public hearing date may be set when the regional planning agency determines that the application is sufficient or when it receives notification from the developer that the additional requested information will not be supplied, as provided for in paragraph (b).

~~(11)(10) LOCAL NOTICE AND HEARING ON APPLICATION ON PROPOSED DEVELOPMENT.—~~ Upon receipt of the sufficiency notification from the regional planning agency required by paragraph (10)(9)(c), the appropriate local government shall give notice and hold a public hearing on the application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:

(a) The notice of public hearing shall state that the proposed development is undergoing a development-of-regional-impact review would be a development-of-regional-impact.

(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development of regional impact application may be reviewed.

(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a conceptual agency coordinated review process under subsection (9) (8), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

~~(12)(11) REGIONAL REPORTS REPORT AND RECOMMENDATIONS BY REGIONAL PLANNING AGENCY.—~~

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11) (10)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall iden-

tify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on the environment and natural *and historical* resources of the region.
2. The development will have a favorable or unfavorable impact on the economy of the region.
3. The development will efficiently use or unduly burden water, sewer, solid waste disposal, or other necessary public facilities.
4. The development will efficiently use or unduly burden public transportation facilities.
5. The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.
6. The development complies with such other criteria for determining regional impact as the regional planning agency deems appropriate, including, but not limited to, the extent to which the development would create an additional demand for, or additional use of, energy, provided such criteria and related policies have been adopted by the regional planning agency pursuant to s. 120.54. Regional planning agencies may also review and comment upon issues which affect only the local governmental entity with jurisdiction pursuant to this section; however, such issues shall not be grounds for, or be included as, issues in a regional planning agency appeal of a development order under s. 380.07.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Regulation permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits, but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

~~(13)(12) CRITERIA APPROVAL BY LOCAL GOVERNMENT OF DEVELOPMENT IN AREAS AN AREA OF CRITICAL STATE CONCERN.~~—If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section.

~~(14)(13) CRITERIA OUTSIDE AREAS FOR APPROVAL OF DEVELOPMENT NOT IN AREA OF CRITICAL STATE CONCERN.~~—If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

- (a) The development unreasonably interferes with the achievement of the objectives of an adopted state land development plan applicable to the area;
- (b) The development is consistent with the local *comprehensive plan and local* land development regulations; and
- (c) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12) ~~(11)~~.

~~(15)(14) LOCAL GOVERNMENT DECISION AND ISSUANCE OF DEVELOPMENT ORDER BY LOCAL GOVERNMENT.~~—

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) ~~(12)~~ and (14) ~~(13)~~. The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the *developer development* with the development order.
2. ~~Shall~~ ~~May~~ establish *compliance expiration* dates for the development order, including a deadline for commencing physical development *and*; for compliance with conditions of approval or phasing requirements, and *shall include a for the termination date that reasonably reflects the time required to complete the development of the order.*
3. *Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.*
- 4.3. Shall specify the requirements for the annual report designated under subsection (18) ~~(16)~~, including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5.4. May specify the types of changes to the development which *shall* ~~will~~ require submission for a substantial deviation determination under subsection (19) ~~paragraph (17)(a)~~.

6.5. Shall include a legal description of the property.

(d) *Conditions of a development order that require a developer to contribute land for a public facility, or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:*

1. *The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.*
2. *Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.*
3. *Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.*

(e) *Development order exactions.*—

1. *Effective July 1, 1986, local governments shall not include as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof, unless the local government has enacted a local ordinance which requires other development not subject to this section, to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.*

2. *Local governments shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development, unless the local government includes in the development order a commitment by the local government to provide these facilities consistent with the development schedule approved in the development order; provided, however, a local government's failure to meet the requirements of subparagraph 1. and this paragraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the pro-*

posed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government and technical advisory committees provided for in s. 163.3207 in preparing and adopting local impact fee and other contribution ordinances.

(f)1.(d) Notice of the adoption of a development order or the subsequent modification of an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any modifications to the development order, the location where the adopted order with any modifications may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, nor actual nor constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only applies to developments initially approved under this section after July 1, 1980.

2. The state land planning agency may record a notice of adoption of any agreement entered into pursuant to subsection (8), in accordance with s. 28.222, with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement may constitute a land development regulation applicable to portions of the land covered by the agreement.

(g)(e) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.

(16) CREDITS AGAINST LOCAL IMPACT FEES.—

(a) If the development order requires the developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the local government shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the local government shall not be required to grant a credit toward the local exaction or impact fee unless the local government determines that said required contribution, payment or construction meets the same need that the local exaction or impact fee would address.

(b) If the local government imposes or increases an impact fee or exaction by local ordinance after a development order has been issued, the developer may petition the local government, and the local government shall modify the affected provisions of the development order to give the developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition, or construction or expansion of a public facility, or a portion thereof, required by the development order toward an impact fee or exaction for the same need.

(c) The local government and the developer may enter into capital contribution front-ending agreements as part of a development of regional impact development order to reimburse the developer, or his successor, for voluntary contributions paid in excess of his fair share.

(d) This subsection does not apply to internal, on-site facilities required by local regulations or to any off-site facilities to the extent such facilities are necessary to provide safe and adequate services to the development.

(17)(15) ~~ENFORCEMENT OF DEVELOPMENT ORDER BY LOCAL MONITORING GOVERNMENT.~~—The local government issuing the development order is primarily responsible for monitoring the

development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.

(18)(16) ~~ANNUAL REPORTS BY DEVELOPER.~~—The developer shall submit an annual report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies, on the date specified in the development order. If the annual report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the annual report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government.

(19)(17) ~~MODIFICATION OF DEVELOPMENT ORDER; DETERMINATION BY LOCAL GOVERNMENT OF SUBSTANTIAL DEVIATIONS DEVIATION.~~—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review.

(b) A proposed change to a previously approved development of regional impact or development order condition which meets or exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 10 percent expansion to an existing runway or a 20 percent increase in the floor area of an existing terminal.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent or 20,000 barrels or 7 million pounds, whichever is greater.

