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Proposed Committee Substitute by the Committee on Community
Affairs

1 A bill to be entitled

2 An act relating to growth management; amending s. 70.51,
3 F.S.; deleting an exemption from the limitation on the
4 frequency of amendments of comprehensive plans;
5 transferring, renumbering, and amending s. 125.379, F.S.;
6 requiring counties to certify that they have prepared a
7 list of county-owned property appropriate for affordable
8 housing before obtaining certain funding; amending s.
9 163.3174, F.S.; prohibiting the members of the local
10 governing body from serving on the local planning agency;
11 providing an exception; amending s. 163.3177, F.S.;
12 revising the definition of "financial feasibility";
13 requiring coordination of the local comprehensive plan
14 with a school district's educational facilities plan;
15 including a provision encouraging rural counties to adopt
16 a rural sub-element as part of their future land use plan;
17 prohibiting local comprehensive plans from imposing
18 certain standards or development conditions inconsistent
19 with certain requirements of law or state requirements for
20 educational facilities or with maintaining financially
21 feasible school district facilities work plans; requiring
22 certain counties to certify that they have adopted a plan
23 for ensuring affordable workforce housing before obtaining
24 certain funding; requiring the housing element of the
25 comprehensive plan to include a provision addressing
26 senior affordable housing; authorizing the state land
27 planning agency to amend administrative rules relating to



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28 | planning criteria to allow for varying local conditions;
29 | deleting exemptions from the limitation on the frequency
30 | of plan amendments; deleting provisions encouraging local
31 | governments to develop a community vision and to designate
32 | an urban service boundary; amending s. 163.31771, F.S.;
33 | requiring a local government to amend its comprehensive
34 | plan to allow accessory dwelling units in an area zoned
35 | for single-family residential use; prohibiting such units
36 | from being treated as new units if there is a land use
37 | restriction agreement that restricts use to affordable
38 | housing; prohibiting accessory dwelling units from being
39 | located on certain land; amending s. 163.31777, F.S.;
40 | prohibiting local governments from imposing certain
41 | standards or development conditions inconsistent with
42 | certain requirements of law or state requirements for
43 | educational facilities or with maintaining financially
44 | feasible school district facilities work plans; delaying
45 | the implementation or enforcement of school concurrency on
46 | a less-than-districtwide basis until a certain date;
47 | amending s. 163.3178, F.S.; revising provisions relating
48 | to coastal management and coastal high-hazard areas;
49 | providing factors for demonstrating the compliance of a
50 | comprehensive plan amendment with rule provisions relating
51 | to coastal areas; amending s. 163.3180, F.S.; revising
52 | concurrency requirements; specifying municipal projects
53 | that are eligible for transportation concurrency exception
54 | areas; revising provisions relating to the Strategic
55 | Intermodal System; deleting a requirement for local
56 | governments to annually submit a summary of de minimus
57 | records; providing additional requirements for school



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58 concurrency service areas and contiguous service areas;
59 providing a minimum state availability standard for school
60 concurrency; extending the deadline for local governments
61 to adopt a public school facilities element and interlocal
62 agreement; providing that a developer may not be required
63 to reduce or eliminate backlog or address class size
64 reduction; requiring charter schools to be considered as a
65 mitigation option under certain circumstances; limiting
66 the circumstances under which a local government may deny
67 a development permit or comprehensive plan amendment based
68 on school concurrency; requiring school districts to
69 include relocatables in their calculation of school
70 capacity in certain circumstances; requiring consistency
71 between a school impact fee and an adopted school
72 concurrency ordinance; absolving a developer from
73 responsibility for mitigating school concurrency backlogs
74 or addressing class size; authorizing a methodology based
75 on vehicle and miles traveled for calculating
76 proportionate fair-share methodology; providing
77 transportation concurrency incentives for private
78 developers; deleting an exemption from transportation
79 concurrency provided to certain workforce housing;
80 requiring proportionate-share mitigation for developments
81 of regional impact to be based on the existing level of
82 service or the adopted level-of-service standard,
83 whichever is less; defining the term "backlogged
84 transportation facility"; providing for recommendations
85 for the establishment of a uniform mobility fee
86 methodology to replace the current transportation
87 concurrency management system; amending s. 163.3181, F.S.;



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88 requiring an applicant for certain future land use map
89 amendments to hold community or neighborhood meetings
90 before filing the application for and the adoption hearing
91 on the amendment; providing an exception; amending s.
92 163.3184, F.S.; requiring that potential applicants for a
93 future land use map amendment conduct a meeting to
94 present, discuss, and solicit public comment on the
95 proposed amendment; requiring that such meeting be
96 conducted before the application is filed; providing
97 notice and procedure requirements for such meetings;
98 providing for applicability of such requirements;
99 requiring that applicants conduct a second meeting within
100 a specified period before the local government's scheduled
101 adoption hearing; providing for notice of such meeting;
102 requiring that an applicant file with the local government
103 a written certification attesting to certain information;
104 exempting small-scale amendments from requirements related
105 to meetings; providing that an amendment is deemed
106 abandoned under certain circumstances; authorizing such
107 amendments to be considered during the next amendment
108 cycle; providing exceptions; authorizing the state land
109 planning agency to grant extensions; requiring that a
110 comprehensive plan or amendment to be adopted be available
111 to the public; prohibiting the alteration of an amendment
112 during a specified period before the hearing thereupon;
113 requiring that the local government certify certain
114 information to the state land planning agency; deleting
115 exemptions from the limitation on the frequency of
116 amendments of comprehensive plans; deleting provisions
117 relating to community vision and urban boundary amendments



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118 | to conform to changes made by the act; amending s.
119 | 163.3187, F.S.; providing that comprehensive plan
120 | amendments may be adopted by simple majority vote of the
121 | governing body of the applicable local government;
122 | requiring a super majority vote of such persons for the
123 | adoption of certain amendments; authorizing local
124 | governments to transmit and adopt certain plan amendments
125 | twice per calendar year; authorizing local governments to
126 | transmit and adopt certain plan amendments at any time
127 | during a calendar year without regard for restrictions on
128 | frequency; deleting certain types of amendments from the
129 | list of amendments eligible for adoption at any time
130 | during a calendar year; deleting exemptions from frequency
131 | limitations; providing circumstances under which small-
132 | scale amendments become effective; amending s. 163.3245,
133 | F.S.; revising provisions relating to optional sector
134 | plans; authorizing all local government to adopt optional
135 | sector plans into their comprehensive plan; increasing the
136 | size of the area to which sector plans apply; deleting
137 | certain restrictions on a local government upon entering
138 | into sector plans; deleting an annual monitoring report
139 | submitted by a host local government that has adopted a
140 | sector plan and a status report submitted by the
141 | department on optional sector plans; amending s. 163.3246,
142 | F.S.; discontinuing the Local Government Comprehensive
143 | Planning Certification Program except for currently
144 | certified local governments; retaining an exemption from
145 | DRI review for a certified community in certain
146 | circumstances; creating s. 163.32461, F.S.; providing
147 | expedited affordable housing growth strategies; providing



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148 legislative intent; providing definitions; providing an
149 optional expedited review for future land use map
150 amendments; providing procedures for such review;
151 providing for the expedited review of subdivision, site
152 plans, and building permits; providing for density bonuses
153 for certain land use; amending s. 163.32465, F.S.;
154 revising provisions relating to the state review of
155 comprehensive plans; providing additional types of
156 amendments to which the alternative state review applies;
157 renumbering and amending s. 166.0451, F.S.; requiring
158 municipalities to certify that they have prepared a list
159 of county-owned property appropriate for affordable
160 housing before obtaining certain funding; amending s.
161 163.32465, F.S.; conforming cross-references; amending s.
162 253.034, F.S.; requiring that a manager of conservation
163 lands report to the Board of Trustees of the Internal
164 Improvement Trust Fund at specified intervals regarding
165 those lands not being used for the purpose for which they
166 were originally leased; requiring that the Division of
167 State Lands annually submit to the President of the Senate
168 and the Speaker of the House of Representatives a copy of
169 the state inventory identifying all nonconservation lands;
170 requiring the division to publish a copy of the annual
171 inventory on its website and notify by electronic mail the
172 executive head of the governing body of each local
173 government having lands in the inventory within its
174 jurisdiction; amending s. 288.975, F.S.; conforming cross-
175 references; amending s. 380.06, F.S.; conforming a cross-
176 reference; providing an exception from development-of-
177 regional-impact review; providing a 3-year extension for



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178 the buildout, commencement, and expiration dates of
179 developments of regional impact and Florida Quality
180 Developments; providing that all transportation impacts
181 for a phase or stage of a development of regional impact
182 shall be deemed mitigated under certain circumstances;
183 amending s. 380.0651, F.S.; providing an exemption from
184 development-of-regional impact review; amending s.
185 1002.33, F.S.; restricting facilities from providing space
186 to charter schools unless such use is consistent with the
187 local comprehensive plan; creating s. 1011.775, F.S.;
188 requiring that each district school board prepare an
189 inventory list of certain real property on or before a
190 specified date and at specified intervals thereafter;
191 requiring that such list include certain information;
192 requiring that the district school board review the list
193 at a public meeting and make certain determinations;
194 requiring that the board state its intended use for
195 certain property; authorizing the board to revise the list
196 at the conclusion of the public meeting; requiring that
197 the board adopt a resolution; authorizing the board to
198 offer certain properties for sale and use the proceeds for
199 specified purposes; authorizing the board to make the
200 property available for the production and preservation of
201 permanent affordable housing; defining the term
202 "affordable" for specified purposes; amending s. 1013.33,
203 F.S.; prohibiting the imposition of standards and
204 conditions exceeding certain requirements for an
205 educational facilities or school district facilities work
206 plan under certain circumstances; providing an exception;
207 amending s. 1013.372, F.S.; requiring that certain charter



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208 schools serve as public shelters at the request of the
209 local emergency management agency; repealing s. 339.282,
210 F.S., relating to transportation concurrency incentives;
211 repealing s. 420.615, F.S., relating to affordable housing
212 land donation density bonus incentives; amending ss.
213 163.3217, 163.3182, and 171.203, F.S.; deleting exemptions
214 from the limitation on the frequency of amendments of
215 comprehensive plans; providing an effective date.

216

217 Be It Enacted by the Legislature of the State of Florida:

218

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

221 70.51 Land use and environmental dispute resolution.--

222 (26) A special magistrate's recommendation under this
223 section constitutes data in support of, and a support document
224 for, a comprehensive plan or comprehensive plan amendment, but is
225 not, in and of itself, dispositive of a determination of
226 compliance with chapter 163. ~~Any comprehensive plan amendment
227 necessary to carry out the approved recommendation of a special
228 magistrate under this section is exempt from the twice a year
229 limit on plan amendments and may be adopted by the local
230 government amendments in s. 163.3184(16)(d).~~

231 Section 2. Section 125.379, Florida Statutes, is
232 transferred, renumbered as section 163.32431, Florida Statutes,
233 and amended to read:

234 163.32431 ~~125.379~~ Disposition of county property for
235 affordable housing.--

236 (1) By July 1, 2007, and every 3 years thereafter, each
237 county shall prepare an inventory list of all real property



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238 within its jurisdiction to which the county holds fee simple
239 title that is appropriate for use as affordable housing. The
240 inventory list must include the address and legal description of
241 each ~~such~~ real property and specify whether the property is
242 vacant or improved. The governing body of the county must review
243 the inventory list at a public hearing and may revise it at the
244 conclusion of the public hearing. The governing body of the
245 county shall adopt a resolution that includes an inventory list
246 of the ~~such~~ property following the public hearing.

247 (2) The properties identified as appropriate for use as
248 affordable housing on the inventory list adopted by the county
249 may be offered for sale and the proceeds used to purchase land
250 for the development of affordable housing or to increase the
251 local government fund earmarked for affordable housing, or may be
252 sold with a restriction that requires the development of the
253 property as permanent affordable housing, or may be donated to a
254 nonprofit housing organization for the construction of permanent
255 affordable housing. Alternatively, the county may otherwise make
256 the property available for use for the production and
257 preservation of permanent affordable housing. For purposes of
258 this section, the term "affordable" has the same meaning as in s.
259 420.0004(3).

260 (3) As a precondition to receiving any state affordable
261 housing funding or allocation for any project or program within a
262 county's jurisdiction, a county must, by July 1 of each year,
263 provide certification that the inventory and any update required
264 by this section are complete.

265 Section 3. Subsection (1) of section 163.3174, Florida
266 Statutes, is amended to read:

267 163.3174 Local planning agency.--



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268 (1) The governing body of each local government,
269 individually or in combination as provided in s. 163.3171, shall
270 designate and by ordinance establish a "local planning agency,"
271 unless the agency is otherwise established by law.
272 Notwithstanding any special act to the contrary, all local
273 planning agencies or equivalent agencies that first review
274 rezoning and comprehensive plan amendments in each municipality
275 and county shall include a representative of the school district
276 appointed by the school board as a nonvoting member ~~of the local~~
277 ~~planning agency or equivalent agency~~ to attend those meetings at
278 which the agency considers comprehensive plan amendments and
279 rezonings that would, if approved, increase residential density
280 on the property that is the subject of the application. However,
281 this subsection does not prevent the ~~governing body of the~~ local
282 government from granting voting status to the school board
283 member. Members of the local governing body may not serve on
284 ~~designate itself as~~ the local planning agency pursuant to this
285 subsection, except in a municipality having a population of 5,000
286 or fewer with the addition of a nonvoting school board
287 ~~representative~~. The local governing body shall notify the state
288 land planning agency of the establishment of its local planning
289 agency. All local planning agencies shall provide opportunities
290 for involvement by applicable community college boards, which may
291 be accomplished by formal representation, membership on technical
292 advisory committees, or other appropriate means. The local
293 planning agency shall prepare the comprehensive plan or plan
294 amendment after hearings to be held after public notice and shall
295 make recommendations to the local governing body regarding the
296 adoption or amendment of the plan. The local planning agency may
297 be a local planning commission, the planning department of the



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298 local government, or other instrumentality, including a
299 countywide planning entity established by special act or a
300 council of local government officials created pursuant to s.
301 163.02, provided the composition of the council is fairly
302 representative of all the governing bodies in the county or
303 planning area; however:

304 (a) If a joint planning entity was ~~is~~ in existence on July
305 1, 1975 ~~the effective date of this act which authorizes the~~
306 ~~governing bodies to adopt and enforce a land use plan effective~~
307 ~~throughout the joint planning area~~, that entity shall be the
308 agency for those local governments until such time as the
309 authority of the joint planning entity is modified by law.

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

313 Section 4. Paragraph (b) of subsection (3), paragraph (a)
314 of subsection (4), paragraphs (a), (c), (f), (g), and (h) of
315 subsection (6), paragraph (e) of subsection (7), paragraph (i) of
316 subsection (10), paragraph (i) of subsection (12), and
317 subsections (13) and (14) of section 163.3177, Florida Statutes,
318 are amended to read:

319 163.3177 Required and optional elements of comprehensive
320 plan; studies and surveys.--

321 (3)

322 (b)1. The capital improvements element must be reviewed on
323 an annual basis and modified as necessary in accordance with s.
324 163.3187 or s. 163.3189 in order to maintain a financially
325 feasible 5-year schedule of capital improvements. Corrections and
326 modifications concerning costs; revenue sources; or acceptance of
327 facilities pursuant to dedications which are consistent with the



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328 | plan may be accomplished by ordinance and shall not be deemed to
329 | be amendments to the local comprehensive plan. A copy of the
330 | ordinance shall be transmitted to the state land planning agency.
331 | An amendment to the comprehensive plan is required to update the
332 | schedule on an annual basis or to eliminate, defer, or delay the
333 | construction for any facility listed in the 5-year schedule. All
334 | public facilities must be consistent with the capital
335 | improvements element. Amendments to implement this section must
336 | be adopted and transmitted no later than December 1, 2009 ~~2008~~.
337 | Thereafter, a local government may not amend its future land use
338 | map, except for plan amendments to meet new requirements under
339 | this part and emergency amendments pursuant to s. 163.3187(1)(a),
340 | after December 1, 2009 ~~2008~~, and every year thereafter, unless
341 | and until the local government has adopted the annual update and
342 | it has been transmitted to the state land planning agency.

343 | 2. Capital improvements element amendments adopted after
344 | the effective date of this act shall require only a single public
345 | hearing before the governing board which shall be an adoption
346 | hearing as described in s. 163.3184(7). Such amendments are not
347 | subject to the requirements of s. 163.3184(3)-(6).

348 | (4)(a) Coordination of the local comprehensive plan with
349 | the comprehensive plans of adjacent municipalities, the county,
350 | adjacent counties, or the region; with the appropriate water
351 | management district's regional water supply plans approved
352 | pursuant to s. 373.0361; with adopted rules pertaining to
353 | designated areas of critical state concern; with the school
354 | district's educational facilities plan approved pursuant to s.
355 | 1013.35; and with the state comprehensive plan shall be a major
356 | objective of the local comprehensive planning process. To that
357 | end, in the preparation of a comprehensive plan or element



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358 | thereof, and in the comprehensive plan or element as adopted, the
359 | governing body shall include a specific policy statement
360 | indicating the relationship of the proposed development of the
361 | area to the comprehensive plans of adjacent municipalities, the
362 | county, adjacent counties, or the region and to the state
363 | comprehensive plan, as the case may require and as such adopted
364 | plans or plans in preparation may exist.

365 | (6) In addition to the requirements of subsections (1)-(5)
366 | and (12), the comprehensive plan shall include the following
367 | elements:

368 | (a) A future land use plan element designating proposed
369 | future general distribution, location, and extent of the uses of
370 | land for residential uses, commercial uses, industry,
371 | agriculture, recreation, conservation, education, public
372 | buildings and grounds, other public facilities, and other
373 | categories of the public and private uses of land. Counties are
374 | encouraged to designate rural land stewardship areas, pursuant to
375 | ~~the provisions of~~ paragraph (11) (d), as overlays on the future
376 | land use map.

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

384 | 2. The future land use plan shall be based upon surveys,
385 | studies, and data regarding the area, including the amount of
386 | land required to accommodate anticipated growth; the projected
387 | population of the area; the character of undeveloped land; the



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388 availability of water supplies, public facilities, and services;
389 the need for redevelopment, including the renewal of blighted
390 areas and the elimination of nonconforming uses which are
391 inconsistent with the character of the community; the
392 compatibility of uses on lands adjacent to or closely proximate
393 to military installations; the discouragement of urban sprawl;
394 energy efficient land use patterns that reduce vehicle-miles
395 traveled; and, in rural communities, the need for job creation,
396 capital investment, and economic development that will strengthen
397 and diversify the community's economy.

398 3. The future land use plan may designate areas for future
399 planned development ~~use~~ involving combinations of types of uses
400 for which special regulations may be necessary to ensure
401 development in accord with the principles and standards of the
402 comprehensive plan and this act.

403 4. The future land use plan ~~element~~ shall include criteria
404 ~~to be used~~ to achieve the compatibility of adjacent or closely
405 proximate lands with military installations.

406 5. Counties are encouraged to adopt a rural sub-element as
407 a part of the future land use plan. The sub-element shall apply
408 to all lands classified in the future land use plan as
409 predominantly agricultural, rural, open, open-rural, or a
410 substantively equivalent land use. The rural sub-element shall
411 include goals, objectives, and policies that enhance rural
412 economies, promote the viability of agriculture, provide for
413 appropriate economic development, discourage urban sprawl, and
414 ensure the protection of natural resources. The rural sub-element
415 shall generally identify anticipated areas of rural,
416 agricultural, and conservation areas that may be considered for
417 conversion to urban land use and appropriate sites for affordable



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418 housing. The rural sub-element shall also generally identify
419 areas that may be considered for rural land stewardship areas,
420 sector planning, or new communities or towns in accordance with
421 ss. 163.3177(11) and 163.3245(2). ~~In addition,~~ For rural
422 communities, the amount of land designated for future planned
423 industrial use shall be based upon surveys and studies that
424 reflect the need for job creation, capital investment, and the
425 necessity to strengthen and diversify the local economies, and
426 may ~~shall~~ not be limited solely by the projected population of
427 the rural community.