8. An increase of development at a water port of wet storage for 20 watercraft, or dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional water port development, or a 5 percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent, or 50 dwelling units, whichever is greater.

10. An increase in commercial development by 6 acres of land area, or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or 5 percent, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. Net changes to two or more types of development which cumulatively meet or exceed 100 percent of the criteria set forth herein.

15. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. A change proposed for 15 percent or more of the acreage of an approved development of regional impact to a land use not previously approved in the development order.

17. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other such special areas.

18. A proposed change involving simultaneous increases and decreases of the uses set forth in subparagraphs 4., 6., 10., and 11., only if regional impacts of the change exceed the adverse regional impacts of the originally authorized development or the project as changed creates regional impacts which were not reviewed by the regional planning agency.

(c) An extension of the date of buildout of a development by 5 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by local government. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits.

(d)1. A proposed change which does not meet or exceed any of the criteria listed in paragraph (b) shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

2. A change in the plan of development of an approved development of regional impact, resulting from requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e) Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact. At a minimum, the standard form shall require the developer to provide the precise language which the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (19)(a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraph (c) and (d) shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review, shall be subject to the appeal provisions of s. 380.07. However, neither the regional planning agency nor the state land planning agency may appeal the local government decision if neither participated at the local hearing.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change as it relates to the entire development should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required, because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

(a) A developer shall submit proposed changes to a development of regional impact previously approved pursuant to this section to the local government for a substantial deviation determination. The local government shall review the proposed changes pursuant to the criteria enumerated in this subsection and shall make a substantial deviation determination. The local government shall, at the conclusion of local review, modify the development order to reflect approved changes to the development and shall notify the regional planning agency and the state land planning agency of the changes to the development order, with the findings subject to the appeal provisions of s. 380.07. If the proposed changes are found to be a substantial deviation, the development shall be subject to further review pursuant to this section. Nothing in this section precludes the right of the local government or of the state land planning agency to injunctive relief under s. 380.11. As used in this section, the term "Substantial deviation" means any change to the previously approved development of regional impact which creates a reasonable likelihood of additional adverse regional impact, or any other regional impact created by the change not previously reviewed by the regional planning agency.

(b) In determining whether a development of regional impact previously approved pursuant to this section is subject to further review pur-

suant to this section, the local government shall consider the following changes which shall be presumed not to be substantial deviations requiring further review:

1. An increase in the number of dwelling units of not more than 5 percent or 200 dwelling units, whichever is less.
2. A decrease in the number of dwelling units which does not require a major redistribution of density.
3. A decrease in the area set aside for common open space of not more than 5 percent or 50 acres, whichever is less.
4. An increase in the area set aside for common open space.
5. An increase in the floor area proposed for nonresidential use of not more than 5 percent or 10,000 square feet, whichever is less.
6. A decrease in the regional impact of the development.
7. A change required by permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.060 or any of their successor agencies or by any appropriate federal regulatory agency.

(e) Unless the presumptions set forth in paragraph (b) are rebutted by clear and convincing evidence offered by the moving party, the development shall not be subject to further development of regional impact review pursuant to this section. The appropriate local government shall afford a reasonable opportunity for a developer or other substantially affected party to present evidence to support or rebut such presumptions.

(20)(18) **VESTED PRESERVATION OF SPECIFIED RIGHTS OF DEVELOPERS.**—Nothing in this section shall limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 498 478, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the effective date of the rules issued by the Administration Commission pursuant to subsection (2). If a developer has, by his actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place. However, the provisions of this paragraph shall expire on June 30, 1986. Vested rights that have been recognized by the state land planning agency through binding letters of vested rights or of modification to a development of regional impact with vested rights, shall not divest upon expiration of the provisions of this paragraph.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

(19) **PUBLICATION OF NOTICES OF APPLICATIONS FOR DEVELOPMENTS OF REGIONAL IMPACT.**—The state land planning agency shall print biweekly, and mail to any person upon payment of a reasonable charge to cover costs of preparation and mailing, a list of all notices of applications for developments of regional impact that have been filed with the state land planning agency.

(21)(20) **APPLICATIONS FOR COMPREHENSIVE APPLICATION; DEVELOPMENT OF REGIONAL IMPACT AND FOR MASTER PLAN DEVELOPMENT ORDER APPROVAL.**—

(a) If a development project includes two or more developments of regional impact, a developer may file a comprehensive development-of-regional-impact application.

(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) (9) do not apply to this subsection.

1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.

2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order, unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.

(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.

(22)(21) **APPLICATION BY DOWNTOWN DEVELOPMENT AUTHORITIES AUTHORITY.**—

(a) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to this section subsection (5). The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in s. 380.031(5). For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.

(b) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category. In addition to the requirements of subsection (15) (14), the development order shall specify the amount of development approved within each land use category. Development undertaken in conformance with a development order issued under this section does not require further review.

(c) If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria listed in paragraph (19)(b) shall be double those listed the local government shall make a substantial deviation determination in regard to that proposal, pursuant to subsection (17).

(d) The provisions of subsection (9) (9) do not apply to this subsection.

(23)(22) **ADOPTION OF RULES BY STATE LAND PLANNING AGENCY AND REGIONAL PLANNING AGENCIES.**—

(a) The state land planning agency shall adopt rules to ensure uniform procedural review of developments of regional impact by the state land planning agency and regional planning agencies under this section. These rules shall be adopted pursuant to chapter 120 and shall include all forms, application content, and review guidelines necessary to implement developments-of-regional-impact review. The state land planning agency, in consultation with the regional planning agencies may also designate types of development or areas suitable for development in which reduced information requirements for development-of-regional-impact review shall apply.

(b) All Regional planning agencies shall develop a list of regional issues to be used in reviewing development-of-regional-impact applications for development approval. Such regional issues shall be consistent with state laws and rules where state laws and rules on those issues exist. Within 0 months of the effective date of this paragraph, These lists of regional issues must be submitted to the state land planning agency for

its adoption or rejection. Should a new agency be designated a regional planning agency pursuant to s. 380.031(15), that agency shall have 9 months from its date of designation to submit a list of regional issues to the state land planning agency for its adoption or rejection.

(c) Regional planning agencies shall be subject to rules adopted by the state land planning agency; however, a regional planning agency may adopt additional rules, not inconsistent with rules adopted by the state land planning agency, to promote efficient review of developments-of-regional-impact applications. Regional planning agency rules shall be adopted pursuant to chapter 120.

~~(24)~~ (23) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital which has a designed capacity of not more than 100 beds is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section, except any steam or solar electrical generating facility of less than 50 megawatts in capacity attached to a development of regional impact.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.
2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.
3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(25)(24) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT PLAN.—

(a) An authorized "developer," ~~as defined in paragraph (a),~~ may submit an areawide development of regional impact plan to be reviewed pursuant to the procedures and standards for development-of-regional-impact review set forth in this section. ~~The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required by rule pursuant to this section.~~ After review and approval of an areawide development of regional impact plan under this section, all development within the defined planning area shall ~~must~~ conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development-of-regional-impact review, unless ~~such review is~~ otherwise provided for in the development order. ~~(a)~~ As used in this subsection, the term:

1. "Areawide development plan" means a plan of development that, at a minimum:
 - a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;
 - b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;
 - c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;
 - d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and
 - e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.

1. "Areawide development plan" means a plan of development that encompasses a defined planning area that will include at least two or more developments.

2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.

(b) The state land planning agency shall establish by rule procedures and criteria for a developer to petition for authorization to submit a proposed areawide development of regional impact plan for a defined planning area. At a minimum, the rules shall provide for:

1. ~~The submission of~~ A petition that shall be submitted to the local government, the regional planning agency, and the state land planning agency. Such petition shall include proof that timely, actual notice has been provided by the petitioner to each every person owning land within the proposed areawide development plan. This notice shall be in addition to other notice of public hearings as required by this act.

2. ~~The provision of~~ A public hearing or joint public hearing if required by paragraph (e) ~~(d)~~, with appropriate notice, before the affected local government.

3. ~~The provision of~~ Criteria for evaluating a petition, including, but not limited to:

a. Whether the developer is financially capable of processing the application for development approval through to final approval pursuant to this section.

b. Whether the defined planning area and anticipated development therein in the defined planning area appear to be of such a character, magnitude, and location that a proposed areawide development plan would be in the public interest. The rules shall specify that any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.

4. ~~The provision of~~ Standard forms for petitions and applications for development approval for use under this subsection.

(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that ~~which petition requests the local government to approve that~~ such person as a developer, whether or not any or all development will be undertaken by that ~~such~~ person, and to approve the area as appropriate for an areawide development of regional impact.

(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only after:

1. Scheduling and conducting a public hearing as specified in paragraph (e); and

2. After conducting such hearing, finding that the planning area meets the standards and criteria established by the state land planning agency pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.

~~(e)(d)1.~~ The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. ~~At least 30 days prior to the public hearing,~~ The local government shall specifically notify in writing the regional planning agency and the state land planning agency at least 30 days prior to the public of the hearing. At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for, and benefits of, an areawide development of regional impact, and such other issues relevant to a full consideration of the petition.

2. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such joint hearing shall address, at a minimum, the need to resolve conflicting ordinances or comprehensive plans, if any. The local government holding which holds the joint hearing shall comply with the following additional requirements:

1.a. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.

2.b. The notice of the hearing shall be given to the state land planning agency, to the applicable regional planning agency, and to such any other persons as who may have been designated by the state land planning agency as entitled to receive such notices.

3.e. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

(f)(e) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. ~~It~~ The local government shall approve the petitioner as the developer if ~~it~~ the local government finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, established by the state land planning agency.

(g)(f) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency, within 30 days after the order becomes effective.

(h)(g) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.

(i)(h) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact plan for land within the defined planning area, pursuant to subsection (6). ~~The undertaking of~~ Development undertaken in conformance with an areawide development order issued under this section shall ~~does~~ not require further development-of-regional-impact review.

(j)(i) In reviewing an application for a proposed areawide development of regional impact plan, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:

1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact plan.

2. Whether the developer has demonstrated that all property owners within the defined planning area consent, or do not object to, the proposed areawide development of regional impact plan.

3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans *except as provided for in paragraph (k)*.

(k)(j) In addition to the requirements of subsection (14) ~~(13)~~, a development order approving, or approving with conditions, a proposed areawide development of regional impact plan shall specify the approved land uses and the amount of development approved *within* for each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan *except that a local government may amend its comprehensive plan pursuant to s. 380.06(6)(b)*.

(l)(k) Any owner of property within the defined planning area may withdraw his consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, *the areawide development order*, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued ~~plan is approved~~, a landowner may withdraw his consent only with the approval of the local government.

(m) *If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:*

1. *Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and*

2. *The option to withdraw consent does not apply and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.*

(n)(l) After a development order approving an areawide development plan is received, ~~the developer shall submit any proposed changes shall be subject to the provisions of to the local government for a modification of the development order and a substantial deviation determination pursuant to subsection (19) (17), except the percentages and numerical criteria listed in paragraph (19)(b) shall be double those listed. A proposed change in the type of land use or an increase in the amount of development shall be presumed to create a substantial deviation.~~

Section 4. Section 380.061, Florida Statutes, is created to read:

380.061 Florida's Quality Developments program.—

(1) There is hereby created the Florida's Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire.

(2) Developments which may be designated as Florida's Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development-of-regional-impact review pursuant to s. 380.06.

(3)(a) As a condition precedent for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment with the Board of Trustees of the Internal Improvement Trust Fund, or to the appropriate water management district created pursuant to chapter 373, to donate the fee or a lesser interest sufficient to protect in perpetuity the natural attributes of the following types of lands:

a. Wetlands and waterbodies within the jurisdiction of the Department of Environmental Regulation pursuant to s. 403.8171. This requirement may be waived where the department asserts jurisdiction over man-made canals or other artificially created waterbodies and the developer proposes a plan to redesign them in a manner which will more nearly approach a naturally functioning system. The developer may use such areas for the purpose of stormwater or domestic sewage management to the extent that such use is permitted pursuant to chapter 403.

b. Active beach or primary and secondary dunes and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Archives, History and Records Management of the Department of State.

d. Habitat known to be significant to one or more endangered or threatened plant and animal species designated by the U.S. Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission or the Department of Agriculture and Consumer Services.