428 6. The future land use plan of a county may also designate
429 areas for possible future municipal incorporation.

430 7. The land use maps or map series shall generally identify
431 and depict historic district boundaries and ~~shall~~ designate
432 historically significant properties meriting protection.

433 8. For coastal counties, the future land use plan element
434 must include, without limitation, regulatory incentives and
435 criteria that encourage the preservation of recreational and
436 commercial working waterfronts as defined in s. 342.07.

437 9. The future land use plan element must clearly identify
438 the land use categories in which public schools are an allowable
439 use. When delineating such ~~the~~ land use categories ~~in which~~
440 ~~public schools are an allowable use,~~ a local government shall
441 include in the categories sufficient land proximate to
442 residential development to meet the projected needs for schools
443 in coordination with public school boards and may establish
444 differing criteria for schools of different type or size. Each
445 local government shall include lands contiguous to existing
446 school sites, to the maximum extent possible, within the land use
447 categories in which public schools are an allowable use. ~~The~~



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448 ~~failure by a local government to comply with these school siting~~
449 ~~requirements will result in the prohibition of~~ The local
450 ~~government may not~~ government's ability to amend the local
451 comprehensive plan, except for plan amendments described in s.
452 163.3187(1)(b), until the school siting requirements are met.
453 ~~Amendments proposed by a local government for purposes of~~
454 ~~identifying the land use categories in which public schools are~~
455 ~~an allowable use are exempt from the limitation on the frequency~~
456 ~~of plan amendments contained in s. 163.3187.~~ The future land use
457 plan element shall include criteria that encourage the location
458 of schools proximate to urban residential areas to the extent
459 possible and shall require that the local government seek to
460 collocate public facilities, such as parks, libraries, and
461 community centers, with schools to the extent possible and to
462 encourage the use of elementary schools as focal points for
463 neighborhoods. For schools serving predominantly rural counties,
464 defined as a county having ~~with~~ a population of 100,000 or fewer,
465 an agricultural land use category is ~~shall be~~ eligible for the
466 location of public school facilities if the local comprehensive
467 plan contains school siting criteria and the location is
468 consistent with such criteria. Local governments required to
469 update or amend their comprehensive plan to include criteria and
470 address compatibility of adjacent or closely proximate lands with
471 existing military installations in their future land use plan
472 element shall transmit the update or amendment to the department
473 by June 30, 2006.

474 (c) A general sanitary sewer, solid waste, drainage,
475 potable water, and natural groundwater aquifer recharge element
476 correlated to principles and guidelines for future land use,
477 indicating ways to provide for future potable water, drainage,



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478 sanitary sewer, solid waste, and aquifer recharge protection
479 requirements for the area. The element may be a detailed
480 engineering plan including a topographic map depicting areas of
481 prime groundwater recharge. The element shall describe the
482 problems and needs and the general facilities that will be
483 required for solution of the problems and needs. The element
484 shall also include a topographic map depicting any areas adopted
485 by a regional water management district as prime groundwater
486 recharge areas for the Floridan or Biscayne aquifers. These areas
487 shall be given special consideration when the local government is
488 engaged in zoning or considering future land use for said
489 designated areas. For areas served by septic tanks, soil surveys
490 shall be provided which indicate the suitability of soils for
491 septic tanks. Within 18 months after the governing board approves
492 an updated regional water supply plan, the element must
493 incorporate the alternative water supply project or projects
494 selected by the local government from those identified in the
495 regional water supply plan pursuant to s. 373.0361(2)(a) or
496 proposed by the local government under s. 373.0361(7)(b). If a
497 local government is located within two water management
498 districts, the local government shall adopt its comprehensive
499 plan amendment within 18 months after the later updated regional
500 water supply plan. The element must identify such alternative
501 water supply projects and traditional water supply projects and
502 conservation and reuse necessary to meet the water needs
503 identified in s. 373.0361(2)(a) within the local government's
504 jurisdiction and include a work plan, covering at least a 10 year
505 planning period, for building public, private, and regional water
506 supply facilities, including development of alternative water
507 supplies, which are identified in the element as necessary to



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508 | serve existing and new development. The work plan shall be
509 | updated, at a minimum, every 5 years within 18 months after the
510 | governing board of a water management district approves an
511 | updated regional water supply plan. ~~Amendments to incorporate the~~
512 | ~~work plan do not count toward the limitation on the frequency of~~
513 | ~~adoption of amendments to the comprehensive plan.~~ Local
514 | governments, public and private utilities, regional water supply
515 | authorities, special districts, and water management districts
516 | are encouraged to cooperatively plan for the development of
517 | multijurisdictional water supply facilities that are sufficient
518 | to meet projected demands for established planning periods,
519 | including the development of alternative water sources to
520 | supplement traditional sources of groundwater and surface water
521 | supplies.

522 | (f)1. A housing element consisting of standards, plans, and
523 | principles to be followed in:

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

526 | b. The elimination of substandard dwelling conditions.

527 | c. The structural and aesthetic improvement of existing
528 | housing.

529 | d. The provision of adequate sites for future housing,
530 | including affordable workforce housing as defined in s.

531 | 380.0651(3)(j), housing for low-income, very low-income, and

532 | moderate-income families, mobile homes, senior affordable

533 | housing, and group home facilities and foster care facilities,

534 | with supporting infrastructure and public facilities. This

535 | includes compliance with the applicable public lands provision

536 | under s. 163.32431 or s. 163.32432.



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537 e. Provision for relocation housing and identification of
538 historically significant and other housing for purposes of
539 conservation, rehabilitation, or replacement.

540 f. The formulation of housing implementation programs.

541 g. The creation or preservation of affordable housing to
542 minimize the need for additional local services and avoid the
543 concentration of affordable housing units only in specific areas
544 of the jurisdiction.

545 ~~(I)h.~~ By July 1, 2008, each county in which the gap between
546 the buying power of a family of four and the median county home
547 sale price exceeds \$170,000, as determined by the Florida Housing
548 Finance Corporation, and which is not designated as an area of
549 critical state concern shall adopt a plan for ensuring affordable
550 workforce housing. At a minimum, the plan shall identify adequate
551 sites for such housing. For purposes of this sub-subparagraph,
552 the term "workforce housing" means housing that is affordable to
553 natural persons or families whose total household income does not
554 exceed 140 percent of the area median income, adjusted for
555 household size.

556 ~~(II)i.~~ As a precondition to receiving any state affordable
557 housing funding or allocation for any project or program within
558 the jurisdiction of a county that is subject to sub-sub-
559 subparagraph (I), a county must, by July 1 of each year, provide
560 certification that the county has complied with the requirements
561 of sub-sub-subparagraph (I). ~~Failure by a local government to~~
562 ~~comply with the requirement in sub-subparagraph h. will result in~~
563 ~~the local government being ineligible to receive any state~~
564 ~~housing assistance grants until the requirement of sub-~~
565 ~~subparagraph h. is met.~~



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566 2. The goals, objectives, and policies of the housing
567 element must be based on the data and analysis prepared on
568 housing needs, including the affordable housing needs assessment.
569 State and federal housing plans prepared on behalf of the local
570 government must be consistent with the goals, objectives, and
571 policies of the housing element. Local governments are encouraged
572 to use ~~utilize~~ job training, job creation, and economic solutions
573 to address a portion of their affordable housing concerns.

574 3.2. To assist local governments in housing data collection
575 and analysis and assure uniform and consistent information
576 regarding the state's housing needs, the state land planning
577 agency shall conduct an affordable housing needs assessment for
578 all local jurisdictions on a schedule that coordinates the
579 implementation of the needs assessment with the evaluation and
580 appraisal reports required by s. 163.3191. Each local government
581 shall use ~~utilize~~ the data and analysis from the needs assessment
582 as one basis for the housing element of its local comprehensive
583 plan. The agency shall allow a local government ~~the option~~ to
584 perform its own needs assessment, if it uses the methodology
585 established by the agency by rule.

586 (g)1. For those units of local government identified in s.
587 380.24, a coastal management element, appropriately related to
588 the particular requirements of paragraphs (d) and (e) and meeting
589 the requirements of s. 163.3178(2) and (3). The coastal
590 management element shall set forth the policies that shall guide
591 the local government's decisions and program implementation with
592 respect to the following objectives:

593 a. Maintenance, restoration, and enhancement of the overall
594 quality of the coastal zone environment, including, but not
595 limited to, its amenities and aesthetic values.



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596 | b. Continued existence of viable populations of all species
597 | of wildlife and marine life.

598 | c. The orderly and balanced utilization and preservation,
599 | consistent with sound conservation principles, of all living and
600 | nonliving coastal zone resources.

601 | d. Avoidance of irreversible and irretrievable loss of
602 | coastal zone resources.

603 | e. Ecological planning principles and assumptions to be
604 | used in the determination of suitability and extent of permitted
605 | development.

606 | f. Proposed management and regulatory techniques.

607 | g. Limitation of public expenditures that subsidize
608 | development in high-hazard coastal areas.

609 | h. Protection of human life against the effects of natural
610 | disasters.

611 | i. The orderly development, maintenance, and use of ports
612 | identified in s. 403.021(9) to facilitate deepwater commercial
613 | navigation and other related activities.

614 | j. Preservation, including sensitive adaptive use of
615 | historic and archaeological resources.

616 | 2. As part of this element, a local government that has a
617 | coastal management element in its comprehensive plan is
618 | encouraged to adopt recreational surface water use policies that
619 | include applicable criteria for and consider such factors as
620 | natural resources, manatee protection needs, protection of
621 | working waterfronts and public access to the water, and
622 | recreation and economic demands. Criteria for manatee protection
623 | in the recreational surface water use policies should reflect
624 | applicable guidance outlined in the Boat Facility Siting Guide
625 | prepared by the Fish and Wildlife Conservation Commission. ~~If the~~



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626 ~~local government elects to adopt recreational surface water use~~
627 ~~policies by comprehensive plan amendment, such comprehensive plan~~
628 ~~amendment is exempt from the provisions of s. 163.3187(1).~~ Local
629 governments that wish to adopt recreational surface water use
630 policies may be eligible for assistance with the development of
631 such policies through the Florida Coastal Management Program. The
632 Office of Program Policy Analysis and Government Accountability
633 shall submit a report on the adoption of recreational surface
634 water use policies under this subparagraph to the President of
635 the Senate, the Speaker of the House of Representatives, and the
636 majority and minority leaders of the Senate and the House of
637 Representatives no later than December 1, 2010.

638 (h)1. An intergovernmental coordination element showing
639 relationships and stating principles and guidelines to be used in
640 the accomplishment of coordination of the adopted comprehensive
641 plan with the plans of school boards, regional water supply
642 authorities, and other units of local government providing
643 services but not having regulatory authority over the use of
644 land, with the comprehensive plans of adjacent municipalities,
645 the county, adjacent counties, or the region, with the state
646 comprehensive plan and with the applicable regional water supply
647 plan approved pursuant to s. 373.0361, as the case may require
648 and as such adopted plans or plans in preparation may exist. This
649 element of the local comprehensive plan shall demonstrate
650 consideration of the particular effects of the local plan, when
651 adopted, upon the development of adjacent municipalities, the
652 county, adjacent counties, or the region, or upon the state
653 comprehensive plan, as the case may require.

654 a. The intergovernmental coordination element shall provide
655 for procedures to identify and implement joint planning areas,



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656 especially for the purpose of annexation, municipal
657 incorporation, and joint infrastructure service areas.

658 b. The intergovernmental coordination element shall provide
659 for recognition of campus master plans prepared pursuant to s.
660 1013.30 and the school district's educational facilities plan
661 approved pursuant to s. 1013.35.

662 c. The intergovernmental coordination element may provide
663 for a voluntary dispute resolution process as established
664 pursuant to s. 186.509 for bringing to closure in a timely manner
665 intergovernmental disputes. A local government may develop and
666 use an alternative local dispute resolution process for this
667 purpose.

668 2. The intergovernmental coordination element shall further
669 state principles and guidelines to be used in the accomplishment
670 of coordination of the adopted comprehensive plan with the plans
671 of school boards and other units of local government providing
672 facilities and services but not having regulatory authority over
673 the use of land. In addition, the intergovernmental coordination
674 element shall describe joint processes for collaborative planning
675 and decisionmaking on population projections and public school
676 siting, the location and extension of public facilities subject
677 to concurrency, and siting facilities with countywide
678 significance, including locally unwanted land uses whose nature
679 and identity are established in an agreement. Within 1 year of
680 adopting their intergovernmental coordination elements, each
681 county, all the municipalities within that county, the district
682 school board, and any unit of local government service providers
683 in that county shall establish by interlocal or other formal
684 agreement executed by all affected entities, the joint processes



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685 described in this subparagraph consistent with their adopted
686 intergovernmental coordination elements.

687 3. To foster coordination between special districts and
688 local general-purpose governments as local general-purpose
689 governments implement local comprehensive plans, each independent
690 special district must submit a public facilities report to the
691 appropriate local government as required by s. 189.415.

692 4.a. Local governments must execute an interlocal agreement
693 with the district school board, the county, and nonexempt
694 municipalities pursuant to s. 163.31777. The local government
695 shall amend the intergovernmental coordination element to provide
696 that coordination between the local government and school board
697 is pursuant to the agreement and shall state the obligations of
698 the local government under the agreement.

699 b. Plan amendments that comply with this subparagraph are
700 exempt from the provisions of s. 163.3187(1).

701 5. The state land planning agency shall establish a
702 schedule for phased completion and transmittal of plan amendments
703 to implement subparagraphs 1., 2., and 3. from all jurisdictions
704 so as to accomplish their adoption by December 31, 1999. A local
705 government may complete and transmit its plan amendments to carry
706 out these provisions prior to the scheduled date established by
707 the state land planning agency. ~~The plan amendments are exempt
708 from the provisions of s. 163.3187(1).~~

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

713 a. Identifies all existing or proposed interlocal service
714 delivery agreements regarding the following: education; sanitary



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715 sewer; public safety; solid waste; drainage; potable water; parks
716 and recreation; and transportation facilities.

717 b. Identifies any deficits or duplication in the provision
718 of services within its jurisdiction, whether capital or
719 operational. Upon request, the Department of Community Affairs
720 shall provide technical assistance to the local governments in
721 identifying deficits or duplication.

722 7. Within 6 months after submission of the report, the
723 Department of Community Affairs shall, through the appropriate
724 regional planning council, coordinate a meeting of all local
725 governments within the regional planning area to discuss the
726 reports and potential strategies to remedy any identified
727 deficiencies or duplications.

728 8. Each local government shall update its intergovernmental
729 coordination element based upon the findings in the report
730 submitted pursuant to subparagraph 6. The report may be used as
731 supporting data and analysis for the intergovernmental
732 coordination element.

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

735 (e) A public buildings and related facilities element
736 showing locations and arrangements of civic and community
737 centers, public schools, hospitals, libraries, police and fire
738 stations, and other public buildings. This plan element should
739 show particularly how it is proposed to effect coordination with
740 governmental units, such as school boards or hospital
741 authorities, having public development and service
742 responsibilities, capabilities, and potential but not having land
743 development regulatory authority. This element may include plans
744 for architecture and landscape treatment of their grounds, except



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745 that, for public school facilities, the element shall be
746 coordinated with the public school facilities element required by
747 s. 163.3177(12) and the interlocal agreement required by s.
748 163.31777 and may not impose design standards, site plan
749 standards, or other development conditions that are inconsistent
750 with the requirements of chapter 1013 and any state requirements
751 for educational facilities or that are inconsistent with
752 maintaining a balanced, financially feasible school district
753 facilities work plan.

754 (10) The Legislature recognizes the importance and
755 significance of chapter 9J-5, Florida Administrative Code, the
756 Minimum Criteria for Review of Local Government Comprehensive
757 Plans and Determination of Compliance of the Department of
758 Community Affairs that will be used to determine compliance of
759 local comprehensive plans. The Legislature reserved unto itself
760 the right to review chapter 9J-5, Florida Administrative Code,
761 and to reject, modify, or take no action relative to this rule.
762 Therefore, pursuant to subsection (9), the Legislature hereby has
763 reviewed chapter 9J-5, Florida Administrative Code, and expresses
764 the following legislative intent:

765 (i) The Legislature recognizes that due to varying local
766 conditions, local governments have different planning needs that
767 cannot be addressed by one uniform set of minimum planning
768 criteria. Therefore, the state land planning agency may amend
769 chapter 9J-5, Florida Administrative Code, to establish different
770 minimum criteria that are applicable to local governments based
771 on the following factors:

- 772 1. Current and projected population.
- 773 2. Size of the local jurisdiction.
- 774 3. Amount and nature of undeveloped land.



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775 | 4. The scale of public services provided by the local
776 | government.

777 |

778 | The state land planning agency ~~department~~ shall take into account
779 | the factors delineated in rule 9J-5.002(2), Florida
780 | Administrative Code, as it provides assistance to local
781 | governments and applies the rule in specific situations with
782 | regard to the detail of the data and analysis required.

783 | (12) A public school facilities element adopted to
784 | implement a school concurrency program shall meet the
785 | requirements of this subsection. Each county and each
786 | municipality within the county, unless exempt or subject to a
787 | waiver, must adopt a public school facilities element that is
788 | consistent with those adopted by the other local governments
789 | within the county and enter the interlocal agreement pursuant to
790 | s. 163.31777.

791 | (i) The state land planning agency shall establish a phased
792 | schedule for adoption of the public school facilities element and
793 | the required updates to the public schools interlocal agreement
794 | pursuant to s. 163.31777. The schedule shall provide for each
795 | county and local government within the county to adopt the
796 | element and update to the agreement no later than December 1,
797 | 2009 ~~2008~~. Plan amendments to adopt a public school facilities
798 | element are exempt from the provisions of s. 163.3187(1).