2. In lieu of the requirement in subparagraph 1., the developer may enter into a binding commitment which runs with the land to set aside such areas on the property as open space to be retained in a natural condition in perpetuity.

3. Produce, or dispose of, no substances designated as hazardous or toxic substances by the U.S. Environmental Protection Agency or by the Department of Environmental Regulation or the Department of Agriculture and Consumer Services.

4. Participation in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

5. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves or outstanding Florida waters.

6. Include open space, recreation areas, energy conservation, and minimize impermeable surfaces as appropriate to the location and type of project.

7. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded infrastructure and phase the development to insure that public infrastructure will be operational when needed.

8. Enter into a binding commitment with the state land planning agency to design and construct the development in a manner which is consistent with the adopted state plan, state land development plan, and the applicable adopted local government comprehensive plan.

(b) In addition to the foregoing requirements, the developer is encouraged to plan his development in a manner which considers innovative design and the quality of life of the people who will live and work in or near the development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.

(4) To apply for designation as one of Florida's Quality Developments, the developer shall submit an application which consists of:

(a) A series of large-scale maps which clearly depict the following information:

1. General location of the project.
2. Existing topography, indicating the project boundaries and those areas prone to flooding during a 100-year storm event.
3. Existing land uses showing existing uses on and abutting the project site.
4. Soils, for which a Soil Conservation Service soils survey may be used.

5. Vegetation associations, indicating the total acreage of each association, using Level III of The Florida Land Use and Cover Classification System.

6. The master drainage plan, delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals and other major drainage features.

7. The proposed plan of development which shows, at least, the proposed land uses, the type and location and density of each activity; recreation and open space; retained natural areas; points of sewage discharge; landfills or other waste disposal sites; well sites; sewage treatment facilities; roads and other capital improvements; and additional information to give a full and complete depiction of the types and location of activities which will occur within the development. If the project will have a proposed completion date of greater than 10 years from the start of construction, this information shall include the planned project phasing.

8. Existing highway and transportation network within a 5-mile radius from the project, indicating level of service.

(b) A recent vertical aerial photograph of the area clearly depicting the development boundaries.

(c) Agreements and other documentation sufficient to demonstrate compliance with subsection (3).

(5)(a) The developer shall submit the application to the state land planning agency, the appropriate regional planning agency, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in s. 120.60, except that the 90-day time limit shall cease to run when all three entities reviewing the project have notified the applicant of their decision on whether the development should be designated under this program.

(b) If all three reviewing entities agree that the project should be designated under this program, the state land planning agency shall issue a development order which incorporates the plan of development as set out in the application along with any agreed upon modifications and conditions and a certification that the development is designated as one of Florida's Quality Developments. Upon designation, the development, as approved, is exempt from development-of-regional-impact review pursuant to s. 380.06.

(c) If one or more of the reviewing entities recommends against designation, the development shall undergo development-of-regional-impact review pursuant to s. 380.06, except as provided in subsection (6) of this section.

(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of the Department of Environmental Regulation, the Executive Director of the Florida Game and

Fresh Water Fish Commission, the Executive Director of the Department of Natural Resources, the executive director of the appropriate water management district created pursuant to chapter 373, the executive director of the appropriate regional planning agency, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development appeal to the board, the Director of the Division of Archives, History and Records Management of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.

(b) The board shall meet once each quarter of the year. However, a meeting may be waived if no appeals are pending.

(c) On appeal, the sole issue shall be whether the development meets the statutory criteria for designation under this program. An affirmative vote of at least five members of the board, including the affirmative vote of the chief executive officer of the appropriate local government, shall be necessary to designate the development by the board.

(d) The state land planning agency shall adopt procedural rules for consideration of appeals under this subsection.

(7) The development order issued pursuant to this section is enforceable in the same manner as a development order issued pursuant to s. 380.06.

Section 5. Section 380.065, Florida Statutes, is created to read:

380.065 Certification of local government review of development.—

(1) By petition to the Administration Commission, a local government may request certification to review developments of regional impact that are located within the jurisdiction in lieu of the regional review requirements set forth in s. 380.06. Such petitions shall not be accepted by the commission until the state plan and the regional comprehensive policy plan have been adopted pursuant to chapter 186. To demonstrate the practicality of that certification program, the department shall work with at least one regional planning council where certification is desirable and feasible to have its comprehensive regional policy plan available for presentation to the Legislature no later than March 1, 1986. Once certified, the development of regional impact provisions of s. 380.06 shall not be applicable within such jurisdiction.

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act.

(b) The local government's comprehensive plan is consistent with the adopted state comprehensive plan and adopted regional comprehensive policy plans applicable to the local governmental jurisdiction.

(c) The local government has adopted land development regulations and a capital improvements program which are consistent with and effectively implement the local comprehensive plan, and which provide that no development order may be approved until adequate provision has been made for the services and infrastructure necessary to support the development.

(d) The local government has authority for, and has established an effective mechanism for resolving greater-than-local impacts of developments.

(e) The local government comprehensive plan shall provide for effective intergovernmental coordination, including a method to address any significant incompatibilities between and among local government comprehensive plans where implementation of such incompatible plan would result in a substantial adverse effect on the citizens of another local government.

(f) The local government shall have adopted procedures which permit orderly local citizen participation in at least one public hearing held during the local government review process.

(g) The local government has adequate review procedures and the financial and staffing resources necessary to assume responsibility for adequate review of developments.

(h) The local government has a record of effectively monitoring and enforcing compliance with development orders, permits, and chapter 380.