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



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805 ~~(a) As part of the process of developing a community vision~~
806 ~~under this section, the local government must hold two public~~
807 ~~meetings with at least one of those meetings before the local~~
808 ~~planning agency. Before those public meetings, the local~~
809 ~~government must hold at least one public workshop with~~
810 ~~stakeholder groups such as neighborhood associations, community~~
811 ~~organizations, businesses, private property owners, housing and~~
812 ~~development interests, and environmental organizations.~~

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

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

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

819 ~~3. Preservation of open space, environmentally sensitive~~
820 ~~lands, and agricultural lands;~~

821 ~~4. Appropriate areas and standards for mixed-use~~
822 ~~development;~~

823 ~~5. Appropriate areas and standards for high-density~~
824 ~~commercial and residential development;~~

825 ~~6. Appropriate areas and standards for economic development~~
826 ~~opportunities and employment centers;~~

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

828 ~~8. An efficient, interconnected multimodal transportation~~
829 ~~system; and~~

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

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



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835 ~~1. Strategies to preserve open space and environmentally~~
836 ~~sensitive lands, and to encourage a healthy agricultural economy,~~
837 ~~including innovative planning and development strategies, such as~~
838 ~~the transfer of development rights;~~

839 ~~2. Incentives for mixed-use development, including~~
840 ~~increased height and intensity standards for buildings that~~
841 ~~provide residential use in combination with office or commercial~~
842 ~~space;~~

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

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

846 ~~5. Strategies to provide mobility within the community and~~
847 ~~to protect the Strategic Intermodal System, including the~~
848 ~~development of a transportation corridor management plan under s.~~
849 ~~337.273.~~

850 ~~(d) The community vision must reflect the community's~~
851 ~~shared concept for growth and development of the community,~~
852 ~~including visual representations depicting the desired land use~~
853 ~~patterns and character of the community during a 10-year planning~~
854 ~~timeframe. The community vision must also take into consideration~~
855 ~~economic viability of the vision and private property interests.~~

856 ~~(e) After the workshops and public meetings required under~~
857 ~~paragraph (a) are held, the local government may amend its~~
858 ~~comprehensive plan to include the community vision as a component~~
859 ~~in the plan. This plan amendment must be transmitted and adopted~~
860 ~~pursuant to the procedures in ss. 163.3184 and 163.3189 at public~~
861 ~~hearings of the governing body other than those identified in~~
862 ~~paragraph (a).~~



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863 ~~(f) Amendments submitted under this subsection are exempt~~
864 ~~from the limitation on the frequency of plan amendments in s.~~
865 ~~163.3187.~~

866 ~~(g) A local government that has developed a community~~
867 ~~vision or completed a visioning process after July 1, 2000, and~~
868 ~~before July 1, 2005, which substantially accomplishes the goals~~
869 ~~set forth in this subsection and the appropriate goals, policies,~~
870 ~~or objectives have been adopted as part of the comprehensive plan~~
871 ~~or reflected in subsequently adopted land development regulations~~
872 ~~and the plan amendment incorporating the community vision as a~~
873 ~~component has been found in compliance is eligible for the~~
874 ~~incentives in s. 163.3184(17).~~

875 ~~(14) Local governments are also encouraged to designate an~~
876 ~~urban service boundary. This area must be appropriate for~~
877 ~~compact, contiguous urban development within a 10-year planning~~
878 ~~timeframe. The urban service area boundary must be identified on~~
879 ~~the future land use map or map series. The local government shall~~
880 ~~demonstrate that the land included within the urban service~~
881 ~~boundary is served or is planned to be served with adequate~~
882 ~~public facilities and services based on the local government's~~
883 ~~adopted level of service standards by adopting a 10-year~~
884 ~~facilities plan in the capital improvements element which is~~
885 ~~financially feasible. The local government shall demonstrate that~~
886 ~~the amount of land within the urban service boundary does not~~
887 ~~exceed the amount of land needed to accommodate the projected~~
888 ~~population growth at densities consistent with the adopted~~
889 ~~comprehensive plan within the 10-year planning timeframe.~~

890 ~~(a) As part of the process of establishing an urban service~~
891 ~~boundary, the local government must hold two public meetings with~~
892 ~~at least one of those meetings before the local planning agency.~~



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893 ~~Before those public meetings, the local government must hold at~~
894 ~~least one public workshop with stakeholder groups such as~~
895 ~~neighborhood associations, community organizations, businesses,~~
896 ~~private property owners, housing and development interests, and~~
897 ~~environmental organizations.~~

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

904 ~~2. This subsection does not prohibit new development~~
905 ~~outside an urban service boundary. However, a local government~~
906 ~~that establishes an urban service boundary under this subsection~~
907 ~~is encouraged to require a full-cost-accounting analysis for any~~
908 ~~new development outside the boundary and to consider the results~~
909 ~~of that analysis when adopting a plan amendment for property~~
910 ~~outside the established urban service boundary.~~

911 ~~(c) Amendments submitted under this subsection are exempt~~
912 ~~from the limitation on the frequency of plan amendments in s.~~
913 ~~163.3187.~~

914 ~~(d) A local government that has adopted an urban service~~
915 ~~boundary before July 1, 2005, which substantially accomplishes~~
916 ~~the goals set forth in this subsection is not required to comply~~
917 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
918 ~~to be eligible for the incentives under s. 163.3184(17). In order~~
919 ~~to satisfy the provisions of this paragraph, the local government~~
920 ~~must secure a determination from the state land planning agency~~
921 ~~that the urban service boundary adopted before July 1, 2005,~~
922 ~~substantially complies with the criteria of this subsection,~~



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923 ~~based on data and analysis submitted by the local government to~~
924 ~~support this determination. The determination by the state land~~
925 ~~planning agency is not subject to administrative challenge.~~

926 Section 5. Subsections (3), (4), (5), and (6) of section
927 163.31771, Florida Statutes, are amended to read:

928 163.31771 Accessory dwelling units.--

929 (3) Upon a finding by a local government that there is a
930 shortage of affordable rentals within its jurisdiction, the local
931 government may amend its comprehensive plan ~~adopt an ordinance~~ to
932 allow accessory dwelling units in any area zoned for single-
933 family residential use.

934 (4) If the local government amends its comprehensive plan
935 pursuant to ~~adopts an ordinance under~~ this section, an
936 application for a building permit to construct an accessory
937 dwelling unit must include an affidavit from the applicant which
938 attests that the unit will be rented at an affordable rate to an
939 extremely-low-income, very-low-income, low-income, or moderate-
940 income person or persons.

941 (5) Each accessory dwelling unit allowed by the
942 comprehensive plan ~~an ordinance adopted under this section~~ shall
943 apply toward satisfying the affordable housing component of the
944 housing element in the local government's comprehensive plan
945 under s. 163.3177(6)(f), and if such unit is subject to a
946 recorded land use restriction agreement restricting its use to
947 affordable housing, the unit may not be treated as a new unit for
948 purposes of transportation concurrency or impact fees. Accessory
949 dwelling units may not be located on land within a coastal high-
950 hazard area, an area of critical state concern, or on lands
951 identified as environmentally sensitive in the local
952 comprehensive plan.



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953 ~~(6) The Department of Community Affairs shall evaluate the~~
954 ~~effectiveness of using accessory dwelling units to address a~~
955 ~~local government's shortage of affordable housing and report to~~
956 ~~the Legislature by January 1, 2007. The report must specify the~~
957 ~~number of ordinances adopted by a local government under this~~
958 ~~section and the number of accessory dwelling units that were~~
959 ~~created under these ordinances.~~

960 Section 6. Paragraph (h) of subsection (2) and subsection
961 (9) of section 163.3178, Florida Statutes, are amended to read:
962 163.3178 Coastal management.--

963 (2) Each coastal management element required by s.
964 163.3177(6)(g) shall be based on studies, surveys, and data; be
965 consistent with coastal resource plans prepared and adopted
966 pursuant to general or special law; and contain:

967 (h) Designation of coastal high-hazard areas and the
968 criteria for mitigation for a comprehensive plan amendment in a
969 coastal high-hazard area as provided ~~defined~~ in subsection (9).
970 The coastal high-hazard area is the area seaward of ~~below~~ the
971 elevation of the category 1 storm surge line as established by a
972 Sea, Lake, and Overland Surges from Hurricanes (SLOSH)
973 computerized storm surge model. Except as demonstrated by site
974 specific, reliable data and analysis, the coastal high-hazard
975 area includes all lands within the area from the mean low-water
976 line to the inland extent of the category 1 storm surge area.
977 Such area is depicted by, but not limited to, the areas
978 illustrated in the most current SLOSH Storm Surge Atlas.
979 Application of mitigation and the application of development and
980 redevelopment policies, pursuant to s. 380.27(2), and any adopted
981 rules adopted thereunder, are shall be at the discretion of the
982 local government.



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983 (9)~~(a)~~ Local governments may elect to comply with state
984 coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6.
985 and 7., Florida Administrative Code, through the process provided
986 in this section.

987 (a) A proposed comprehensive plan amendment is shall be
988 found in compliance with state coastal high-hazard provisions
989 pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative
990 Code, if:

991 1. The area subject to the amendment is not:

992 a. Within a designated area of critical state concern;

993 b. Inclusive of areas within the FEMA velocity zones;

994 c. Subject to coastal erosion;

995 d. Seaward of the coastal construction control line; or

996 e. Subject to repetitive damage from coastal storms and
997 floods.

998 2. The local government has adopted the following as a part
999 of its comprehensive plan:

1000 a. Hazard mitigation strategies that reduce, replace, or
1001 eliminate unsafe structures and properties subject to repetitive
1002 losses from coastal storms or floods.

1003 b. Measures that reduce exposure to hazards including:

1004 (I) Relocation;

1005 (II) Structural modifications of threatened infrastructure;

1006 (III) Provisions for operational or capacity improvements

1007 to maintain hurricane evacuation clearance times within

1008 established limits; and

1009 (IV) Prohibiting public expenditures for capital

1010 improvements that subsidize increased densities and intensities

1011 of development within the coastal high-hazard area.

1012 c. A post disaster redevelopment plan.



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1013 3.a. The adopted level of service for out-of-county
1014 hurricane evacuation clearance time is maintained for a category
1015 5 storm event as measured on the Saffir-Simpson scale and the
1016 adopted out-of-county hurricane evacuation clearance time does
1017 not exceed 16 hours and is based upon the time necessary to reach
1018 shelter space;

1019 ~~b.2.~~ A 12-hour evacuation time to shelter is maintained for
1020 a category 5 storm event as measured on the Saffir-Simpson scale
1021 and shelter space reasonably expected to accommodate the
1022 residents of the development contemplated by a proposed
1023 comprehensive plan amendment is available; or

1024 ~~c.3.~~ Appropriate mitigation is provided to ensure that the
1025 requirements of sub-subparagraph a. or subparagraph b. are
1026 achieved. ~~will satisfy the provisions of subparagraph 1. or~~
1027 ~~subparagraph 2.~~ Appropriate mitigation shall include, without
1028 limitation, payment of money, contribution of land, and
1029 construction of hurricane shelters and transportation facilities.
1030 Required mitigation may shall not exceed the amount required for
1031 a developer to accommodate impacts reasonably attributable to
1032 development. A local government and a developer shall enter into
1033 a binding agreement to establish ~~memorialize~~ the mitigation plan.
1034 The executed agreement must be submitted along with the adopted
1035 plan amendment.

1036 (b) For those local governments that have not established a
1037 level of service for out-of-county hurricane evacuation by July
1038 1, 2008, but elect to comply ~~with rule 9J-5.012(3)(b)6. and 7.,~~
1039 ~~Florida Administrative Code,~~ by following the process in
1040 paragraph (a), the level of service may not exceed shall be no
1041 ~~greater than~~ 16 hours for a category 5 storm event as measured on



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1042 the Saffir-Simpson scale based upon the time necessary to reach
1043 shelter space.

1044 (c) This subsection applies ~~shall become effective~~
1045 ~~immediately and shall apply~~ to all local governments. By ~~No later~~
1046 ~~than~~ July 1, 2009 ~~2008~~, local governments shall amend their
1047 future land use map and coastal management element to include the
1048 ~~new~~ definition of coastal high-hazard area provided in paragraph
1049 (2) (h) and to depict the coastal high-hazard area on the future
1050 land use map.

1051 Section 7. Section 163.3180, Florida Statutes, is amended
1052 to read:

1053 163.3180 Concurrency.--

1054 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

1055 (a) Public facility types.--Sanitary sewer, solid waste,
1056 drainage, potable water, parks and recreation, schools, and
1057 transportation facilities, including mass transit, where
1058 applicable, are the only public facilities and services subject
1059 to the concurrency requirement on a statewide basis. Additional
1060 public facilities and services may not be made subject to
1061 concurrency on a statewide basis without appropriate study and
1062 approval by the Legislature; however, any local government may
1063 extend the concurrency requirement ~~so that it applies~~ to apply to
1064 additional public facilities within its jurisdiction.

1065 (b) Transportation methodologies.--Local governments shall
1066 use professionally accepted techniques for measuring level of
1067 service for automobiles, bicycles, pedestrians, transit, and
1068 trucks. These techniques may be used to evaluate increased
1069 accessibility by multiple modes and reductions in vehicle miles
1070 of travel in an area or zone. The state land planning agency and
1071 the Department of Transportation shall develop methodologies to



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1072 assist local governments in implementing this multimodal level-
1073 of-service analysis and. ~~The Department of Community Affairs and~~
1074 ~~the Department of Transportation~~ shall provide technical
1075 assistance to local governments in applying the ~~these~~
1076 methodologies.

1077 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

1078 (a) Sanitary sewer, solid waste, drainage, adequate water
1079 supply, and potable water facilities.--Consistent with public
1080 health and safety, sanitary sewer, solid waste, drainage,
1081 adequate water supplies, and potable water facilities shall be in
1082 place and available to serve new development no later than the
1083 issuance by the local government of a certificate of occupancy or
1084 its functional equivalent. Prior to approval of a building permit
1085 or its functional equivalent, the local government shall consult
1086 with the applicable water supplier to determine whether adequate
1087 water supplies to serve the new development will be available by
1088 ~~no later than~~ the anticipated date of issuance ~~by the local~~
1089 ~~government~~ of the a certificate of occupancy or its functional
1090 equivalent. A local government may meet the concurrency
1091 requirement for sanitary sewer through the use of onsite sewage
1092 treatment and disposal systems approved by the Department of
1093 Health to serve new development.

1094 (b) Parks and recreation facilities.--Consistent with the
1095 public welfare, and except as otherwise provided in this section,
1096 parks and recreation facilities to serve new development shall be
1097 in place or under actual construction within ~~no later than~~ 1 year
1098 after issuance by the local government of a certificate of
1099 occupancy or its functional equivalent. However, the acreage for
1100 such facilities must ~~shall~~ be dedicated or be acquired by the
1101 local government prior to issuance ~~by the local government~~ of the



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1102 a certificate of occupancy or its functional equivalent, or funds
1103 in the amount of the developer's fair share shall be committed no
1104 later than the local government's approval to commence
1105 construction.

1106 (c) Transportation facilities.--Consistent with the public
1107 welfare, and except as otherwise provided in this section,
1108 transportation facilities needed to serve new development must
1109 ~~shall~~ be in place or under actual construction within 3 years
1110 after the local government approves a building permit or its
1111 functional equivalent that results in traffic generation.

1112 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental
1113 entities that are not responsible for providing, financing,
1114 operating, or regulating public facilities needed to serve
1115 development may not establish binding level-of-service standards
1116 on governmental entities that do bear those responsibilities.
1117 This subsection does not limit the authority of any agency to
1118 recommend or make objections, recommendations, comments, or
1119 determinations during reviews conducted under s. 163.3184.

1120 (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

1121 (a) State and other public facilities.--The concurrency
1122 requirement as implemented in local comprehensive plans applies
1123 to state and other public facilities and development to the same
1124 extent that it applies to all other facilities and development,
1125 as provided by law.

1126 (b) Public transit facilities.--The concurrency requirement
1127 as implemented in local comprehensive plans does not apply to
1128 public transit facilities. For the purposes of this paragraph,
1129 public transit facilities include transit stations and terminals;
1130 transit station parking; park-and-ride lots; intermodal public
1131 transit connection or transfer facilities; fixed bus, guideway,



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1132 and rail stations; and airport passenger terminals and
1133 concourses, air cargo facilities, and hangars for the maintenance
1134 or storage of aircraft. As used in this paragraph, the terms
1135 "terminals" and "transit facilities" do not include seaports or
1136 commercial or residential development constructed in conjunction
1137 with a public transit facility.

1138 (c) Infill and redevelopment areas.--The concurrency
1139 requirement, except as it relates to transportation facilities
1140 and public schools, as implemented in local government
1141 comprehensive plans, may be waived by a local government for
1142 urban infill and redevelopment areas designated pursuant to s.
1143 163.2517 if such a waiver does not endanger public health or
1144 safety as defined by the local government in its local government
1145 comprehensive plan. The waiver must ~~shall~~ be adopted as a plan
1146 amendment pursuant to ~~the process set forth in~~ s. 163.3187(3) (a).
1147 A local government may grant a concurrency exception pursuant to
1148 subsection (5) for transportation facilities located within ~~these~~
1149 urban infill and redevelopment areas.

1150 (5) TRANSPORTATION CONCURRENCY EXCEPTION AREAS.--

1151 (a) Countervailing planning and public policy goals.--The
1152 Legislature finds that under limited circumstances ~~dealing with~~
1153 ~~transportation facilities,~~ countervailing planning and public
1154 policy goals may come into conflict with the requirement that
1155 adequate public transportation facilities and services be
1156 available concurrent with the impacts of such development. The
1157 Legislature further finds that ~~often~~ the unintended result of the
1158 concurrency requirement for transportation facilities is often
1159 the discouragement of urban infill development and redevelopment.
1160 Such unintended results directly conflict with the goals and
1161 policies of the state comprehensive plan and the intent of this



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1162 part. The Legislature also finds that in urban centers
1163 transportation cannot be effectively managed and mobility cannot
1164 be improved solely through the expansion of roadway capacity,
1165 that the expansion of roadway capacity is not always physically
1166 or financially possible, and that a range of transportation
1167 alternatives are essential to satisfy mobility needs, reduce
1168 congestion, and achieve healthy, vibrant centers. Therefore,
1169 transportation concurrency exception areas must achieve the goals
1170 and objectives of this part ~~exceptions from the concurrency~~
1171 ~~requirement for transportation facilities may be granted as~~
1172 ~~provided by this subsection.~~

1173 (b) Geographic applicability.--

1174 1. Within municipalities, transportation concurrency
1175 exception areas are established for geographic areas identified
1176 in the adopted portion of the comprehensive plan as of July 1,
1177 2008, for:

1178 a. Urban infill development;

1179 b. Urban redevelopment;

1180 c. Downtown revitalization; and

1181 d. Urban infill and redevelopment under s. 163.2517.

1182 2. In other portions of the state, including municipalities
1183 and unincorporated areas of counties, a local government may
1184 adopt a comprehensive plan amendment establishing a
1185 transportation concurrency exception area ~~grant an exception from~~
1186 ~~the concurrency requirement for transportation facilities if the~~
1187 ~~proposed development is otherwise consistent with the adopted~~
1188 ~~local government comprehensive plan and is a project that~~
1189 ~~promotes public transportation or is located within an area~~
1190 ~~designated in the comprehensive plan for:~~

1191 a.1. Urban infill development;



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1192 ~~b.2.~~ Urban redevelopment;
1193 ~~c.3.~~ Downtown revitalization;
1194 ~~d.4.~~ Urban infill and redevelopment under s. 163.2517; or
1195 ~~e.5.~~ An urban service area specifically designated as a
1196 transportation concurrency exception area which includes lands
1197 appropriate for compact, contiguous urban development, which does
1198 not exceed the amount of land needed to accommodate the projected
1199 population growth at densities consistent with the adopted
1200 comprehensive plan within the 10-year planning period, and which
1201 is served or is planned to be served with public facilities and
1202 services as provided by the capital improvements element.

1203 (c) Projects having special part-time demands.--The
1204 Legislature also finds that developments located within urban
1205 infill, urban redevelopment, existing urban service, or downtown
1206 revitalization areas or areas designated as urban infill and
1207 redevelopment areas under s. 163.2517 which pose only special
1208 part-time demands on the transportation system should be excepted
1209 from the concurrency requirement for transportation facilities. A
1210 special part-time demand is one that does not have more than 200
1211 scheduled events during any calendar year and does not affect the
1212 100 highest traffic volume hours.

1213 (d) Long-term strategies within transportation concurrency
1214 exception areas.--Except for transportation concurrency exception
1215 areas established pursuant to s. 163.3180(5)(b)1., the following
1216 requirements apply: ~~A local government shall establish guidelines~~
1217 ~~in the comprehensive plan for granting the exceptions authorized~~
1218 ~~in paragraphs (b) and (c) and subsections (7) and (15) which must~~
1219 ~~be consistent with and support a comprehensive strategy adopted~~
1220 ~~in the plan to promote the purpose of the exceptions.~~



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1221 1.~~(e)~~ The local government shall adopt into the plan and
1222 implement long-term strategies to support and fund mobility
1223 within the designated exception area, including alternative modes
1224 of transportation. The plan amendment must ~~also~~ demonstrate how
1225 strategies will support the purpose of the exception and how
1226 mobility within the designated exception area will be provided.

1227 2. ~~In addition,~~ The strategies must address urban design;
1228 appropriate land use mixes, including intensity and density; and
1229 network connectivity plans needed to promote urban infill,
1230 redevelopment, or downtown revitalization. The comprehensive plan
1231 amendment designating the ~~concurrency~~ exception area must be
1232 accompanied by data and analysis justifying the size of the area.

1233 (e)~~(f)~~ Strategic Intermodal System.-- Prior to the
1234 designation of a concurrency exception area pursuant to
1235 subparagraph (b)2., the state land planning agency and the
1236 Department of Transportation shall be consulted by the local
1237 government to assess the impact that the proposed exception area
1238 is expected to have on the adopted level-of-service standards
1239 established for Strategic Intermodal System facilities,~~as~~
1240 ~~defined in s. 339.64,~~ and roadway facilities funded in accordance
1241 with s. 339.2819 and to provide for mitigation of the impacts.
1242 Further, as a part of the comprehensive plan amendment
1243 establishing the exception area, the local government shall
1244 provide for mitigation of impacts,~~in consultation with the state~~
1245 ~~land planning agency and the Department of Transportation,~~
1246 ~~develop a plan to mitigate any impacts to the Strategic~~
1247 Intermodal System, including, if appropriate, access management,
1248 parallel reliever roads, transportation demand management, and
1249 other measures ~~the development of a long-term concurrency~~
1250 ~~management system pursuant to subsection (9) and s.~~



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1251 ~~163.3177(3)(d). The exceptions may be available only within the~~
1252 ~~specific geographic area of the jurisdiction designated in the~~
1253 ~~plan. Pursuant to s. 163.3184, any affected person may challenge~~
1254 ~~a plan amendment establishing these guidelines and the areas~~
1255 ~~within which an exception could be granted.~~

1256 ~~(g) Transportation concurrency exception areas existing~~
1257 ~~prior to July 1, 2005, must, at a minimum, meet the provisions of~~
1258 ~~this section by July 1, 2006, or at the time of the comprehensive~~
1259 ~~plan update pursuant to the evaluation and appraisal report,~~
1260 ~~whichever occurs last.~~

1261 (6) DE MINIMIS IMPACT.--The Legislature finds that a de
1262 minimis impact is consistent with this part. A de minimis impact
1263 is an impact that does ~~would~~ not affect more than 1 percent of
1264 the maximum volume at the adopted level of service of the
1265 affected transportation facility as determined by the local
1266 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
1267 existing roadway volumes and the projected volumes from approved
1268 projects on a transportation facility exceeds ~~would exceed~~ 110
1269 percent of the maximum volume at the adopted level of service of
1270 the affected transportation facility; ~~provided~~ however, the ~~that~~
1271 ~~an~~ impact of a single family home on an existing lot is ~~will~~
1272 ~~constitute~~ a de minimis impact on all roadways regardless of the
1273 level of the deficiency of the roadway. Further, an ~~no~~ impact is
1274 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted
1275 level-of-service standard of any affected designated hurricane
1276 evacuation routes. Each local government shall maintain
1277 sufficient records to ensure that the 110-percent criterion is
1278 not exceeded. ~~Each local government shall submit annually, with~~
1279 ~~its updated capital improvements element, a summary of the de~~
1280 ~~minimis records. If the state land planning agency determines~~



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1281 ~~that the 110 percent criterion has been exceeded, the state land~~
1282 ~~planning agency shall notify the local government of the~~
1283 ~~exceedance and that no further de minimis exceptions for the~~
1284 ~~applicable roadway may be granted until such time as the volume~~
1285 ~~is reduced below the 110 percent. The local government shall~~
1286 ~~provide proof of this reduction to the state land planning agency~~
1287 ~~before issuing further de minimis exceptions.~~

1288 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote
1289 infill development and redevelopment, one or more transportation
1290 concurrency management areas may be designated in a local
1291 government comprehensive plan. A transportation concurrency
1292 management area is ~~must be~~ a compact geographic area that has
1293 ~~with~~ an existing network of roads where multiple, viable
1294 alternative travel paths or modes are available for common trips.
1295 A local government may establish an areawide level-of-service
1296 standard for ~~such~~ a transportation concurrency management area
1297 based upon an analysis that provides for a justification for the
1298 areawide level of service, how urban infill development or
1299 redevelopment will be promoted, and how mobility will be
1300 accomplished within the transportation concurrency management
1301 area. Prior to the designation of a concurrency management area,
1302 the local government shall consult with the state land planning
1303 agency and the Department of Transportation ~~shall be consulted by~~
1304 ~~the local government~~ to assess the effect ~~impact~~ that the
1305 proposed concurrency management area is expected to have on the
1306 adopted level-of-service standards established for Strategic
1307 Intermodal System facilities, ~~as defined in s. 339.64,~~ and
1308 roadway facilities funded in accordance with s. 339.2819.
1309 Further, the local government shall, in cooperation with the
1310 state land planning agency and the Department of Transportation,



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1311 develop a plan to mitigate any impacts to the Strategic
1312 Intermodal System, including, if appropriate, the development of
1313 a long-term concurrency management system pursuant to subsection
1314 (9) and s. 163.3177(3)(d). ~~Transportation concurrency management~~
1315 ~~areas existing prior to July 1, 2005, shall meet, at a minimum,~~
1316 ~~the provisions of this section by July 1, 2006, or at the time of~~
1317 ~~the comprehensive plan update pursuant to the evaluation and~~
1318 ~~appraisal report, whichever occurs last.~~ The state land planning
1319 agency shall amend chapter 9J-5, Florida Administrative Code, to
1320 be consistent with this subsection.

1321 (8) URBAN REDEVELOPMENT.--When assessing the transportation
1322 impacts of proposed urban redevelopment within an established
1323 existing urban service area, 150 ~~110~~ percent of the actual
1324 transportation impact caused by the previously existing
1325 development must be reserved for the redevelopment, even if the
1326 previously existing development has a lesser or nonexistent
1327 impact pursuant to the calculations of the local government.
1328 Redevelopment requiring less than 150 ~~110~~ percent of the
1329 previously existing capacity may ~~shall~~ not be prohibited due to
1330 the reduction of transportation levels of service below the
1331 adopted standards. This does not preclude the appropriate
1332 assessment of fees or accounting for the impacts within the
1333 concurrency management system and capital improvements program of
1334 the affected local government. This paragraph does not affect
1335 local government requirements for appropriate development
1336 permits.

1337 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

1338 (a) Each local government may adopt ~~as a part of its plan,~~
1339 long-term transportation and school concurrency management
1340 systems that have ~~with~~ a planning period of up to 10 years for



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1341 specially designated districts or areas where significant
1342 backlogs exist as a part of its plan. The plan may include
1343 interim level-of-service standards on certain facilities and
1344 shall rely on the local government's schedule of capital
1345 improvements for up to 10 years as a basis for issuing
1346 development orders that authorize commencement of construction in
1347 these designated districts or areas. The concurrency management
1348 system must be designed to correct existing deficiencies and set
1349 priorities for addressing backlogged facilities and be
1350 coordinated with the appropriate metropolitan planning
1351 organization. The concurrency management system must be
1352 financially feasible and consistent with other portions of the
1353 adopted local plan, including the future land use map.

1354 (b) If a local government has a transportation or school
1355 facility backlog for existing development which cannot be
1356 adequately addressed in a 10-year plan, the state land planning
1357 agency may allow it to develop a plan and long-term schedule of
1358 capital improvements covering up to 15 years for good and
1359 sufficient cause, based on a general comparison between the ~~that~~
1360 local government and all other similarly situated local
1361 jurisdictions, using the following factors:

- 1362 1. The extent of the backlog.
- 1363 2. For roads, whether the backlog is on local or state
1364 roads.
- 1365 3. The cost of eliminating the backlog.
- 1366 4. The local government's tax and other revenue-raising
1367 efforts.

1368 (c) The local government may issue approvals to commence
1369 construction notwithstanding this section, consistent with and in



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1370 areas that are subject to a long-term concurrency management
1371 system.

1372 (d) If the local government adopts a long-term concurrency
1373 management system, it must evaluate the system periodically. At a
1374 minimum, the local government must assess its progress toward
1375 improving levels of service within the long-term concurrency
1376 management district or area in the evaluation and appraisal
1377 report and determine any changes that are necessary to accelerate
1378 progress in meeting acceptable levels of service.

1379 (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With
1380 regard to roadway facilities on the Strategic Intermodal System
1381 designated in accordance with s. ss. ~~339.61, 339.62, 339.63, and~~
1382 ~~339.64~~, the Florida Intrastate Highway System as defined in s.
1383 ~~338.001~~, and roadway facilities funded in accordance with s.
1384 339.2819, local governments shall adopt the level-of-service
1385 standard established by the Department of Transportation by rule.
1386 For all other roads on the State Highway System, local
1387 governments shall establish an adequate level-of-service standard
1388 that need not be consistent with any level-of-service standard
1389 established by the Department of Transportation. In establishing
1390 adequate level-of-service standards for any arterial roads, or
1391 collector roads as appropriate, which traverse multiple
1392 jurisdictions, local governments shall consider compatibility
1393 with the roadway facility's adopted level-of-service standards in
1394 adjacent jurisdictions. Each local government within a county
1395 shall use a professionally accepted methodology for measuring
1396 impacts on transportation facilities for the purposes of
1397 implementing its concurrency management system. Counties are
1398 encouraged to coordinate with adjacent counties, and local
1399 governments within a county are encouraged to coordinate, in ~~for~~



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1400 ~~the purpose of~~ using common methodologies for measuring impacts
1401 on transportation facilities for the purpose of implementing
1402 their concurrency management systems.

1403 (11) LIMITATION OF LIABILITY.--In order to limit the
1404 liability of local governments, a local government may allow a
1405 landowner to proceed with development of a specific parcel of
1406 land notwithstanding a failure of the development to satisfy
1407 transportation concurrency, if ~~when~~ all the following factors ~~are~~
1408 ~~shown to~~ exist:

1409 (a) The local government that has ~~with~~ jurisdiction over
1410 the property has adopted a local comprehensive plan that is in
1411 compliance.

1412 (b) The proposed development is ~~would be~~ consistent with
1413 the future land use designation for the specific property and
1414 with pertinent portions of the adopted local plan, as determined
1415 by the local government.

1416 (c) The local plan includes a financially feasible capital
1417 improvements element that provides for transportation facilities
1418 adequate to serve the proposed development, and the local
1419 government has not implemented that element.

1420 (d) The local government has provided a means for assessing
1421 ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the
1422 cost of providing the transportation facilities necessary to
1423 serve the proposed development.

1424 (e) The landowner has made a binding commitment to the
1425 local government to pay the fair share of the cost of providing
1426 the transportation facilities to serve the proposed development.

1427 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--A development of
1428 regional impact may satisfy the transportation concurrency
1429 requirements of the local comprehensive plan, the local



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1430 government's concurrency management system, and s. 380.06 by
1431 payment of a proportionate-share contribution for local and
1432 regionally significant traffic impacts, if:

1433 (a) The development of regional impact which, based on its
1434 location or mix of land uses, is designed to encourage pedestrian
1435 or other nonautomotive modes of transportation;

1436 (b) The proportionate-share contribution for local and
1437 regionally significant traffic impacts is sufficient to pay for
1438 one or more required mobility improvements that will benefit the
1439 network of a regionally significant transportation facilities if
1440 impacts on the Strategic Intermodal System, the Florida
1441 Intrastate Highway System, and other regionally significant
1442 roadways outside of the jurisdiction of the local government are
1443 mitigated based on the prioritization of needed improvements
1444 recommended by the regional planning council facility;

1445 (c) The owner and developer of the development of regional
1446 impact pays or assures payment of the proportionate-share
1447 contribution; and

1448 (d) ~~If~~ The regionally significant transportation facility
1449 to be constructed or improved is under the maintenance authority
1450 of a governmental entity, as defined by s. 334.03 ~~334.03(12)~~,
1451 other than the local government that has ~~with~~ jurisdiction over
1452 the development of regional impact, the developer must ~~is~~
1453 ~~required to~~ enter into a binding and legally enforceable
1454 commitment to transfer funds to the governmental entity having
1455 maintenance authority or to otherwise assure construction or
1456 improvement of the facility.

1457

1458 The proportionate-share contribution may be applied to any
1459 transportation facility to satisfy the provisions of this



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1460 subsection and the local comprehensive plan, ~~but~~, For the
1461 purposes of this subsection, the amount of the proportionate-
1462 share contribution shall be calculated based upon the cumulative
1463 number of trips from the proposed development expected to reach
1464 roadways during the peak hour from the complete buildout of a
1465 stage or phase being approved, divided by the ~~change in the~~ peak
1466 hour maximum service volume of roadways resulting from
1467 construction of an improvement necessary to maintain the adopted
1468 level of service, multiplied by the construction cost, at the
1469 time of developer payment, of the improvement necessary to
1470 maintain such ~~the adopted~~ level of service. For purposes of this
1471 subsection, "construction cost" includes all associated costs of
1472 the improvement. Proportionate-share mitigation shall be limited
1473 to ensure that a development of regional impact meeting the
1474 requirements of this subsection mitigates its impact on the
1475 transportation system but is not responsible for the additional
1476 cost of reducing or eliminating backlogs. For purposes of this
1477 subsection, a "backlogged transportation facility" is defined as
1478 a facility on which the adopted level of service standard is
1479 exceeded by the existing level of service plus committed trips. A
1480 developer may not be required to fund or construct proportionate
1481 share mitigation that is more extensive, due to being on a
1482 backlogged transportation facility, than is necessary based
1483 solely on the impact of the development project being considered.
1484 This subsection also applies to Florida Quality Developments
1485 pursuant to s. 380.061 and to detailed specific area plans
1486 implementing optional sector plans pursuant to s. 163.3245.
1487 (13) SCHOOL CONCURRENCY.--School concurrency shall be
1488 established on a districtwide basis and ~~shall~~ include all public
1489 schools in the district and all portions of the district, whether



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1490 | located in a municipality or an unincorporated area unless exempt
1491 | from the public school facilities element pursuant to s.
1492 | 163.3177(12). The application of school concurrency to
1493 | development shall be based upon the adopted comprehensive plan,
1494 | as amended. All local governments within a county, except as
1495 | provided in paragraph (f), shall adopt and transmit to the state
1496 | land planning agency the necessary plan amendments, along with
1497 | the interlocal agreement, for a compliance review pursuant to s.
1498 | 163.3184(7) and (8). The minimum requirements for school
1499 | concurrency are the following:

1500 | (a) Public school facilities element.--A local government
1501 | shall adopt and transmit to the state land planning agency a plan
1502 | or plan amendment which includes a public school facilities
1503 | element which is consistent with the requirements of s.
1504 | 163.3177(12) and which is determined to be in compliance as
1505 | defined in s. 163.3184(1)(b). All local government public school
1506 | facilities plan elements within a county must be consistent with
1507 | each other as well as the requirements of this part.

1508 | (b) Level-of-service standards.--The Legislature recognizes
1509 | that an essential requirement for a concurrency management system
1510 | is the level of service at which a public facility is expected to
1511 | operate.

1512 | 1. Local governments and school boards imposing school
1513 | concurrency shall exercise authority in conjunction with each
1514 | other to establish jointly adequate level-of-service standards,
1515 | as defined in chapter 9J-5, Florida Administrative Code,
1516 | necessary to implement the adopted local government comprehensive
1517 | plan, based on data and analysis.

1518 | 2. Public school level-of-service standards shall be
1519 | included and adopted into the capital improvements element of the



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1520 local comprehensive plan and shall apply districtwide to all
1521 schools of the same type. Types of schools may include
1522 elementary, middle, and high schools as well as special purpose
1523 facilities such as magnet schools.

1524 3. Local governments and school boards may use ~~shall have~~
1525 ~~the option to utilize~~ tiered level-of-service standards to allow
1526 time to achieve an adequate and desirable level of service as
1527 circumstances warrant.

1528 4. School districts that include relocatables in their
1529 inventory of student stations shall include relocatables in their
1530 calculation of capacity for purposes of determining whether
1531 levels of service have been achieved.

1532 (c) Service areas.--The Legislature recognizes that an
1533 essential requirement for a concurrency system is a designation
1534 of the area within which the level of service will be measured
1535 when an application for a residential development permit is
1536 reviewed for school concurrency purposes. This delineation is
1537 also important for ~~purposes of~~ determining whether the local
1538 government has a financially feasible public school capital
1539 facilities program for ~~that will provide~~ schools which will
1540 achieve and maintain the adopted level-of-service standards.

1541 1. In order to balance competing interests, preserve the
1542 constitutional concept of uniformity, and avoid disruption of
1543 existing educational and growth management processes, local
1544 governments are encouraged to initially apply school concurrency
1545 to development only on a districtwide basis so that a concurrency
1546 determination for a specific development is ~~will be~~ based upon
1547 the availability of school capacity districtwide. To ensure that
1548 development is coordinated with schools having available
1549 capacity, within 5 years after adoption of school concurrency,



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1550 local governments shall apply school concurrency on a less than
1551 districtwide basis, ~~such as using school attendance zones or~~
1552 ~~concurrency service areas,~~ as provided in subparagraph 2.

1553 2. For local governments applying school concurrency on a
1554 less than districtwide basis, such as utilizing school attendance
1555 zones or larger school concurrency service areas, local
1556 governments and school boards shall have the burden of
1557 demonstrating ~~to demonstrate~~ that the utilization of school
1558 capacity is maximized to the greatest extent possible in the
1559 comprehensive plan and amendment, taking into account
1560 transportation costs and court-approved desegregation plans, as
1561 well as other factors. In addition, in order to achieve
1562 concurrency within the service area boundaries selected by local
1563 governments and school boards, the service area boundaries,
1564 together with the standards for establishing those boundaries,
1565 shall be identified and included as supporting data and analysis
1566 for the comprehensive plan. Local governments shall ensure that
1567 each concurrency service area contains a public school of each
1568 type.

1569 3. Where school capacity is available on a districtwide
1570 basis but school concurrency is applied on a less than
1571 districtwide basis in the form of concurrency service areas, if
1572 the adopted level-of-service standard cannot be met in a
1573 particular service area as applied to an application for a
1574 development permit and if the needed capacity for the particular
1575 service area is available in one or more contiguous service
1576 areas, as adopted by the local government, ~~then~~ the local
1577 government may not deny an application for site plan or final
1578 subdivision approval or the functional equivalent for a
1579 development or phase of a development on the basis of school



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1580 concurrency, and if issued, development impacts shall be shifted
1581 to contiguous service areas with schools having available
1582 capacity. For purposes of this subparagraph, the capacity of a
1583 school serving a contiguous service area shall be 100 percent of
1584 the capacity for that type of school based on the adopted level-
1585 of-service standard.

1586 (d) Financial feasibility.--The Legislature recognizes that
1587 financial feasibility is an important issue because the premise
1588 of concurrency is that ~~the~~ public facilities will be provided in
1589 order to achieve and maintain the adopted level-of-service
1590 standard. This part and chapter 9J-5, Florida Administrative
1591 Code, contain specific standards for determining ~~to determine~~ the
1592 financial feasibility of capital programs. These standards were
1593 adopted to make concurrency more predictable and local
1594 governments more accountable.

1595 1. A comprehensive plan amendment seeking to impose school
1596 concurrency must ~~shall~~ contain appropriate amendments to the
1597 capital improvements element of the comprehensive plan,
1598 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-
1599 5.016, Florida Administrative Code. The capital improvements
1600 element must ~~shall~~ set forth a financially feasible public school
1601 capital facilities program, established in conjunction with the
1602 school board, that demonstrates that the adopted level-of-service
1603 standards will be achieved and maintained.

1604 2. ~~Such~~ Amendments to the capital improvements element must
1605 ~~shall~~ demonstrate that the public school capital facilities
1606 program meets all of the financial feasibility standards of this
1607 part and chapter 9J-5, Florida Administrative Code, that apply to
1608 capital programs which provide the basis for mandatory
1609 concurrency on other public facilities and services.



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1610 3. ~~If~~ When the financial feasibility of a public school
1611 capital facilities program is evaluated by the state land
1612 planning agency for purposes of a compliance determination, the
1613 evaluation must ~~shall~~ be based upon the service areas selected by
1614 the local governments and school board.