(3) Development orders issued pursuant to this section are subject to the provisions of s. 380.07; however, a certified local government's findings of fact and conclusions of law are presumed to be correct on appeal. The grounds for appeal of a development order issued by a certified local government under this section shall be limited to:

(a) Inconsistency with the local government's comprehensive plan or land use regulations.

(b) Inconsistency with the state land development plan and the state comprehensive plan.

(c) Inconsistency with any regional standard or policy identified in an adopted regional comprehensive policy plan for use in reviewing a development of regional impact.

(d) Whether the public facilities meet or exceed the standards established in the capital improvements plan required by s. 163.3177 and will be available when needed for the proposed development, or that development orders and permits are conditioned on the availability of the public facilities necessary to serve the proposed development. Such development orders and permit conditions shall not allow a reduction in the level of service for affected regional public facilities below the level of services provided in the adopted comprehensive regional policy plan.

(4) After a local government has been certified to conduct development-of-regional-impact review, that review responsibility may be revoked by the Administration Commission upon a determination, subject to the provisions of s. 120.57, that one or more of the criteria specified in subsection (2) is not being met.

(5) Upon revocation of certification, developments of regional impact shall be reviewed by the regional planning agency designated development-of-regional-impact review responsibilities for the region in which the local government is located, pursuant to s. 380.06.

(6) The Administration Commission shall adopt rules to implement this section.

(7) A county may petition to conduct development-of-regional-impact review within a municipality if approved by the municipality, or so provided in the county charter or a special act.

(8) Nothing contained herein shall abridge or modify any vested or other rights or any obligations pursuant to any development order which are now applicable to developments of regional impact.

(9) Development of regional impact with pending applications for development approval may elect to continue such review pursuant to s. 380.06.

(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 6. Section 380.0651, Florida Statutes, is created to read:

380.0651 Statewide guidelines and standards.—

(1) The statewide guidelines and standards for developments required to undergo development-of-regional-impact review provided in this section supersede the statewide guidelines and standards previously adopted by the Administration Commission that address the same development. The guidelines and standards shall be applied in the manner described in s. 380.06(2)(a).

(2) The Administration Commission shall publish the statewide guidelines and standards established in this section in its administrative rule in place of the guidelines and standards that are superseded by this act, without the proceedings required by s. 120.54 and notwithstanding the provisions of s. 120.545(1)(c). The Administration Commission shall initiate rulemaking proceedings pursuant to s. 120.54 to make all other technical revisions necessary to conform the rules to this act. Rule amendments made pursuant to this subsection shall not be subject to the requirement for legislative approval pursuant to s. 380.06(2)(d).

(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 presumed to be a development of regional impact:

- a. A new airport with paved runways.
- b. A new paved runway.
- c. A new passenger terminal facility.

2.a. Expansion of an existing runway or terminal facility by 25 percent or more on a commercial service airport or a general aviation airport with regularly scheduled flights shall be presumed to be a development of regional impact.

b. For the purpose of this section, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size, or the addition of jet aircraft utilizing the airport.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, sports arenas, stadiums, race tracks, tourist attractions, amusement parks, and pari-mutuel facilities, the construction or expansion of which:

1. For single performance facilities:

- a. Provides parking spaces for more than 2,500 cars; or
 - b. Provides more than 10,000 permanent seats for spectators; or
2. For serial performance facilities:

- a. Provides parking spaces for more than 1,000 cars; or
- b. Provides more than 4,000 permanent seats for spectators.

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.

(c) Industrial plants and industrial parks.—Any proposed industrial, manufacturing, or processing plant under common ownership, or any proposed industrial park under common ownership which provides sites for industrial, manufacturing, or processing activity which:

1. Provides parking for more than 2,500 motor vehicles; or
2. Occupies a site greater than 320 acres.

(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;
2. Has a total site size of 30 or more acres; or

3. Encompasses more than 600,000 square feet of gross floor area in counties with a population greater than 500,000 and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the comprehensive regional policy plan.

(e) Port facilities.—The proposed construction of any waterport or marina required to undergo development-of-regional-impact review, except those designed for:

1. The wet storage or mooring of less than 100 watercraft used exclusively for sport, pleasure or commercial fishing.
2. The dry storage of less than 150 watercraft used exclusively for sport, pleasure, or commercial fishing.
3. The wet or dry storage or mooring of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.

4. The dry storage of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

(f) Retail, service, and wholesale development.—Any proposed retail, service, or wholesale business establishment or group of establishments operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or
2. Occupies more than 40 acres of land; or
3. Provides parking spaces for more than 2,500 cars.

(g) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or

2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in counties with a population greater than 500,000, and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and the comprehensive regional policy plan.

(h) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(i) Multi-use development.—Any proposed development with two or more land uses under common ownership, development plan, advertising or management where the sum of the percentages of the appropriate thresholds identified in chapter 27F-2, Florida Administrative Code, or this section, for each land use in the development is equal to or greater than 130 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(j) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county.

(4) The state land planning agency shall recommend to the Administration Commission specific criteria to be used in determining whether two or more developments shall be aggregated and treated as a single development under this act. The Administration Commission shall adopt appropriate aggregation criteria by rule no later than March 1, 1986. The rule shall specify criteria that, in addition to common ownership or majority interest, shall require that one or more of the following factors must exist: proximity, sharing of infrastructure, common advertising or management, or master plan or other corroborative documentation which includes each project in a unified plan of development.