1615 (e) Availability standard.--Consistent with the public
1616 welfare, and except as otherwise provided in this subsection,
1617 public school facilities needed to serve new residential
1618 development shall be in place or under actual construction with 3
1619 years after the issuance of final subdivision or site plan
1620 approval, or the functional equivalent. A local government may
1621 not deny an application for site plan, final subdivision
1622 approval, or the functional equivalent for a development or phase
1623 of a development authorizing residential development for failure
1624 to achieve and maintain the level-of-service standard for public
1625 school capacity in a local school concurrency management system
1626 where adequate school facilities will be in place or under actual
1627 construction within 3 years after the issuance of final
1628 subdivision or site plan approval, or the functional equivalent.
1629 Any mitigation required of a developer shall be limited to ensure
1630 that a development mitigates its own impact on public school
1631 facilities but is not responsible for the additional cost of
1632 reducing or eliminating backlogs or addressing class size
1633 reduction. School concurrency is satisfied if the developer
1634 executes a legally binding commitment to provide mitigation
1635 proportionate to the demand for public school facilities to be
1636 created by actual development of the property, including, but not
1637 limited to, the options described in subparagraph 1. Options for
1638 proportionate-share mitigation of impacts on public school



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1639 facilities must be established in the public school facilities
1640 element and the interlocal agreement pursuant to s. 163.31777.

1641 1. Appropriate mitigation options include the contribution
1642 of land; the construction, expansion, or payment for land
1643 acquisition or construction of a public school facility; the
1644 construction of a charter school that complies with the
1645 requirements of subparagraph 2.; or the creation of mitigation
1646 banking based on the construction of a public school facility or
1647 charter school that complies with the requirements of
1648 subparagraph 2., in exchange for the right to sell capacity
1649 credits. Such options must include execution by the applicant and
1650 the local government of a development agreement that constitutes
1651 a legally binding commitment to pay proportionate-share
1652 mitigation for the additional residential units approved by the
1653 local government in a development order and actually developed on
1654 the property, taking into account residential density allowed on
1655 the property prior to the plan amendment that increased the
1656 overall residential density. The district school board must be a
1657 party to such an agreement. Grounds for the refusal of either the
1658 local government or district school board to approve a
1659 development agreement proffering charter school facilities shall
1660 be limited to the agreement's compliance with subparagraph 2. As
1661 a condition of its entry into such a development agreement, the
1662 local government may require the landowner to agree to continuing
1663 renewal of the agreement upon its expiration.

1664 2. The construction of a charter school facility shall be
1665 an appropriate mitigation option if the facility limits
1666 enrollment to those students residing within a defined geographic
1667 area as provided in s. 1002.33(10)(e)(4), the facility is owned
1668 by a nonprofit entity or local government, the design and



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1669 construction of the facility complies with the life safety
1670 requirements of Florida State Requirements for Educational
1671 Facilities (SREF), and the school's charter provides for the
1672 reversion of the facility to the district school board if the
1673 facility ceases to be used for public educational purposes as
1674 provided in s. 1002.33(18) (f). District school boards shall have
1675 the right to monitor and inspect charter facilities constructed
1676 under this section to ensure compliance with the life safety
1677 requirements of SREF and shall have the authority to waive SREF
1678 standards in the same manner permitted for district-owned public
1679 schools.

1680 3.2. If the education facilities plan and the public
1681 educational facilities element authorize a contribution of land;
1682 the construction, expansion, or payment for land acquisition; or
1683 the construction or expansion of a public school facility, or a
1684 portion thereof, or the construction of a charter school that
1685 complies with the requirements of subparagraph 2., as
1686 proportionate-share mitigation, the local government shall credit
1687 such a contribution, construction, expansion, or payment toward
1688 any other concurrency management system, concurrency exaction,
1689 impact fee or exaction imposed by local ordinance for the same
1690 need, on a dollar-for-dollar basis at fair market value. If a
1691 local government imposes a school impact fee, the methodology
1692 used in the impact fee for calculating the student generation
1693 rates and the calculation of cost per student station must be
1694 consistent with the adopted school concurrency ordinance. For
1695 both impact fees and proportionate share calculations, the
1696 percentage of relocatables used by a school district and the
1697 amount of taxes, fees, and other revenues received by the school



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1698 district shall be considered in determining the average cost of a
1699 student station.

1700 ~~4.3.~~ Any proportionate-share mitigation must be included
1701 ~~directed~~ by the school board as toward a school capacity
1702 improvement identified in a financially feasible 5-year district
1703 work plan that satisfies the demands created by the development
1704 in accordance with a binding developer's agreement.

1705 ~~5.4.~~ If a development is precluded from commencing because
1706 there is inadequate classroom capacity to mitigate the effects
1707 ~~impacts~~ of the development, the development may nevertheless
1708 commence if there are accelerated facilities in an approved
1709 capital improvement element scheduled for construction in year
1710 four or later of such plan which, when built, will mitigate the
1711 proposed development, or if such accelerated facilities will be
1712 in the next annual update of the capital facilities element, the
1713 developer enters into a binding, financially guaranteed agreement
1714 with the school district to construct an accelerated facility
1715 within the first 3 years of an approved capital improvement plan,
1716 and the cost of the school facility is equal to or greater than
1717 the development's proportionate share. When the completed school
1718 facility is conveyed to the school district, the developer shall
1719 receive impact fee credits usable within the zone where the
1720 facility is constructed or any attendance zone contiguous with or
1721 adjacent to the zone where the facility is constructed.

1722 ~~6.5.~~ This paragraph does not limit the authority of a local
1723 government to deny a development permit or a comprehensive plan
1724 amendment ~~its functional equivalent~~ pursuant to its home rule
1725 regulatory powers for reasons unrelated to school capacity~~,~~
1726 ~~except as provided in this part.~~

1727 (f) Intergovernmental coordination.--



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1728 1. When establishing concurrency requirements for public
1729 schools, a local government shall satisfy the requirements for
1730 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
1731 and 2., except that a municipality is not required to be a
1732 signatory to the interlocal agreement required by ss.
1733 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
1734 imposition of school concurrency, and as a nonsignatory, may
1735 ~~shall~~ not participate in the adopted local school concurrency
1736 system, if the municipality meets all of the following criteria
1737 for not having a a ~~ne~~ significant impact on school attendance:

1738 a. The municipality has issued development orders for fewer
1739 than 50 residential dwelling units during the preceding 5 years,
1740 or the municipality has generated fewer than 25 additional public
1741 school students during the preceding 5 years.

1742 b. The municipality has not annexed new land during the
1743 preceding 5 years in land use categories which permit residential
1744 uses that ~~will~~ affect school attendance rates.

1745 c. The municipality has no public schools located within
1746 its boundaries.

1747 d. At least 80 percent of the developable land within the
1748 boundaries of the municipality has been built upon.

1749 2. A municipality that ~~which~~ qualifies as not having a a ~~ne~~
1750 significant impact on school attendance pursuant to ~~the criteria~~
1751 ~~of~~ subparagraph 1. must review and determine at the time of its
1752 evaluation and appraisal report pursuant to s. 163.3191 whether
1753 it continues to meet the criteria pursuant to s. 163.31777(6). If
1754 the municipality determines that it no longer meets the criteria,
1755 it must adopt appropriate school concurrency goals, objectives,
1756 and policies in its plan amendments based on the evaluation and
1757 appraisal report, and enter into the existing interlocal



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1758 agreement required by ss. 163.3177(6)(h)2. and 163.31777, in
1759 order to fully participate in the school concurrency system. If
1760 such a municipality fails to do so, it is ~~will be~~ subject to the
1761 enforcement provisions of s. 163.3191.

1762 (g) Interlocal agreement for school concurrency.--When
1763 establishing concurrency requirements for public schools, a local
1764 government must enter into an interlocal agreement that satisfies
1765 the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and
1766 the requirements of this subsection. The interlocal agreement
1767 must ~~shall~~ acknowledge both the school board's constitutional and
1768 statutory obligations to provide a uniform system of free public
1769 schools on a countywide basis, and the land use authority of
1770 local governments, including their authority to approve or deny
1771 comprehensive plan amendments and development orders. The
1772 interlocal agreement shall be submitted to the state land
1773 planning agency by the local government as a part of the
1774 compliance review, along with the other necessary amendments to
1775 the comprehensive plan required by this part. In addition to the
1776 requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal
1777 agreement must ~~shall~~ meet the following requirements:

1778 1. Establish ~~the~~ mechanisms for coordinating the
1779 development, adoption, and amendment of each local government's
1780 public school facilities element with each other and the plans of
1781 the school board to ensure a uniform districtwide school
1782 concurrency system.

1783 2. Establish a process for developing ~~the development of~~
1784 siting criteria that ~~which~~ encourages the location of public
1785 schools proximate to urban residential areas to the extent
1786 possible and seeks to collocate schools with other public



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1787 facilities such as parks, libraries, and community centers to the
1788 extent possible.

1789 3. Specify uniform, districtwide level-of-service standards
1790 for public schools of the same type and the process for modifying
1791 the adopted level-of-service standards.

1792 4. Establish a process for the preparation, amendment, and
1793 joint approval by each local government and the school board of a
1794 public school capital facilities program that ~~which~~ is
1795 financially feasible, and a process and schedule for
1796 incorporation of the public school capital facilities program
1797 into the local government comprehensive plans on an annual basis.

1798 5. Define the geographic application of school concurrency.
1799 If school concurrency is to be applied on a less than
1800 districtwide basis in the form of concurrency service areas, the
1801 agreement must ~~shall~~ establish criteria and standards for the
1802 establishment and modification of school concurrency service
1803 areas. The agreement must ~~shall~~ also establish a process and
1804 schedule for the mandatory incorporation of the school
1805 concurrency service areas and the criteria and standards for
1806 establishment of the service areas into the local government
1807 comprehensive plans. The agreement must ~~shall~~ ensure maximum
1808 utilization of school capacity, taking into account
1809 transportation costs and court-approved desegregation plans, as
1810 well as other factors. The agreement must ~~shall~~ also ensure the
1811 achievement and maintenance of the adopted level-of-service
1812 standards for the geographic area of application throughout the 5
1813 years covered by the public school capital facilities plan and
1814 thereafter by adding a new fifth year during the annual update.

1815 6. Establish a uniform districtwide procedure for
1816 implementing school concurrency which provides for:



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1817 | a. The evaluation of development applications for
1818 | compliance with school concurrency requirements, including
1819 | information provided by the school board on affected schools,
1820 | impact on levels of service, ~~and~~ programmed improvements for
1821 | affected schools, and any options to provide sufficient capacity;

1822 | b. An opportunity for the school board to review and
1823 | comment on the effect of comprehensive plan amendments and
1824 | rezonings on the public school facilities plan; and

1825 | c. The monitoring and evaluation of the school concurrency
1826 | system.

1827 | 7. Include provisions relating to amendment of the
1828 | agreement.

1829 | 8. A process and uniform methodology for determining
1830 | proportionate-share mitigation pursuant to subparagraph (e)1.

1831 | (h) Local government authority.--This subsection does not
1832 | limit the authority of a local government to grant or deny a
1833 | development permit or its functional equivalent prior to the
1834 | implementation of school concurrency. After the implementation of
1835 | school concurrency, a development permit may not be denied
1836 | because of inadequate school capacity or if capacity is available
1837 | pursuant to paragraph (c) or paragraph (e), or if the developer
1838 | executes or enters into an agreement to execute a legally binding
1839 | commitment to provide mitigation proportionate to the demand for
1840 | public school facilities to be created pursuant to paragraph (e).

1841 | (14) RULEMAKING AUTHORITY.--The state land planning agency
1842 | shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for the
1843 | review and determination of compliance of a public school
1844 | facilities element adopted by a local government for purposes of
1845 | imposition of school concurrency.

1846 | (15) MULTIMODAL DISTRICTS.--



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1847 (a) Multimodal transportation districts may be established
1848 under a local government comprehensive plan in areas delineated
1849 on the future land use map for which the local comprehensive plan
1850 assigns secondary priority to vehicle mobility and primary
1851 priority to assuring a safe, comfortable, and attractive
1852 pedestrian environment, with convenient interconnection to
1853 transit. Such districts must incorporate community design
1854 features that ~~will~~ reduce the number of automobile trips or
1855 vehicle miles of travel and ~~will~~ support an integrated,
1856 multimodal transportation system. Prior to the designation of
1857 multimodal transportation districts, the Department of
1858 Transportation shall be consulted by the local government to
1859 assess the impact that the proposed multimodal district area is
1860 expected to have on the adopted level-of-service standards
1861 established for Strategic Intermodal System facilities, as
1862 designated in s. 339.63 ~~defined in s. 339.64~~, and roadway
1863 facilities funded in accordance with s. 339.2819. Further, the
1864 local government shall, in cooperation with the Department of
1865 Transportation, develop a plan to mitigate any impacts to the
1866 Strategic Intermodal System, including the development of a long-
1867 term concurrency management system pursuant to subsection (9) and
1868 s. 163.3177(3)(d). ~~Multimodal transportation districts existing~~
1869 ~~prior to July 1, 2005, shall meet, at a minimum, the provisions~~
1870 ~~of this section by July 1, 2006, or at the time of the~~
1871 ~~comprehensive plan update pursuant to the evaluation and~~
1872 ~~appraisal report, whichever occurs last.~~

1873 (b) Community design elements of ~~such~~ a multimodal
1874 transportation district include: a complementary mix and range of
1875 land uses, including educational, recreational, and cultural
1876 uses; interconnected networks of streets designed to encourage



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1877 walking and bicycling, with traffic-calming where desirable;
1878 appropriate densities and intensities of use within walking
1879 distance of transit stops; daily activities within walking
1880 distance of residences, allowing independence to persons who do
1881 not drive; public uses, streets, and squares that are safe,
1882 comfortable, and attractive for the pedestrian, with adjoining
1883 buildings open to the street and with parking not interfering
1884 with pedestrian, transit, automobile, and truck travel modes.

1885 (c) Local governments may establish multimodal level-of-
1886 service standards that rely primarily on nonvehicular modes of
1887 transportation within the district, if ~~when~~ justified by an
1888 analysis demonstrating that the existing and planned community
1889 design provides ~~will provide~~ an adequate level of mobility within
1890 the district based upon professionally accepted multimodal level-
1891 of-service methodologies. The analysis must also demonstrate that
1892 the capital improvements required to promote community design are
1893 financially feasible over the development or redevelopment
1894 timeframe for the district and that community design features
1895 within the district provide convenient interconnection for a
1896 multimodal transportation system. Local governments may issue
1897 development permits in reliance upon all planned community design
1898 capital improvements that are financially feasible over the
1899 development or redevelopment timeframe for the district, without
1900 regard to the period of time between development or redevelopment
1901 and the scheduled construction of the capital improvements. A
1902 determination of financial feasibility shall be based upon
1903 currently available funding or funding sources that could
1904 reasonably be expected to become available over the planning
1905 period.



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1906 (d) Local governments may reduce impact fees or local
1907 access fees for development within multimodal transportation
1908 districts based on the reduction of vehicle trips per household
1909 or vehicle miles of travel expected from the development pattern
1910 planned for the district.

1911 (e) By December 1, 2007, the Department of Transportation,
1912 in consultation with the state land planning agency and
1913 interested local governments, may designate a study area for
1914 conducting a pilot project to determine the benefits of and
1915 barriers to establishing a regional multimodal transportation
1916 concurrency district that extends over more than one local
1917 government jurisdiction. If designated:

1918 1. The study area must be in a county that has a population
1919 of at least 1,000 persons per square mile, be within an urban
1920 service area, and have the consent of the local governments
1921 within the study area. The Department of Transportation and the
1922 state land planning agency shall provide technical assistance.

1923 2. The local governments within the study area and the
1924 Department of Transportation, in consultation with the state land
1925 planning agency, shall cooperatively create a multimodal
1926 transportation plan that meets the requirements of this section.
1927 The multimodal transportation plan must include viable local
1928 funding options and incorporate community design features,
1929 including a range of mixed land uses and densities and
1930 intensities, which will reduce the number of automobile trips or
1931 vehicle miles of travel while supporting an integrated,
1932 multimodal transportation system.

1933 3. To effectuate the multimodal transportation concurrency
1934 district, participating local governments may adopt appropriate
1935 comprehensive plan amendments.



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1936 4. The Department of Transportation, in consultation with
1937 the state land planning agency, shall submit a report by March 1,
1938 2009, to the Governor, the President of the Senate, and the
1939 Speaker of the House of Representatives on the status of the
1940 pilot project. The report must identify any factors that support
1941 or limit the creation and success of a regional multimodal
1942 transportation district including intergovernmental coordination.

1943 (16) FAIR-SHARE MITIGATION.--It is the intent of the
1944 Legislature to provide a method by which the impacts of
1945 development on transportation facilities can be mitigated by the
1946 cooperative efforts of the public and private sectors. The
1947 methodology used to calculate proportionate fair-share mitigation
1948 under this section shall be as provided for in subsection (12),
1949 or a vehicle and people miles traveled methodology or an
1950 alternative methodology identified by the local government as a
1951 part of its comprehensive plan and that ensures that development
1952 impacts on transportation facilities are mitigated.

1953 (a) By December 1, 2006, each local government shall adopt
1954 by ordinance a methodology for assessing proportionate fair-share
1955 mitigation options. By December 1, 2005, the Department of
1956 Transportation shall develop a model transportation concurrency
1957 management ordinance that has ~~with~~ methodologies for assessing
1958 proportionate fair-share mitigation options.

1959 (b)~~1.~~ In its transportation concurrency management system,
1960 a local government shall, ~~by December 1, 2006,~~ include
1961 methodologies to be applied in calculating ~~that will be applied~~
1962 ~~to calculate~~ proportionate fair-share mitigation.

1963 1. A developer may choose to satisfy all transportation
1964 concurrency requirements by contributing or paying proportionate
1965 fair-share mitigation if transportation facilities or facility



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1966 segments identified as mitigation for traffic impacts are
1967 specifically identified for funding in the 5-year schedule of
1968 capital improvements in the capital improvements element of the
1969 local plan or the long-term concurrency management system or if
1970 such contributions or payments to such facilities or segments are
1971 reflected in the 5-year schedule of capital improvements in the
1972 next regularly scheduled update of the capital improvements
1973 element. Updates to the 5-year capital improvements element which
1974 reflect proportionate fair-share contributions must be ~~may not be~~
1975 ~~found not~~ in compliance based on ss. 163.3164(32) and 163.3177(3)
1976 if additional contributions, payments or funding sources are
1977 reasonably anticipated ~~during a period not to exceed 10 years~~ to
1978 fully mitigate impacts on the transportation facilities within 10
1979 years.

1980 2. Proportionate fair-share mitigation shall be applied as
1981 a credit against impact fees to the extent that all or a portion
1982 of the proportionate fair-share mitigation is used to address the
1983 same capital infrastructure improvements contemplated by the
1984 local government's impact fee ordinance.

1985 (c) Proportionate fair-share mitigation includes, without
1986 limitation, separately or collectively, private funds,
1987 contributions of land, and construction and contribution of
1988 facilities and may include public funds as determined by the
1989 local government. Proportionate fair-share mitigation may be
1990 directed toward one or more specific transportation improvements
1991 reasonably related to the mobility demands created by the
1992 development and such improvements may address one or more modes
1993 of travel. The fair market value of the proportionate fair-share
1994 mitigation may ~~shall~~ not differ based on the form of mitigation.
1995 A local government may not require a development to pay more than



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1996 | its proportionate fair-share contribution regardless of the
1997 | method of mitigation. Proportionate fair-share mitigation shall
1998 | be limited to ensure that a development meeting the requirements
1999 | of this section mitigates its impact on the transportation system
2000 | but is not responsible for the additional cost of reducing or
2001 | eliminating backlogs.

2002 | (d) This subsection does not require a local government to
2003 | approve a development that is not otherwise qualified for
2004 | approval pursuant to the applicable local comprehensive plan and
2005 | land development regulations.

2006 | (e) Mitigation for development impacts to facilities on the
2007 | Strategic Intermodal System made pursuant to this subsection
2008 | requires the concurrence of the Department of Transportation.

2009 | (f) If the funds in an adopted 5-year capital improvements
2010 | element are insufficient to fully fund construction of a
2011 | transportation improvement required by the local government's
2012 | concurrency management system, a local government and a developer
2013 | may ~~still~~ enter into a binding proportionate-share agreement
2014 | authorizing the developer to construct that amount of development
2015 | on which the proportionate share is calculated if the
2016 | proportionate-share amount in the ~~such~~ agreement is sufficient to
2017 | pay for one or more improvements which will, in the opinion of
2018 | the governmental entity or entities maintaining the
2019 | transportation facilities, significantly benefit the impacted
2020 | transportation system. The improvements funded by the
2021 | proportionate-share component must be adopted into the 5-year
2022 | capital improvements schedule of the comprehensive plan at the
2023 | next annual capital improvements element update. The funding of
2024 | any improvements that significantly benefit the impacted
2025 | transportation system satisfies concurrency requirements as a



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2026 mitigation of the development's impact upon the overall
2027 transportation system even if there remains a failure of
2028 concurrency on other impacted facilities.

2029 (g) Except as provided in subparagraph (b)1., this section
2030 does may not prohibit the state land planning agency ~~Department~~
2031 ~~of Community Affairs~~ from finding other portions of the capital
2032 improvements element amendments not in compliance as provided in
2033 this chapter.

2034 (h) ~~The provisions of~~ This subsection does ~~de~~ not apply to
2035 a development of regional impact satisfying the requirements of
2036 subsection (12).

2037 (i) If a developer has contributed funds, lands, or other
2038 mitigation required by a development order to address the
2039 transportation impacts of a particular phase or stage of
2040 development that is not subject to s. 380.06, all transportation
2041 impacts attributable to that phase or stage of development shall
2042 be deemed fully mitigated in any subsequent monitoring or
2043 transportation analysis for any phase or state of development.

2044 (17) TRANSPORTATION CONCURRENCY INCENTIVES.--The
2045 Legislature finds that allowing private-sector entities to
2046 finance, construct, and improve public transportation facilities
2047 can provide significant benefits to the public by facilitating
2048 transportation without the need for additional public tax
2049 revenues. In order to encourage the more efficient and proactive
2050 provision of transportation improvements by the private sector,
2051 if a developer or property owner voluntarily contributes right-
2052 of-way and physically constructs or expands a state
2053 transportation facility or segment, and such construction or
2054 expansion:



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2055 (a) Improves traffic flow, capacity, or safety, the
2056 voluntary contribution may be applied as a credit for that
2057 property owner or developer against any future transportation
2058 concurrency requirements pursuant to chapter if the
2059 transportation improvement is identified in the 5-year work plan
2060 of the Department of Transportation, and such contributions and
2061 credits are set forth in a legally binding agreement executed by
2062 the property owner or developer, the local government of the
2063 jurisdiction in which the facility is located, and the Department
2064 of Transportation.

2065 (b) Is identified in the capital improvement schedule,
2066 meets the requirements in this section, and is set forth in a
2067 legally binding agreement between the property owner or developer
2068 and the applicable local government, the contribution to the
2069 local government collector and the arterial system may be applied
2070 as credit against any future transportation concurrency
2071 requirements under this chapter.

2072 (18) TRANSPORTATION Mobility Fee.--The Legislature finds
2073 that the existing transportation concurrency system has not
2074 adequately addressed the state's transportation needs in an
2075 effective, predictable, and equitable manner and is not producing
2076 a sustainable transportation system for the state. The current
2077 system is complex, lacks uniformity among jurisdictions, is too
2078 focused on roadways to the detriment of desired land use patterns
2079 and transportation alternatives, and frequently prevents the
2080 attainment of important growth management goals. The state,
2081 therefore, should consider a different transportation concurrency
2082 approach that uses a mobility fee based on vehicle and people
2083 miles traveled. Therefore, the Legislature directs the state land



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2084 planning agency to study and develop a methodology for a mobility
2085 fee system as follows:

2086 (a) The state land planning agency, in consultation with
2087 the Department of Transportation, shall convene a study group
2088 that includes representatives from the Department of
2089 Transportation, regional planning councils, local governments,
2090 the development community, land use and transportation
2091 professionals, and the Legislature to develop a uniform mobility
2092 fee methodology for statewide application to replace the existing
2093 transportation concurrency management system. The methodology
2094 shall be based on the amount, distribution, and timing of the
2095 vehicle and people miles traveled, professionally accepted
2096 standards and practices in the fields of land use and
2097 transportation planning, and the requirements of constitutional
2098 and statutory law. The mobility fee shall be designed to provide
2099 for mobility needs, ensure that development provides mitigation
2100 for its impacts on the transportation system, and promote
2101 compact, mixed-use, and energy efficient development. The
2102 mobility fee shall be used to fund improvements to the
2103 transportation system.

2104 (b) By February 15, 2009, the state land planning agency
2105 shall provide a report to the Legislature with recommendations on
2106 an appropriate uniform mobility fee methodology and whether a
2107 mobility fee system should be applied statewide or to more
2108 limited geographic areas, for a schedule to amend comprehensive
2109 plans and land development rules to incorporate the mobility fee,
2110 for a system for collecting and allocating mobility fees among
2111 state and local transportation facilities, and whether and how
2112 mobility fees should replace, revise, or supplement
2113 transportation impact fees.



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2114 ~~(19)-(17)~~ A local government and the developer of affordable
2115 workforce housing units developed in accordance with s.
2116 380.06(19) or s. 380.0651(3) may identify an employment center or
2117 centers in close proximity to the affordable workforce housing
2118 units. If at least 50 percent of the units are occupied by an
2119 employee or employees of an identified employment center or
2120 centers, all of the affordable workforce housing units are exempt
2121 from transportation concurrency requirements, and the local
2122 government may not reduce any transportation trip-generation
2123 entitlements of an approved development-of-regional-impact
2124 development order. As used in this subsection, the term "close
2125 proximity" means 5 miles from the nearest point of the
2126 development of regional impact to the nearest point of the
2127 employment center, and the term "employment center" means a place
2128 of employment that employs at least 25 or more full-time
2129 employees.

2130 Section 8. Subsection (3), paragraph (a) of subsection (7),
2131 paragraphs (b) and (c) of subsection (15), and subsections (17),
2132 (18), and (19) of section 163.3184, Florida Statutes, are amended
2133 to read:

2134 163.3184 Process for adoption of comprehensive plan or plan
2135 amendment.--

2136 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
2137 AMENDMENT.--

2138 (a) Before filing an application for a future land use map
2139 amendment, applicants must conduct a neighborhood meeting to
2140 present, discuss, and solicit public comment on the proposed
2141 amendment. Such meeting shall be conducted at least 30 days but
2142 no more than 60 days before the application for the amendment is
2143 filed with the local government. At a minimum, the meeting shall



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2144 be noticed and conducted in accordance with each of the following
2145 requirements:

2146 1. Notice of the meeting shall be:

2147 a. Mailed at least 10 days but no more than 14 days before
2148 the date of the meeting to all property owners owning property
2149 within 500 feet of the property subject to the proposed
2150 amendment, according to information maintained by the county tax
2151 assessor. Such information shall conclusively establish the
2152 required recipients;

2153 b. Published in accordance with s. 125.66(4)(b)2. or s.
2154 166.041(3)(4)(c)2.b.;

2155 c. Posted on the jurisdiction's web page, if available;

2156 d. Mailed to all persons on the list of home owners or
2157 condominium associations maintained by the jurisdiction, if any;

2158 2. The meeting shall be conducted at an accessible and
2159 convenient location.

2160 3. A sign-in list of all attendees at each meeting must be
2161 maintained.

2162

2163 This section applies to applications for a map amendment filed
2164 after January 1, 2009.

2165 (b) At least 15 days but no more than 45 days before the
2166 local governing body's scheduled adoption hearing, the applicant
2167 shall conduct a second noticed community or neighborhood meeting
2168 for the purpose of presenting and discussing the map amendment
2169 application, including any changes made to the proposed amendment
2170 following the first community or neighborhood meeting. Notice by
2171 United States Mail at least 10 days but no more than 14 days
2172 before the meeting is required only for persons who signed in at
2173 the preapplication meeting and persons whose names are on the



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2174 sign-in sheet from the transmittal hearing conducted pursuant to
2175 s. 163.3184(15)(c). Otherwise, notice shall be given by newspaper
2176 advertisement in accordance with s. 125.66(4)(b)2. and s.
2177 166.041(3)(c)2.b. Before the adoption hearing, the applicant
2178 shall file with the local government a written certification or
2179 verification that the second meeting has been noticed and
2180 conducted in accordance with this section. This section applies
2181 to applications for a map amendment filed after January 1, 2009.

2182 (c) The requirement for neighborhood meetings as provided
2183 in this section does not apply to small-scale amendments as
2184 defined in s. 163.3187(2)(d) unless a local government, by
2185 ordinance, adopts a procedure for holding a neighborhood meeting
2186 as part of the small-scale amendment process. In no event shall
2187 more than one such meeting be required.

2188 (d)~~(a)~~ Each local governing body shall transmit the
2189 complete proposed comprehensive plan or plan amendment to the
2190 state land planning agency, the appropriate regional planning
2191 council and water management district, the Department of
2192 Environmental Protection, the Department of State, and the
2193 Department of Transportation, and, in the case of municipal
2194 plans, to the appropriate county, and, in the case of county
2195 plans, to the Fish and Wildlife Conservation Commission and the
2196 Department of Agriculture and Consumer Services, immediately
2197 following a public hearing pursuant to subsection (15) as
2198 specified in the state land planning agency's procedural rules.
2199 The local governing body shall also transmit a copy of the
2200 complete proposed comprehensive plan or plan amendment to any
2201 other unit of local government or government agency in the state
2202 that has filed a written request with the governing body for the
2203 plan or plan amendment. The local government may request a review



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2204 by the state land planning agency pursuant to subsection (6) at
2205 the time of the transmittal of an amendment.

2206 (e)~~(b)~~ A local governing body shall not transmit portions
2207 of a plan or plan amendment unless it has previously provided to
2208 all state agencies designated by the state land planning agency a
2209 complete copy of its adopted comprehensive plan pursuant to
2210 subsection (7) and as specified in the agency's procedural rules.
2211 In the case of comprehensive plan amendments, the local governing
2212 body shall transmit to the state land planning agency, the
2213 appropriate regional planning council and water management
2214 district, the Department of Environmental Protection, the
2215 Department of State, and the Department of Transportation, and,
2216 in the case of municipal plans, to the appropriate county and, in
2217 the case of county plans, to the Fish and Wildlife Conservation
2218 Commission and the Department of Agriculture and Consumer
2219 Services the materials specified in the state land planning
2220 agency's procedural rules and, in cases in which the plan
2221 amendment is a result of an evaluation and appraisal report
2222 adopted pursuant to s. 163.3191, a copy of the evaluation and
2223 appraisal report. Local governing bodies shall consolidate all
2224 proposed plan amendments into a single submission for each of the
2225 two plan amendment adoption dates during the calendar year
2226 pursuant to s. 163.3187.

2227 (f)~~(e)~~ A local government may adopt a proposed plan
2228 amendment previously transmitted pursuant to this subsection,
2229 unless review is requested or otherwise initiated pursuant to
2230 subsection (6).

2231 (g)~~(d)~~ In cases in which a local government transmits
2232 multiple individual amendments that can be clearly and legally
2233 separated and distinguished for the purpose of determining



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2234 whether to review the proposed amendment, and the state land
2235 planning agency elects to review several or a portion of the
2236 amendments and the local government chooses to immediately adopt
2237 the remaining amendments not reviewed, the amendments immediately
2238 adopted and any reviewed amendments that the local government
2239 subsequently adopts together constitute one amendment cycle in
2240 accordance with s. 163.3187(1).

2241 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
2242 OR AMENDMENTS AND TRANSMITTAL.--

2243 (a) The local government shall review the written comments
2244 submitted to it by the state land planning agency, and any other
2245 person, agency, or government. Any comments, recommendations, or
2246 objections and any reply to them are ~~shall be~~ public documents, a
2247 part of the permanent record in the matter, and admissible in any
2248 proceeding in which the comprehensive plan or plan amendment may
2249 be at issue. The local government, upon receipt of written
2250 comments from the state land planning agency, shall have 120 days
2251 to adopt, or adopt with changes, the proposed comprehensive plan
2252 or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan~~
2253 ~~amendments other than those proposed pursuant to s. 163.3191, the~~
2254 ~~local government shall have 60 days to adopt the amendment, adopt~~
2255 ~~the amendment with changes, or determine that it will not adopt~~
2256 ~~the amendment.~~ The adoption of the proposed plan or plan
2257 amendment or the determination not to adopt a plan amendment,
2258 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~
2259 shall be made in the course of a public hearing pursuant to
2260 subsection (15). If a local government fails to adopt the
2261 comprehensive plan or plan amendment within the period set forth
2262 in this subsection, the plan or plan amendment shall be deemed
2263 abandoned and may not be considered until the next available



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2264 amendment cycle pursuant to ss. 163.3184 and 163.3187. However,
2265 if the applicant or local government, before the expiration of
2266 the period, certifies in writing to the state land planning
2267 agency that the applicant is proceeding in good faith to address
2268 the items raised in the agency report issued pursuant to s.
2269 163.3184(6)(c) or agency comments issued pursuant to s.
2270 163.32465(4), and such certification specifically identifies the
2271 items being addressed, the state land planning agency may grant
2272 one or more extensions not to exceed a total of 360 days from the
2273 date of the issuance of the agency report or comments if the
2274 request is justified by good cause as determined by the agency.
2275 When any such extension is pending, the applicant shall file with
2276 the local government and state land planning agency a status
2277 report every 60 days specifically identifying the items being
2278 addressed and the manner in which such items are addressed. The
2279 local government shall transmit the complete adopted
2280 comprehensive plan or plan amendment, including the names and
2281 addresses of persons compiled pursuant to paragraph (15)(c), to
2282 the state land planning agency as specified in the agency's
2283 procedural rules within 10 working days after adoption. The local
2284 governing body shall also transmit a copy of the adopted
2285 comprehensive plan or plan amendment to the regional planning
2286 agency and to any other unit of local government or governmental
2287 agency in the state that has filed a written request with the
2288 governing body for a copy of the plan or plan amendment.

2289 (15) PUBLIC HEARINGS.--

2290 (b) The local governing body shall hold at least two
2291 advertised public hearings on the proposed comprehensive plan or
2292 plan amendment as follows:



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2293 1. The first public hearing shall be held at the
2294 transmittal stage pursuant to subsection (3). It shall be held on
2295 a weekday at least 7 days after the day that the first
2296 advertisement is published.

2297 2. The second public hearing shall be held at the adoption
2298 stage pursuant to subsection (7). It shall be held on a weekday
2299 at least 5 days after the day that the second advertisement is
2300 published. The comprehensive plan or plan amendment to be
2301 considered for adoption must be available to the public at least
2302 5 days before the date of the hearing, and must be posted at
2303 least 5 days before the date of the hearing on the local
2304 government's website if one is maintained. The proposed
2305 comprehensive plan amendment may not be altered during the 5 days
2306 before the hearing if such alteration increases the permissible
2307 density, intensity, or height, or decreases the minimum buffers,
2308 setbacks, or open space. If the amendment is altered in this
2309 manner during the 5-day period or at the public hearing, the
2310 public hearing shall be continued to the next meeting of the
2311 local governing body. As part of the adoption package, the local
2312 government shall certify in writing to the state land planning
2313 agency that it has complied with this subsection.

2314 (c) The local government shall provide a sign-in form at
2315 the transmittal hearing and at the adoption hearing for persons
2316 to provide their names, ~~and~~ mailing and electronic addresses. The
2317 sign-in form must advise that any person providing the requested
2318 information will receive a courtesy informational statement
2319 concerning publications of the state land planning agency's
2320 notice of intent. The local government shall add to the sign-in
2321 form the name and address of any person who submits written
2322 comments concerning the proposed plan or plan amendment during



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2323 the time period between the commencement of the transmittal
2324 hearing and the end of the adoption hearing. It is the
2325 responsibility of the person completing the form or providing
2326 written comments to accurately, completely, and legibly provide
2327 all information needed in order to receive the courtesy
2328 informational statement.

2329 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~
2330 ~~AMENDMENTS.--A local government that has adopted a community~~
2331 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~
2332 ~~may adopt a plan amendment related to map amendments solely to~~
2333 ~~property within an urban service boundary in the manner described~~
2334 ~~in subsections (1), (2), (7), (14), (15), and (16) and s.~~
2335 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
2336 ~~regional agency review is eliminated. The department may not~~
2337 ~~issue an objections, recommendations, and comments report on~~
2338 ~~proposed plan amendments or a notice of intent on adopted plan~~
2339 ~~amendments; however, affected persons, as defined by paragraph~~
2340 ~~(1)(a), may file a petition for administrative review pursuant to~~
2341 ~~the requirements of s. 163.3187(3)(a) to challenge the compliance~~
2342 ~~of an adopted plan amendment. This subsection does not apply to~~
2343 ~~any amendment within an area of critical state concern, to any~~
2344 ~~amendment that increases residential densities allowable in high-~~
2345 ~~hazard coastal areas as defined in s. 163.3178(2)(h), or to a~~
2346 ~~text change to the goals, policies, or objectives of the local~~
2347 ~~government's comprehensive plan. Amendments submitted under this~~
2348 ~~subsection are exempt from the limitation on the frequency of~~
2349 ~~plan amendments in s. 163.3187.~~

2350 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A~~
2351 ~~municipality that has a designated urban infill and redevelopment~~
2352 ~~area under s. 163.2517 may adopt a plan amendment related to map~~



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2353 ~~amendments solely to property within a designated urban infill~~
2354 ~~and redevelopment area in the manner described in subsections~~
2355 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and~~
2356 ~~e., 2., and 3., such that state and regional agency review is~~
2357 ~~eliminated. The department may not issue an objections,~~
2358 ~~recommendations, and comments report on proposed plan amendments~~
2359 ~~or a notice of intent on adopted plan amendments; however,~~
2360 ~~affected persons, as defined by paragraph (1)(a), may file a~~
2361 ~~petition for administrative review pursuant to the requirements~~
2362 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
2363 ~~plan amendment. This subsection does not apply to any amendment~~
2364 ~~within an area of critical state concern, to any amendment that~~
2365 ~~increases residential densities allowable in high-hazard coastal~~
2366 ~~areas as defined in s. 163.3178(2)(h), or to a text change to the~~
2367 ~~goals, policies, or objectives of the local government's~~
2368 ~~comprehensive plan. Amendments submitted under this subsection~~
2369 ~~are exempt from the limitation on the frequency of plan~~
2370 ~~amendments in s. 163.3187.~~

2371 (17) ~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any
2372 local government that identifies in its comprehensive plan the
2373 types of housing developments and conditions for which it will
2374 consider plan amendments that are consistent with the local
2375 housing incentive strategies identified in s. 420.9076 and
2376 authorized by the local government may expedite consideration of
2377 such plan amendments. At least 30 days before ~~prior to~~ adopting a
2378 plan amendment pursuant to this subsection, the local government
2379 shall notify the state land planning agency of its intent to
2380 adopt such an amendment, and the notice shall include the local
2381 government's evaluation of site suitability and availability of
2382 facilities and services. A plan amendment considered under this



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2383 subsection shall require only a single public hearing before the
2384 local governing body, which shall be a plan amendment adoption
2385 hearing as described in subsection (7). The public notice of the
2386 hearing required under subparagraph (15)(b)2. must include a
2387 statement that the local government intends to use the expedited
2388 adoption process authorized under this subsection. The state land
2389 planning agency shall issue its notice of intent required under
2390 subsection (8) within 30 days after determining that the
2391 amendment package is complete. Any further proceedings are ~~shall~~
2392 ~~be~~ governed by subsections (9)-(16).