Section 7. Subsection (5) is added to section 380.07, Florida Statutes, to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(5) *If an appeal is filed with respect to any issues within the scope of a permitting program authorized by chapter 161, chapter 373, or chapter 403, and for which a permit or conceptual review approval has been obtained prior to the issuance of a development order, any such issue shall be specifically identified in the notice of appeal which is filed pursuant to this section, together with other issues which constitute grounds for the appeal. The appeal may proceed with respect to issues within the scope of permitting programs for which a permit or conceptual review approval has been obtained prior to the issuance of a development order only after the commission determines by majority vote at a regularly scheduled commission meeting that statewide or regional interests may be adversely affected by the development. In making this determination, there shall be a rebuttable presumption that statewide and regional interests relating to issues within the scope of the permitting programs for which a permit or conceptual approval has been obtained are not adversely affected.*

Section 8. Paragraph (a) of subsection (2) of section 380.11, Florida Statutes, is amended, and paragraph (d) is added to said subsection to read:

380.11 Enforcement; procedures; remedies.—

(2) ADMINISTRATIVE REMEDIES.—

(a) *If the state land planning agency has reason to believe a violation of this part, ~~s. 380.06, s. 380.055, s. 380.0551, or s. 380.0552~~ or of any rule, development order, or other order issued thereunder, or of any agreement entered into under s. 380.032(3) or s. 380.06(8) has occurred or is about to occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.*

(d) *The state land planning agency may institute an administrative proceeding against any developer or responsible party to obtain compliance with s. 380.06 and binding letters, agreements, rules, orders, or development orders issued pursuant to s. 380.032(3), s. 380.05, s. 380.06, or s. 380.07. The state land planning agency may seek enforcement of its final agency action in accordance with s. 120.69 or by written agreement with the alleged violator pursuant to s. 380.032(3).*

Section 9. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability and certification.—

(2) Except as provided in subsection (1), no construction of any transmission line may be undertaken without first obtaining certification under this act, but the provisions of this act do not apply to:

(b) Transmission lines which have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of Community Affairs or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(20)(17).

Section 10. There is hereby appropriated from the General Revenue Fund of the state to the Department of Community Affairs the sum of \$150,000 to be used for the study of undeveloped platted lands and antiquated subdivisions in the State of Florida. One hundred thousand dollars of the total amount shall be used by the Department of Community Affairs to retain experts or consultants who shall prepare reports and suggest legislation on methods of deplattling antiquated subdivisions, on providing incentives for voluntary reassembly or replatting platted or subdivided lands, and on maintaining a proper balance between private property rights and the state's interest in the regulation of antiquated subdivisions and promoting well-planned developments and appropriate land usage throughout the state. The remaining \$50,000 shall be utilized by the Department of Community Affairs for its staff costs and expenses, including travel, in supporting, coordinating and reviewing the work of the consultants retained to work on the platted lands project.

Section 11. This act shall take effect October 1, 1985, except that this section, section 10, and subsection (8) of section 380.06, Florida Statutes, shall take effect July 1, 1985.

Senator Stuart moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 41, strike all of lines 1-6 and insert:

Anyone claiming vested rights under this paragraph must so notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, any commencing of development upon which there has been reliance and change of position shall vest the applicant's rights until June 30, 1990. Where the notification requirements have not been met, the vested rights authorized for this section shall expire June 30, 1986.

Amendment 3 as amended was adopted.

Senator Stuart moved the following amendment which was adopted:

Amendment 4—In title, on pages 1-6, strike everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending part II of chapter 163, F.S.; revising the short title and various provisions of ss. 163.3161-163.3211, F.S., the Local Government Comprehensive Planning Act of 1975; revising the short title and definitions; deleting provisions relating to jurisdiction of municipalities over reserve areas; deleting application of act to special districts; requiring adoption or amendment of comprehensive plans by counties and municipalities; requiring submission to state and regional planning agencies; providing deadlines for establishment of planning agency and preparation of plan by newly established municipalities; requiring prepa-

ration of plan by regional planning agency under certain circumstances and providing for compensation; providing application to Reedy Creek Improvement District; repealing s. 163.3171(4), F.S., relating to said district; deleting requirement of passage of ordinance of intent to exercise authority under the act; revising provisions relating to designation of local planning agencies and appropriations of funds therefor; specifying responsibilities of such agencies; revising required elements of the comprehensive plan; repealing s. 163.3177(6)(c), (i) and (7)(e), F.S., relating to a required utility element and an optional public services and facilities element; creating s. 163.3178, F.S.; providing legislative intent; providing coastal management element content; revising requirements relating to adoption of comprehensive plans and submission to specified agencies; providing duties of state land planning agency; directing the state land planning agency to adopt minimum criteria for the review of local comprehensive plans; directing counties and municipalities, to comply with adopted requirements concerning local comprehensive plans; providing for review and hearings; providing that local governments found to be not in compliance are ineligible for certain funding, specified grants, and certain revenue sharing; revising procedures for, and providing restrictions on, amendment of comprehensive plans; requiring submission of current plans to the state land planning agency by a specified date; providing for updating plans on file; revising provision relating to conflict with other statutes; revising procedures for amendment of plans based on periodic evaluation reports; providing for cooperation between agencies; providing for the relationship between land development regulations and adopted plans; specifying status of certain development order applications; creating ss. 163.3202, 163.3215, F.S.; providing for land development regulations; providing for periodic review of land development regulations; providing for enforcement; repealing ss. 163.160, 163.165, 163.170, 163.175, 163.180, 163.183, 163.185, 163.190, 163.195, 163.200, 163.205, 163.210, 163.215, 163.220, 163.225, 163.230, 163.235, 163.240, 163.245, 163.250, 163.255, 163.260, 163.265, 163.270, 163.275, 163.280, 163.285, 163.290, 163.295, 163.300, 163.305, 163.310, 163.315, F.S., relating to optional planning authority for counties and municipalities to plan for future development; repealing s. 163.3207, F.S., relating to technical advisory committees; providing legislative intent; amending s. 163.01, F.S.; providing procedures for authorizing bonds; amending s. 171.062, F.S.; providing requirements for certain annexed areas; amending s. 186.508, F.S.; prescribing procedures for adoption of comprehensive regional policy plans; creating a committee for the study of substate district boundaries; amending s. 253.193, F.S.; providing coordination planning.

On motion by Senator Stuart, by two-thirds vote CS for HB 287 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Jennings	Myers
Barron	Frank	Johnson	Scott
Beard	Gersten	Kirkpatrick	Stuart
Carlucci	Girardeau	Kiser	Thomas
Castor	Gordon	Langley	Thurman
Childers, D.	Grant	Malchon	Vogt
Childers, W. D.	Grizzle	Mann	Weinstein
Crawford	Hair	Margolis	
Deratany	Hill	McPherson	
Dunn	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Neal, Peterson, Plummer

On motion by Senator Stuart, the rules were waived and CS for CS for SB 441 after being engrossed was ordered immediately certified to the House.