2393 Section 9. Section 163.3187, Florida Statutes, is amended
2394 to read:

2395 163.3187 Amendment of adopted comprehensive plan.--

2396 (1) Comprehensive plan amendments may be adopted by simple
2397 majority vote of the governing body of the local government,
2398 except a super majority vote of the members of the governing body
2399 of the local government present at the hearing is required to
2400 adopt any text amendment, except for:

2401 (a) Special area text policies associated with a future
2402 land use map amendment;

2403 (b) Text amendments to the schedule of capital
2404 improvements; and

2405 (c) Text amendments that implement recommendations in an
2406 evaluation and appraisal report and required to implement a new
2407 statutory requirement not previously incorporated into the
2408 comprehensive plan.

2409 (2) Amendments to comprehensive plans may be transmitted
2410 and adopted pursuant to this part ~~may be made~~ not more than once
2411 ~~two times~~ during any calendar year, with the following exceptions
2412 ~~except:~~



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2413 (a) Local governments may transmit and adopt the following
2414 comprehensive plan amendments twice per calendar year:

2415 1. Future land use map amendments and special area policies
2416 associated with those map amendments for land within areas
2417 designated in the comprehensive plan for downtown revitalization
2418 pursuant to s. 163.3164(25), urban redevelopment pursuant to s.
2419 163.3164(26), urban infill development pursuant to s.
2420 163.3164(27), urban infill and redevelopment pursuant to s.
2421 163.2517, or an urban service area pursuant to s.
2422 163.3180(5) (b) 5.

2423 2. Future land use map amendments within an area designated
2424 by the Governor as a rural area of critical economic concern
2425 under s. 288.0656(7) for the duration of such designation. Before
2426 the adoption of such an amendment, the local government must
2427 obtain written certification from the Office of Tourism, Trade
2428 and Economic Development that the plan amendment furthers the
2429 economic objectives set forth in the executive order issued under
2430 s. 288.0656(7).

2431 3. Any local government comprehensive plan amendment
2432 establishing or implementing a rural land stewardship area
2433 pursuant to the provisions of s. 163.3177(11) (d) or a sector plan
2434 pursuant to the provisions of s. 163.3245.

2435 (b)-(a) The following amendments may be adopted by the local
2436 government at any time during a calendar year without regard for
2437 the frequency restrictions set forth immediately above:

2438 1. Any local government comprehensive plan ~~In the case of~~
2439 ~~an emergency, comprehensive plan amendments may be made more~~
2440 ~~often than twice during the calendar year if the additional plan~~
2441 amendment enacted in case of emergency receives the approval of
2442 all of the members of the governing body. "Emergency" means any



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2443 occurrence or threat ~~thereof~~ whether accidental or natural,
2444 caused by humankind, in war or peace, which results or may result
2445 in substantial injury or harm to the population or substantial
2446 damage to or loss of property or public funds.

2447 2.(b) Any local government comprehensive plan amendments
2448 directly related to a proposed development of regional impact,
2449 including changes which have been determined to be substantial
2450 deviations and including Florida Quality Developments pursuant to
2451 s. 380.061, may be initiated by a local planning agency and
2452 considered by the local governing body at the same time as the
2453 application for development approval using the procedures
2454 provided for local plan amendment in this section and applicable
2455 local ordinances, ~~without regard to statutory or local ordinance~~
2456 ~~limits on the frequency of consideration of amendments to the~~
2457 ~~local comprehensive plan. Nothing in this subsection shall be~~
2458 ~~deemed to require favorable consideration of a plan amendment~~
2459 ~~solely because it is related to a development of regional impact.~~

2460 3.(c) Any Local government comprehensive plan amendments
2461 directly related to proposed small scale development activities
2462 ~~may be approved without regard to statutory limits on the~~
2463 ~~frequency of consideration of amendments to the local~~
2464 ~~comprehensive plan.~~ A small scale development amendment may be
2465 adopted only under the following conditions:

2466 4.1. The proposed amendment involves a use of 10 acres or
2467 fewer and:

2468 a. The cumulative annual effect of the acreage for all
2469 small scale development amendments adopted by the local
2470 government shall not exceed:

2471 (I) A maximum of 120 acres in a local government that
2472 contains areas specifically designated in the local comprehensive



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2473 plan for urban infill, urban redevelopment, or downtown
2474 revitalization as defined in s. 163.3164, urban infill and
2475 redevelopment areas designated under s. 163.2517, transportation
2476 concurrency exception areas approved pursuant to s. 163.3180(5),
2477 or regional activity centers and urban central business districts
2478 approved pursuant to s. 380.06(2)(e); however, amendments under
2479 this paragraph may be applied to no more than 60 acres annually
2480 of property outside the designated areas listed in this sub-sub-
2481 subparagraph. Amendments adopted pursuant to paragraph (k) shall
2482 not be counted toward the acreage limitations for small scale
2483 amendments under this paragraph.

2484 (II) A maximum of 80 acres in a local government that does
2485 not contain any of the designated areas set forth in sub-sub-
2486 subparagraph (I).

2487 (III) A maximum of 120 acres in a county established
2488 pursuant to s. 9, Art. VIII of the State Constitution.

2489 b. The proposed amendment does not involve the same
2490 property granted a change within the prior 12 months.

2491 c. The proposed amendment does not involve the same owner's
2492 property within 200 feet of property granted a change within the
2493 prior 12 months.

2494 d. The proposed amendment does not involve a text change to
2495 the goals, policies, and objectives of the local government's
2496 comprehensive plan, but only proposes a land use change to the
2497 future land use map for a site-specific small scale development
2498 activity.

2499 e. The property that is the subject of the proposed
2500 amendment is not located within an area of critical state
2501 concern, unless the project subject to the proposed amendment
2502 involves the construction of affordable housing units meeting the



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2503 criteria of s. 420.0004(3), and is located within an area of
2504 critical state concern designated by s. 380.0552 or by the
2505 Administration Commission pursuant to s. 380.05(1). Such
2506 amendment is not subject to the density limitations of sub-
2507 subparagraph f., and shall be reviewed by the state land planning
2508 agency for consistency with the principles for guiding
2509 development applicable to the area of critical state concern
2510 where the amendment is located and is ~~shall~~ not ~~become~~ effective
2511 until a final order is issued under s. 380.05(6).

2512 f. If the proposed amendment involves a residential land
2513 use, the residential land use has a density of 10 units or less
2514 per acre or the proposed future land use category allows a
2515 maximum residential density of the same or less than the maximum
2516 residential density allowable under the existing future land use
2517 category, except that this limitation does not apply to small
2518 scale amendments involving the construction of affordable housing
2519 units meeting the criteria of s. 420.0004(3) on property which
2520 will be the subject of a land use restriction agreement, or small
2521 scale amendments described in sub-sub-subparagraph a.(I) that are
2522 designated in the local comprehensive plan for urban infill,
2523 urban redevelopment, or downtown revitalization as defined in s.
2524 163.3164, urban infill and redevelopment areas designated under
2525 s. 163.2517, transportation concurrency exception areas approved
2526 pursuant to s. 163.3180(5), or regional activity centers and
2527 urban central business districts approved pursuant to s.
2528 380.06(2)(e).

2529 5.2-a. A local government that proposes to consider a plan
2530 amendment pursuant to this paragraph is not required to comply
2531 with the procedures and public notice requirements of s.
2532 163.3184(15)(c) for such plan amendments if the local government



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2533 | complies with the provisions in s. 125.66(4) (a) for a county or
2534 | in s. 166.041(3) (c) for a municipality. If a request for a plan
2535 | amendment under this paragraph is initiated by other than the
2536 | local government, public notice is required.

2537 | b. The local government shall send copies of the notice and
2538 | amendment to the state land planning agency, the regional
2539 | planning council, and any other person or entity requesting a
2540 | copy. This information shall also include a statement identifying
2541 | any property subject to the amendment that is located within a
2542 | coastal high-hazard area as identified in the local comprehensive
2543 | plan.

2544 | ~~6.3.~~ Small scale development amendments adopted pursuant to
2545 | this paragraph require only one public hearing before the
2546 | governing board, which shall be an adoption hearing as described
2547 | in s. 163.3184(7), and are not subject to the requirements of s.
2548 | 163.3184(3)-(6) unless the local government elects to have them
2549 | subject to those requirements.

2550 | ~~7.4.~~ If the small scale development amendment involves a
2551 | site within an area that is designated by the Governor as a rural
2552 | area of critical economic concern under s. 288.0656(7) for the
2553 | duration of such designation, the 10-acre limit listed in
2554 | subparagraph 1. shall be increased by 100 percent to 20 acres.
2555 | The local government approving the small scale plan amendment
2556 | shall certify to the Office of Tourism, Trade, and Economic
2557 | Development that the plan amendment furthers the economic
2558 | objectives set forth in the executive order issued under s.
2559 | 288.0656(7), and the property subject to the plan amendment shall
2560 | undergo public review to ensure that all concurrency requirements
2561 | and federal, state, and local environmental permit requirements
2562 | are met.



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2563 ~~8.(d)~~ Any comprehensive plan amendment required by a
2564 compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~
2565 ~~without regard to statutory limits on the frequency of adoption~~
2566 ~~of amendments to the comprehensive plan.~~

2567 ~~(e)~~ A comprehensive plan amendment for location of a state
2568 correctional facility. Such an amendment may be made at any time
2569 and does not count toward the limitation on the frequency of plan
2570 amendments.

2571 ~~9.(f)~~ Any comprehensive plan amendment that changes the
2572 schedule in the capital improvements element, and any amendments
2573 directly related to the schedule, ~~may be made once in a calendar~~
2574 ~~year on a date different from the two times provided in this~~
2575 ~~subsection~~ when necessary to coincide with the adoption of the
2576 local government's budget and capital improvements program.

2577 ~~(g)~~ Any local government comprehensive plan amendments
2578 directly related to proposed redevelopment of brownfield areas
2579 designated under s. 376.80 may be approved without regard to
2580 statutory limits on the frequency of consideration of amendments
2581 to the local comprehensive plan.

2582 ~~10.(h)~~ Any comprehensive plan amendments for port
2583 transportation facilities and projects that are eligible for
2584 funding by the Florida Seaport Transportation and Economic
2585 Development Council pursuant to s. 311.07.

2586 ~~(i)~~ A comprehensive plan amendment for the purpose of
2587 designating an urban infill and redevelopment area under s.
2588 163.2517 may be approved without regard to the statutory limits
2589 on the frequency of amendments to the comprehensive plan.

2590 ~~11.(j)~~ Any comprehensive plan amendment to establish public
2591 school concurrency pursuant to s. 163.3180(13), including, but
2592 not limited to, adoption of a public school facilities element



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2593 pursuant to s. 163.3177(12) and adoption of amendments to the
2594 capital improvements element and intergovernmental coordination
2595 element. In order to ensure the consistency of local government
2596 public school facilities elements within a county, such elements
2597 must ~~shall~~ be prepared and adopted on a similar time schedule.

2598 ~~(k) A local comprehensive plan amendment directly related~~
2599 ~~to providing transportation improvements to enhance life safety~~
2600 ~~on Controlled Access Major Arterial Highways identified in the~~
2601 ~~Florida Intrastate Highway System, in counties as defined in s.~~
2602 ~~125.011, where such roadways have a high incidence of traffic~~
2603 ~~accidents resulting in serious injury or death. Any such~~
2604 ~~amendment shall not include any amendment modifying the~~
2605 ~~designation on a comprehensive development plan land use map nor~~
2606 ~~any amendment modifying the allowable densities or intensities of~~
2607 ~~any land.~~

2608 ~~(l) A comprehensive plan amendment to adopt a public~~
2609 ~~educational facilities element pursuant to s. 163.3177(12) and~~
2610 ~~future land-use map amendments for school siting may be approved~~
2611 ~~notwithstanding statutory limits on the frequency of adopting~~
2612 ~~plan amendments.~~

2613 ~~(m) A comprehensive plan amendment that addresses criteria~~
2614 ~~or compatibility of land uses adjacent to or in close proximity~~
2615 ~~to military installations in a local government's future land use~~
2616 ~~element does not count toward the limitation on the frequency of~~
2617 ~~the plan amendments.~~

2618 ~~(n) Any local government comprehensive plan amendment~~
2619 ~~establishing or implementing a rural land stewardship area~~
2620 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

2621 ~~(o) A comprehensive plan amendment that is submitted by an~~
2622 ~~area designated by the Governor as a rural area of critical~~



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2623 ~~economic concern under s. 288.0656(7) and that meets the economic~~
2624 ~~development objectives may be approved without regard to the~~
2625 ~~statutory limits on the frequency of adoption of amendments to~~
2626 ~~the comprehensive plan.~~

2627 ~~(p) Any local government comprehensive plan amendment that~~
2628 ~~is consistent with the local housing incentive strategies~~
2629 ~~identified in s. 420.9076 and authorized by the local government.~~

2630 12. Any local government comprehensive plan amendment
2631 adopted pursuant to a final order issued by the Administration
2632 Commission or Florida Land and Water Adjudicatory Commission.

2633 13. A future land use map amendment including not more than
2634 20 acres within an area designated by the Governor as a rural
2635 area of critical economic concern under s. 288.0656(7) for the
2636 duration of such designation. Before the adoption of such an
2637 amendment, the local government shall obtain from the Office of
2638 Tourism, Trade, and Economic Development written certification
2639 that the plan amendment furthers the economic objectives set
2640 forth in the executive order issued under s. 288.0656(7). The
2641 property subject to the plan amendment is subject to all
2642 concurrency requirements and federal, state, and local
2643 environmental permit requirements.

2644 14. Future land use map amendments and any associated
2645 special area policies which exist for affordable housing and
2646 qualify for expedited review under s. 163.32461.

2647 (3)-(2) Comprehensive plans may only be amended in such a
2648 way as to preserve the internal consistency of the plan pursuant
2649 to s. 163.3177(2). Corrections, updates, or modifications of
2650 current costs which were set out as part of the comprehensive
2651 plan shall not, for the purposes of this act, be deemed to be
2652 amendments.



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2653 (4)~~(3)~~(a) The state land planning agency shall not review
2654 or issue a notice of intent for small scale development
2655 amendments which satisfy the requirements of paragraph (2) (d)
2656 ~~(1) (e)~~. Any affected person may file a petition with the Division
2657 of Administrative Hearings pursuant to ss. 120.569 and 120.57 to
2658 request a hearing to challenge the compliance of a small scale
2659 development amendment with this act within 30 days following the
2660 local government's adoption of the amendment, shall serve a copy
2661 of the petition on the local government, and shall furnish a copy
2662 to the state land planning agency. An administrative law judge
2663 shall hold a hearing in the affected jurisdiction not less than
2664 30 days nor more than 60 days following the filing of a petition
2665 and the assignment of an administrative law judge. The parties to
2666 a hearing held pursuant to this subsection are ~~shall be~~ the
2667 petitioner, the local government, and any intervenor. In the
2668 proceeding, the local government's determination that the small
2669 scale development amendment is in compliance is presumed to be
2670 correct. The local government's determination shall be sustained
2671 unless it is shown by a preponderance of the evidence that the
2672 amendment is not in compliance with the requirements of this act.
2673 In any proceeding initiated pursuant to this subsection, the
2674 state land planning agency may intervene.

2675 (b)1. If the administrative law judge recommends that the
2676 small scale development amendment be found not in compliance, the
2677 administrative law judge shall submit the recommended order to
2678 the Administration Commission for final agency action. If the
2679 administrative law judge recommends that the small scale
2680 development amendment be found in compliance, the administrative
2681 law judge shall submit the recommended order to the state land
2682 planning agency.



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2683 2. If the state land planning agency determines that the
2684 plan amendment is not in compliance, the agency shall submit,
2685 within 30 days following its receipt, the recommended order to
2686 the Administration Commission for final agency action. If the
2687 state land planning agency determines that the plan amendment is
2688 in compliance, the agency shall enter a final order within 30
2689 days following its receipt of the recommended order.

2690 (c) Small scale development amendments shall not become
2691 effective until 31 days after adoption. If challenged within 30
2692 days after adoption, small scale development amendments shall not
2693 become effective until the state land planning agency or the
2694 Administration Commission, respectively, issues a final order
2695 determining that the adopted small scale development amendment is
2696 in compliance. However, a small-scale amendment shall not become
2697 effective until it has been rendered to the state land planning
2698 agency as required by s. 163.3187(1)(d)2.b. and the state land
2699 planning agency has certified to the local government in writing
2700 that the amendment qualifies as a small-scale amendment.

2701 ~~(5)-(4)~~ Each governing body shall transmit to the state land
2702 planning agency a current copy of its comprehensive plan not
2703 later than December 1, 1985. Each governing body shall also
2704 transmit copies of any amendments it adopts to its comprehensive
2705 plan so as to continually update the plans on file with the state
2706 land planning agency.

2707 ~~(6)-(5)~~ Nothing in this part is intended to prohibit or
2708 limit the authority of local governments to require that a person
2709 requesting an amendment pay some or all of the cost of public
2710 notice.

2711 ~~(7)-(6)~~(a) A ~~No~~ local government may not amend its
2712 comprehensive plan after the date established by the state land



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2713 | planning agency for adoption of its evaluation and appraisal
2714 | report unless it has submitted its report or addendum to the
2715 | state land planning agency as prescribed by s. 163.3191, except
2716 | for plan amendments described in paragraph (2) (c) ~~(1) (b)~~ or
2717 | paragraph (2) (g) ~~(1) (h)~~.

2718 | (b) A local government may amend its comprehensive plan
2719 | after it has submitted its adopted evaluation and appraisal
2720 | report and for a period of 1 year after the initial determination
2721 | of sufficiency regardless of whether the report has been
2722 | determined to be insufficient.

2723 | (c) A local government may not amend its comprehensive
2724 | plan, except for plan amendments described in paragraph (2) (c)
2725 | ~~(1) (b)~~, if the 1-year period after the initial sufficiency
2726 | determination of the report has expired and the report has not
2727 | been determined to be sufficient.

2728 | (d) When the state land planning agency has determined that
2729 | the report has sufficiently addressed all pertinent provisions of
2730 | s. 163.3191, the local government may amend its comprehensive
2731 | plan without the limitations imposed by paragraph (a) or
2732 | paragraph (c).

2733 | (e) Any plan amendment which a local government attempts to
2734 | adopt in violation of paragraph (a) or paragraph (c) is invalid,
2735 | but such invalidity may be overcome if the local government
2736 | readopts the amendment and transmits the amendment to the state
2737 | land planning agency pursuant to s. 163.3184(7) after the report
2738 | is determined to be sufficient.