On motion by Senator Stuart, the rules were waived and CS for HB 287 was ordered immediately certified to the House.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote SB 5, CS for SB 433 and SB 972 were withdrawn from the Committee on Appropriations.

Senator Crawford presiding

SB 1021—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051, F.S., ratifying the decision by certain employees of the University Athletic Association, Inc., to retroactively terminate membership in the Florida Retirement System; making such decisions irrevocable; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 2, line 19, strike “contrary to the intent of this subsection,”

On motion by Senator Kirkpatrick, by two-thirds vote SB 1021 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Beard	Girardeau	Kirkpatrick	Peterson
Carlucci	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thurman
Deratany	Hair	Mann	Vogt
Dunn	Hill	Margolis	Weinstein
Fox	Jenne	McPherson	
Frank	Jennings	Meek	
Gersten	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Neal

Consideration of CS for SB 809 was deferred.

SB 1255—A bill to be entitled An act relating to the construction of parking facilities on the University of Florida campus; providing for financing; subordinating the obligation to repay appropriations for prior parking facilities constructed at the J. Hillis Miller Health Center; providing for the development of a traffic and parking plan; providing for the expenditures of remaining revenues from the traffic and parking program; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Grant	Kiser	Plummer
Carlucci	Grizzle	Langley	Scott
Childers, W. D.	Hair	Malchon	Stuart
Deratany	Hill	Mann	Thurman
Fox	Jenne	Margolis	Vogt
Frank	Jennings	McPherson	Weinstein
Gersten	Johnson	Meek	
Girardeau	Kirkpatrick	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Dunn, Neal, Peterson

SB 822—A bill to be entitled An act relating to adoption; amending s. 63.092, F.S., providing that a written recommendation based on the preliminary study in an adoption case be mailed to the petitioner; providing a time period for petitioning the court for a determination as to the suitability of the intended placement by an intermediary; amending s. 63.162, F.S., providing that the Department of Health and Rehabilitative Services shall be given notice of hearing in the case of nonagency and agency adoptions; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 10 and 11, insert:

Section 3. Section 627.6415, Florida Statutes, is created to read:

627.6415 Coverage for adopted children upon placement in residence. —All health insurance policies which provide coverage for a member of the family of the insured shall, as to such family member's coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to an adopted child of the insured placed in compliance with chapter 63 from the moment of placement in the residence of the insured.

Section 4. Section 627.6578, Florida Statutes, is created to read:

627.6578 Coverage for adopted children upon placement in residence.—All group health insurance policies which provide coverage for a family member of the certificateholder or subscriber shall, as to such family member's coverage, provide that benefits applicable for children shall be payable with respect to adopted children of the certificateholder or subscriber placed in compliance with chapter 63 from the moment of placement in the residence of the certificateholder or subscriber.

Section 5. Each section which is added to chapter 627, Florida Statutes, by this act is repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 6. This act shall take effect October 1, 1985, and shall apply to policies issued or renewed on or after said date.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 13, after "adoptions," insert: creating ss. 627.6415 and 627.6578, F.S., requiring policies which provide family coverage to cover adopted children from the moment of placement in the residence of the insured or certificateholder; providing for review and repeal;

On motion by Senator Fox, by two-thirds vote SB 822 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Barron	Girardeau	Kirkpatrick	Peterson
Beard	Gordon	Kiser	Plummer
Carlucci	Grant	Langley	Scott
Castor	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thurman
Deratany	Hill	Margolis	Vogt
Fox	Jenne	McPherson	Weinstein
Frank	Jennings	Meek	
Gersten	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Dunn, Neal

On motion by Senator Castor, the rules were waived and by two-thirds vote HB 863 was withdrawn from the Committee on Appropriations.

On motion by Senator Castor—

HB 863—A bill to be entitled An act relating to appropriations; providing a supplemental appropriation to the Department of Community Affairs to provide certain assistance to certain farmworkers; providing an effective date.

—a companion measure, was substituted for SB 871 and read the second time by title. On motion by Senator Castor, by two-thirds vote HB 863 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Gersten	Johnson	Myers
Beard	Girardeau	Kiser	Peterson
Carlucci	Gordon	Langley	Plummer
Castor	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Deratany	Hair	Margolis	Thurman
Fox	Hill	McPherson	Vogt
Frank	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Dunn, Kirkpatrick, Neal

SB 871 was laid on the table.

HB 892—A bill to be entitled An act relating to real estate brokers and salesmen; amending s. 475.42, F.S., providing that brokers or salesmen shall not be precluded from recording judgments rendered by a Florida court; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 892 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Frank	Jennings	Myers
Beard	Gersten	Johnson	Peterson
Carlucci	Girardeau	Kiser	Plummer
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Deratany	Hair	Margolis	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

SB 1227—A bill to be entitled An act relating to the dairy industry; creating s. 502.165, F.S., providing regulation of imitation and substitute milk and milk products; providing requirements violation of which shall be penalized as provided by law; amending s. 502.171, F.S., providing for expenses to be paid from the General Revenue Fund; amending s. 503.041, F.S., deleting restrictions on use of certain license fees; repealing s. 502.012(1)(c), F.S., relating to the definition of filled milk or filled milk products; repealing s. 502.018, F.S., relating to labeling requirements on filled milk or filled milk products; repealing s. 502.161, F.S., relating to industry trade products; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1227 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Fox	Jenne	Myers
Beard	Frank	Jennings	Peterson
Carlucci	Gersten	Johnson	Plummer
Castor	Girardeau	Kiser	Scott
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thurman
Deratany	Hair	Margolis	Vogt
Dunn	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motion by Senator Thurman, the rules were waived and SB 1227 was ordered immediately certified to the House.

The President presiding

CS for SB 216—A bill to be entitled An act relating to information technology resource planning; amending s. 282.307, F.S.; delegating certain authority to the executive administrator of the Information Resource Commission; amending s. 282.308, F.S.; exempting certain information technology resources acquired through contracts and grants funds by universities from the information technology resources plan and requiring a report to the Board of Regents; requiring the Board of Regents to approve each university's information technology resource plan and to provide a copy of each approved plan to the Information Resource Commission; amending s. 282.309, F.S.; requiring the Judicial Administrative Commission, state attorneys, and public defenders to prepare information technology resource plans; providing guidelines for and authorizing the Information Resource Commission to prescribe plan format, content, and review criteria and to review plans; authorizing Judicial Administrative Commission assistance; providing for distribution of plans; providing appropriations; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for SB 216 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Plummer
Carlucci	Gersten	Kiser	Scott
Castor	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Hair	Margolis	Weinstein
Deratany	Hill	McPherson	
Dunn	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motion by Senator Stuart, the rules were waived and CS for SB 216 was ordered immediately certified to the House.

SB 368—A bill to be entitled An act relating to legal holidays; amending s. 683.01, F.S., relating to the observance of Memorial Day; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 368 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Meek
Barron	Frank	Jennings	Myers
Carlucci	Gersten	Johnson	Peterson
Castor	Girardeau	Kiser	Plummer
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thurman
Deratany	Hair	Margolis	Vogt
Dunn	Hill	McPherson	Weinstein

Nays—None

On motion by Senator Thurman, the rules were waived and SB 368 was ordered immediately certified to the House.

CS for CS for SB 120—A bill to be entitled An act relating to public lands; amending ss. 253.025, 270.09, 475.011, F.S.; exempting properties from the requirement of outside appraisal; providing for opening of bids to purchase public lands; exempting certain employees of the Department of Natural Resources from the real estate license law; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote CS for CS for SB 120 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jenne	Meek
Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Peterson
Carlucci	Girardeau	Kiser	Plummer
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten

CS for SB 782—A bill to be entitled An act relating to water quality standards; amending s. 403.707, F.S.; providing exceptions for permits; amending s. 403.813, F.S.; providing exceptions for permits issued at district centers; amending s. 403.817, F.S.; authorizing the department to make changes in its rules to be consistent with changes made by the Legislature; providing for ratification of certain rules adopted by the Environmental Regulation Commission; amending s. 403.918, F.S.; providing a date for the department to establish certain criteria; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendments which were adopted:

Amendment 1—On page 2, lines 7-31; on page 3, lines 1-31; on page 4, lines 1-31; on page 5, lines 1-31; on page 6, lines 1-31; and on page 7, lines 1-2, strike all of said lines.

(Renumber subsequent sections.)

Amendment 2—In title on page 1, lines 4, 5, and 6, strike “amending s. 403.813, F.S.; providing exceptions for permits issued at district centers;”

On motion by Senator Mann, by two-thirds vote CS for SB 782 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Hill	McPherson
Barron	Fox	Jenne	Meek
Beard	Frank	Jennings	Myers
Carlucci	Gersten	Johnson	Plummer
Castor	Girardeau	Kiser	Scott
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grant	Malchon	Thurman
Crawford	Grizzle	Mann	Vogt
Deratany	Hair	Margolis	Weinstein

Nays—None

Vote after roll call:

Yea—Neal

Consideration of SB 795 was deferred.

SB 1003—A bill to be entitled An act relating to education; amending s. 229.555, F.S., relating to the comprehensive management information system; requiring the superintendent to review the report and recommendations of the district reports-control committee; requiring a report; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 18 and 19, insert:

Section 2. (1) This section may be cited as the “Florida Career Education Act.”

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his designated staff shall administer this program. In developing and administering the career education program, the commissioner shall:

(a) Coordinate the efforts of the various disciplines or programs within the educational system, from kindergarten through postsecondary levels, and coordinate and articulate the activities of the various divisions of the Department of Education that are concerned with career education.

(b) Assemble, develop, and distribute instructional materials for use in career education.

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and occupational and placement specialists to assist in career counseling and placement and follow-up activities.

(d) Coordinate and assist the efforts of business and industry, community-based organizations, and governmental agencies that are concerned with education and work.

(e) Integrate career education in the general curricula of all public school grades and postsecondary education levels, directing special efforts toward defining high technology needs and incorporating these needs into the career planning process.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 7, before “providing” insert: establishing a career education program in the state educational system; providing for development and administration of the program;

On motion by Senator Deratany, by two-thirds vote SB 1003 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dunn	Jennings	Myers
Barron	Fox	Johnson	Peterson
Beard	Frank	Kiser	Plummer
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Thurman
Childers, D.	Grant	Mann	Vogt
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	McPherson	
Deratany	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Neal

SB 1008—A bill to be entitled An act relating to child abuse; amending s. 901.15, F.S., authorizing a peace officer to make a warrantless arrest if the officer has probable cause to believe that a person has committed a battery upon his child or child abuse or aggravated child abuse and finds evidence of bodily harm or reasonably believes that there is danger of violence; providing certain immunity; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Weinstein:

Amendment 1—On page 1, strike all of lines 21-26 and insert: *child or has committed child abuse* and:

1. Finds evidence of bodily harm; or
2. Reasonably believes that there is danger of violence unless the person alleged to have committed the battery or child abuse is arrested

Senator Weinstein moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, line 21, strike “child or”

Amendment 1 as amended was adopted.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 2—In title, on page 1, line 7, strike “or aggravated child abuse”

Senator Weinstein moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 6, strike “a battery upon his child or”

On motion by Senator Weinstein, by two-thirds vote SB 1008 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jennings	Meek
Barron	Frank	Johnson	Myers
Beard	Gersten	Kirkpatrick	Peterson
Carlucci	Girardeau	Kiser	Plummer
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thurman
Deratany	Hill	Margolis	Vogt
Dunn	Jenne	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Neal

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 23 was corrected and approved.

RECESS

The Senate recessed at 5:01 p.m. to reconvene at 2:00 p.m., Monday, May 27.