2739 | Section 10. Section 163.3245, Florida Statutes, is amended
2740 | to read:

2741 | 163.3245 Optional sector plans.--



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2742 (1) In recognition of the benefits of large-scale
2743 ~~conceptual long-range~~ planning for the buildout of an area, and
2744 ~~detailed planning~~ for specific areas, ~~as a demonstration project,~~
2745 ~~the requirements of s. 380.06 may be addressed as identified by~~
2746 ~~this section for up to five~~ local governments or combinations of
2747 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
2748 plans ~~plan~~ an optional sector plan in accordance with this
2749 section. This section is intended to further the intent of s.
2750 163.3177(11), ~~7~~ which supports innovative and flexible planning and
2751 development strategies, ~~and~~ the purposes of this part, ~~7~~ and part I
2752 of chapter 380, and to avoid duplication of effort in terms of
2753 the level of data and analysis required for a development of
2754 regional impact, ~~7~~ while ensuring the adequate mitigation of
2755 impacts to applicable regional resources and facilities,
2756 including those within the jurisdiction of other local
2757 governments, as would otherwise be provided. Optional sector
2758 plans are intended for substantial geographic areas which include
2759 ~~including~~ at least 10,000 contiguous ~~5,000~~ acres of one or more
2760 local governmental jurisdictions and ~~are~~ to emphasize urban form
2761 and protection of regionally significant resources and
2762 facilities. ~~The state land planning agency may approve optional~~
2763 ~~sector plans of less than 5,000 acres based on local~~
2764 ~~circumstances if it is determined that the plan would further the~~
2765 ~~purposes of this part and part I of chapter 380. Preparation of~~
2766 ~~an optional sector plan is authorized by agreement between the~~
2767 ~~state land planning agency and the applicable local governments~~
2768 ~~under s. 163.3171(4). An optional sector plan may be adopted~~
2769 ~~through one or more comprehensive plan amendments under s.~~
2770 ~~163.3184. However, an optional sector plan may not be authorized~~
2771 ~~in an area of critical state concern.~~



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2772 (2) ~~The state land planning agency may enter into an~~
2773 ~~agreement to authorize preparation of an optional sector plan~~
2774 ~~upon the request of one or more local governments based on~~
2775 ~~consideration of problems and opportunities presented by existing~~
2776 ~~development trends; the effectiveness of current comprehensive~~
2777 ~~plan provisions; the potential to further the state comprehensive~~
2778 ~~plan, applicable strategic regional policy plans, this part, and~~
2779 ~~part I of chapter 380; and those factors identified by s.~~
2780 ~~163.3177(10)(i).~~ The applicable regional planning council shall
2781 conduct a scoping meeting with affected local governments and
2782 those agencies identified in s. 163.3184(4) before the local
2783 government may consider the sector plan amendments for
2784 transmittal ~~execution of the agreement authorized by this~~
2785 ~~section.~~ The purpose of this meeting is to assist the state land
2786 planning agency and the local government in identifying the
2787 ~~identification of~~ the relevant planning issues to be addressed
2788 and the data and resources available to assist in the preparation
2789 of the subsequent plan amendments. The regional planning council
2790 shall make written recommendations to the state land planning
2791 agency and affected local governments relating to , ~~including~~
2792 ~~whether a sustainable sector plan would be appropriate.~~ The
2793 ~~agreement must define~~ the geographic area to be subject to the
2794 sector plan, the planning issues that will be emphasized,
2795 requirements for intergovernmental coordination to address
2796 extrajurisdictional impacts, supporting application materials
2797 including data and analysis, and procedures for public
2798 participation. ~~An agreement may address previously adopted sector~~
2799 ~~plans that are consistent with the standards in this section.~~
2800 ~~Before executing an agreement under this subsection, the local~~
2801 ~~government shall hold a duly noticed public workshop to review~~



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2802 ~~and explain to the public the optional sector planning process~~
2803 ~~and the terms and conditions of the proposed agreement. The local~~
2804 ~~government shall hold a duly noticed public hearing to execute~~
2805 ~~the agreement.~~ All meetings between the state land planning
2806 agency department and the local government must be open to the
2807 public.

2808 (3) Optional sector planning encompasses two levels:
2809 adoption under s. 163.3184 of a conceptual long-term overlay plan
2810 as part of buildout overlay to the comprehensive plan, ~~having no~~
2811 ~~immediate effect on the issuance of development orders or the~~
2812 ~~applicability of s. 380.06,~~ and adoption under s. 163.3184 of
2813 detailed specific area plans that implement the conceptual long-
2814 term overlay plan ~~buildout overlay~~ and authorize issuance of
2815 development orders, and within which s. 380.06 is waived. Upon
2816 adoption of a conceptual long-term overlay plan, the underlying
2817 future land use designations may be used only if consistent with
2818 the plan and its implementing goals, objectives, and policies.
2819 ~~Until such time as a detailed specific area plan is adopted, the~~
2820 ~~underlying future land use designations apply.~~

2821 (a) In addition to the other requirements of this chapter,
2822 a conceptual long-term overlay plan adopted pursuant to s.
2823 163.3184 buildout overlay must include maps and text supported by
2824 data and analysis that address the following:

2825 1. A long-range conceptual overlay plan ~~framework~~ map that,
2826 at a minimum, identifies the maximum and minimum amounts,
2827 densities, intensities, and types of allowable development and
2828 generally depicts anticipated areas of urban, agricultural,
2829 rural, and conservation land use.

2830 2. A general identification of regionally significant
2831 public facilities ~~consistent with chapter 9J-2, Florida~~



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2832 ~~Administrative Code~~, irrespective of local governmental
2833 jurisdiction, necessary to support buildout of the anticipated
2834 future land uses, and policies setting forth the procedures to be
2835 used to address and mitigate these impacts as part of the
2836 adoption of detailed specific area plans.

2837 3. A general identification of regionally significant
2838 natural resources and policies ensuring the protection and
2839 conservation of these resources ~~consistent with chapter 9J-2,~~
2840 ~~Florida Administrative Code.~~

2841 4. Principles and guidelines that address the urban form
2842 and interrelationships of anticipated future land uses, ~~and a~~
2843 ~~discussion, at the applicant's option, of the extent, if any, to~~
2844 ~~which the plan will address~~ restoring key ecosystems, achieving a
2845 more clean, healthy environment, limiting urban sprawl within the
2846 sector plan and surrounding area, providing affordable and
2847 workforce housing, promoting energy efficient land use patterns,
2848 protecting wildlife and natural areas, advancing the efficient
2849 use of land and other resources, and creating quality communities
2850 and jobs.

2851 5. Identification of general procedures to ensure
2852 intergovernmental coordination to address extrajurisdictional
2853 impacts from the long-range conceptual overlay framework map.

2854 (b) In addition to the other requirements of this chapter,
2855 including those in paragraph (a), the detailed specific area
2856 plans must include:

2857 1. An area of adequate size to accommodate a level of
2858 development which achieves a functional relationship between a
2859 ~~full~~ range of land uses within the area and encompasses ~~to~~
2860 ~~encompass~~ at least 1,000 acres. ~~The state land planning agency~~
2861 ~~may approve detailed specific area plans of less than 1,000 acres~~



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2862 ~~based on local circumstances if it is determined that the plan~~
2863 ~~furtheres the purposes of this part and part I of chapter 380.~~

2864 2. Detailed identification and analysis of the minimum and
2865 maximum amounts, densities, intensities, distribution, extent,
2866 and location of future land uses.

2867 3. Detailed identification of regionally significant public
2868 facilities, including public facilities outside the jurisdiction
2869 of the host local government, anticipated impacts of future land
2870 uses on those facilities, and required improvements consistent
2871 with the policies accompanying the plan and, for transportation,
2872 with rule 9J-2.045 ~~chapter 9J-2,~~ Florida Administrative Code.

2873 4. Public facilities necessary for the short term,
2874 including developer contributions in a financially feasible 5-
2875 year capital improvement schedule of the affected local
2876 government.

2877 5. Detailed analysis and identification of specific
2878 measures to assure the protection of regionally significant
2879 natural resources and other important resources both within and
2880 outside the host jurisdiction, ~~including those regionally~~
2881 ~~significant resources identified in chapter 9J-2, Florida~~
2882 ~~Administrative Code.~~

2883 6. Principles and guidelines that address the urban form
2884 and interrelationships of anticipated future land uses ~~and a~~
2885 ~~discussion, at the applicant's option, of the extent, if any, to~~
2886 ~~which the plan will address~~ restoring key ecosystems, achieving a
2887 more clean, healthy environment, limiting urban sprawl, providing
2888 affordable and workforce housing, promoting energy efficient land
2889 use patterns, protecting wildlife and natural areas, advancing
2890 the efficient use of land and other resources, and creating
2891 quality communities and jobs.



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2892 7. Identification of specific procedures to ensure
2893 intergovernmental coordination that addresses ~~to address~~
2894 extrajurisdictional impacts of the detailed specific area plan.

2895 (c) This subsection does ~~may not be construed to~~ prevent
2896 preparation and approval of the optional sector plan and detailed
2897 specific area plan concurrently or in the same submission.

2898 (4) ~~The host local government shall submit a monitoring~~
2899 ~~report to the state land planning agency and applicable regional~~
2900 ~~planning council on an annual basis after adoption of a detailed~~
2901 ~~specific area plan. The annual monitoring report must provide~~
2902 ~~summarized information on development orders issued, development~~
2903 ~~that has occurred, public facility improvements made, and public~~
2904 ~~facility improvements anticipated over the upcoming 5 years.~~

2905 ~~(5) If~~ When a plan amendment adopting a detailed specific
2906 area plan has become effective under ss. 163.3184 and
2907 163.3189(2), the provisions of s. 380.06 do not apply to
2908 development within the geographic area of the detailed specific
2909 area plan. However, any development-of-regional-impact
2910 development order that is vested from the detailed specific area
2911 plan may be enforced under s. 380.11.

2912 (a) The local government adopting the detailed specific
2913 area plan is primarily responsible for monitoring and enforcing
2914 the detailed specific area plan. Local governments may ~~shall~~ not
2915 issue any permits or approvals or provide any extensions of
2916 services to development that are not consistent with the detailed
2917 sector area plan.

2918 (b) If the state land planning agency has reason to believe
2919 that a violation of any detailed specific area plan, or of any
2920 agreement entered into under this section, has occurred or is
2921 about to occur, it may institute an administrative or judicial



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2922 proceeding to prevent, abate, or control the conditions or
2923 activity creating the violation, using the procedures in s.
2924 380.11.

2925 ~~(c) In instituting an administrative or judicial proceeding~~
2926 ~~involving an optional sector plan or detailed specific area plan,~~
2927 ~~including a proceeding pursuant to paragraph (b), the complaining~~
2928 ~~party shall comply with the requirements of s. 163.3215(4), (5),~~
2929 ~~(6), and (7).~~

2930 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
2931 ~~the department shall provide a status report to the Legislative~~
2932 ~~Committee on Intergovernmental Relations regarding each optional~~
2933 ~~sector plan authorized under this section.~~

2934 ~~(5)-(7)~~ This section does may not ~~be construed to~~ abrogate
2935 the rights of any person under this chapter.

2936 Section 11. Section 163.3246, Florida Statutes, is amended
2937 to read:

2938 163.3246 Local Government Comprehensive Planning
2939 Certification Program.--

2940 (1) The Legislature finds that ~~There is created~~ the Local
2941 Government Comprehensive Planning Certification Program has had a
2942 low level of interest from and participation by local
2943 governments. New approaches, such as the Alternative State Review
2944 Process Pilot Program, provide a more effective approach to
2945 expediting and streamlining comprehensive plan amendment review.
2946 Therefore, the Local Government Comprehensive Planning
2947 Certification Program is discontinued and no additional local
2948 governments may be certified. The municipalities of Freeport,
2949 Lakeland, Miramar, and Orlando may continue to adopt amendments
2950 in accordance with this section and their certification agreement
2951 or certification notice. ~~to be administered by the Department of~~



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2952 ~~Community Affairs. The purpose of the program is to create a~~
2953 ~~certification process for local governments who identify a~~
2954 ~~geographic area for certification within which they commit to~~
2955 ~~directing growth and who, because of a demonstrated record of~~
2956 ~~effectively adopting, implementing, and enforcing its~~
2957 ~~comprehensive plan, the level of technical planning experience~~
2958 ~~exhibited by the local government, and a commitment to implement~~
2959 ~~exemplary planning practices, require less state and regional~~
2960 ~~oversight of the comprehensive plan amendment process. The~~
2961 ~~purpose of the certification area is to designate areas that are~~
2962 ~~contiguous, compact, and appropriate for urban growth and~~
2963 ~~development within a 10-year planning timeframe. Municipalities~~
2964 ~~and counties are encouraged to jointly establish the~~
2965 ~~certification area, and subsequently enter into joint~~
2966 ~~certification agreement with the department.~~

2967 ~~(2) In order to be eligible for certification under the~~
2968 ~~program, the local government must:~~

2969 ~~(a) Demonstrate a record of effectively adopting,~~
2970 ~~implementing, and enforcing its comprehensive plan;~~

2971 ~~(b) Demonstrate technical, financial, and administrative~~
2972 ~~expertise to implement the provisions of this part without state~~
2973 ~~oversight;~~

2974 ~~(c) Obtain comments from the state and regional review~~
2975 ~~agencies regarding the appropriateness of the proposed~~
2976 ~~certification;~~

2977 ~~(d) Hold at least one public hearing soliciting public~~
2978 ~~input concerning the local government's proposal for~~
2979 ~~certification; and~~

2980 ~~(e) Demonstrate that it has adopted programs in its local~~
2981 ~~comprehensive plan and land development regulations which:~~



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- 2982 1. ~~Promote infill development and redevelopment, including~~
2983 ~~prioritized and timely permitting processes in which applications~~
2984 ~~for local development permits within the certification area are~~
2985 ~~acted upon expeditiously for proposed development that is~~
2986 ~~consistent with the local comprehensive plan.~~
- 2987 2. ~~Promote the development of housing for low-income and~~
2988 ~~very low-income households or specialized housing to assist~~
2989 ~~elderly and disabled persons to remain at home or in independent~~
2990 ~~living arrangements.~~
- 2991 3. ~~Achieve effective intergovernmental coordination and~~
2992 ~~address the extrajurisdictional effects of development within the~~
2993 ~~certified area.~~
- 2994 4. ~~Promote economic diversity and growth while encouraging~~
2995 ~~the retention of rural character, where rural areas exist, and~~
2996 ~~the protection and restoration of the environment.~~
- 2997 5. ~~Provide and maintain public urban and rural open space~~
2998 ~~and recreational opportunities.~~
- 2999 6. ~~Manage transportation and land uses to support public~~
3000 ~~transit and promote opportunities for pedestrian and nonmotorized~~
3001 ~~transportation.~~
- 3002 7. ~~Use design principles to foster individual community~~
3003 ~~identity, create a sense of place, and promote pedestrian-~~
3004 ~~oriented safe neighborhoods and town centers.~~
- 3005 8. ~~Redevelop blighted areas.~~
- 3006 9. ~~Adopt a local mitigation strategy and have programs to~~
3007 ~~improve disaster preparedness and the ability to protect lives~~
3008 ~~and property, especially in coastal high-hazard areas.~~
- 3009 10. ~~Encourage clustered, mixed-use development that~~
3010 ~~incorporates greenspace and residential development within~~
3011 ~~walking distance of commercial development.~~



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3012 ~~11. Encourage urban infill at appropriate densities and~~
3013 ~~intensities and separate urban and rural uses and discourage~~
3014 ~~urban sprawl while preserving public open space and planning for~~
3015 ~~buffer-type land uses and rural development consistent with their~~
3016 ~~respective character along and outside the certification area.~~

3017 ~~12. Assure protection of key natural areas and agricultural~~
3018 ~~lands that are identified using state and local inventories of~~
3019 ~~natural areas. Key natural areas include, but are not limited to:~~

3020 ~~a. Wildlife corridors.~~

3021 ~~b. Lands with high native biological diversity, important~~
3022 ~~areas for threatened and endangered species, species of special~~
3023 ~~concern, migratory bird habitat, and intact natural communities.~~

3024 ~~c. Significant surface waters and springs, aquatic~~
3025 ~~preserves, wetlands, and outstanding Florida waters.~~

3026 ~~d. Water resources suitable for preservation of natural~~
3027 ~~systems and for water resource development.~~

3028 ~~e. Representative and rare native Florida natural systems.~~

3029 ~~13. Ensure the cost-efficient provision of public~~
3030 ~~infrastructure and services.~~

3031 ~~(3) Portions of local governments located within areas of~~
3032 ~~critical state concern cannot be included in a certification~~
3033 ~~area.~~

3034 ~~(4) A local government or group of local governments~~
3035 ~~seeking certification of all or part of a jurisdiction or~~
3036 ~~jurisdictions must submit an application to the department which~~
3037 ~~demonstrates that the area sought to be certified meets the~~
3038 ~~criteria of subsections (2) and (5). The application shall~~
3039 ~~include copies of the applicable local government comprehensive~~
3040 ~~plan, land development regulations, interlocal agreements, and~~
3041 ~~other relevant information supporting the eligibility criteria~~



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3042 ~~for designation. Upon receipt of a complete application, the~~
3043 ~~department must provide the local government with an initial~~
3044 ~~response to the application within 90 days after receipt of the~~
3045 ~~application.~~

3046 ~~(5) If the local government meets the eligibility criteria~~
3047 ~~of subsection (2), the department shall certify all or part of a~~
3048 ~~local government by written agreement, which shall be considered~~
3049 ~~final agency action subject to challenge under s. 120.569.~~

3050 (2) The agreement for the municipalities of Lakeland,
3051 Miramar, and Orlando must include the following components:

3052 (a) The basis for certification.

3053 (b) The boundary of the certification area, which
3054 encompasses areas that are contiguous, compact, appropriate for
3055 urban growth and development, and in which public infrastructure
3056 exists ~~is existing~~ or is planned within a 10-year planning
3057 timeframe. The certification area must ~~is required to~~ include
3058 sufficient land to accommodate projected population growth,
3059 housing demand, including choice in housing types and
3060 affordability, job growth and employment, appropriate densities
3061 and intensities of use to be achieved in new development and
3062 redevelopment, existing or planned infrastructure, including
3063 transportation and central water and sewer facilities. The
3064 certification area must be adopted as part of the local
3065 government's comprehensive plan.

3066 (c) A demonstration that the capital improvements plan
3067 governing the certified area is updated annually.

3068 (d) A visioning plan or a schedule for the development of a
3069 visioning plan.

3070 (e) A description of baseline conditions related to the
3071 evaluation criteria in paragraph (g) in the certified area.



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3072 (f) A work program setting forth specific planning
3073 strategies and projects that will be undertaken to achieve
3074 improvement in the baseline conditions as measured by the
3075 criteria identified in paragraph (g).

3076 (g) Criteria to evaluate the effectiveness of the
3077 certification process in achieving the community-development
3078 goals for the certification area including:

3079 1. Measuring the compactness of growth, expressed as the
3080 ratio between population growth and land consumed;

3081 2. Increasing residential density and intensities of use;

3082 3. Measuring and reducing vehicle miles traveled and
3083 increasing the interconnectedness of the street system,
3084 pedestrian access, and mass transit;

3085 4. Measuring the balance between the location of jobs and
3086 housing;

3087 5. Improving the housing mix within the certification area,
3088 including the provision of mixed-use neighborhoods, affordable
3089 housing, and the creation of an affordable housing program if
3090 ~~such~~ a program is not already in place;

3091 6. Promoting mixed-use developments as an alternative to
3092 single-purpose centers;

3093 7. Promoting clustered development having dedicated open
3094 space;

3095 8. Linking commercial, educational, and recreational uses
3096 directly to residential growth;

3097 9. Reducing per capita water and energy consumption;

3098 10. Prioritizing environmental features to be protected and
3099 adopting measures or programs to protect identified features;

3100 11. Reducing hurricane shelter deficits and evacuation
3101 times and implementing the adopted mitigation strategies; and



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3102 12. Improving coordination between the local government and
3103 school board.

3104 (h) A commitment to change any land development regulations
3105 that restrict compact development and adopt alternative design
3106 codes that encourage desirable densities and intensities of use
3107 and patterns of compact development identified in the agreement.

3108 (i) A plan for increasing public participation in
3109 comprehensive planning and land use decisionmaking which includes
3110 outreach to neighborhood and civic associations through community
3111 planning initiatives.

3112 (j) A demonstration that the intergovernmental coordination
3113 element of the local government's comprehensive plan includes
3114 joint processes for coordination between the school board and
3115 local government pursuant to s. 163.3177(6)(h)2. and other
3116 requirements of law.

3117 (k) A method of addressing the extrajurisdictional effects
3118 of development within the certified area, which is integrated by
3119 amendment into the intergovernmental coordination element of the
3120 local government comprehensive plan.

3121 (l) A requirement for the annual reporting to the state
3122 land planning agency ~~department~~ of plan amendments adopted during
3123 the year, and the progress of the local government in meeting the
3124 terms and conditions of the certification agreement. Prior to the
3125 deadline for the annual report, the local government must hold a
3126 public hearing soliciting public input on the progress of the
3127 local government in satisfying the terms of the certification
3128 agreement.

3129 (m) An expiration date that is within ~~no later than~~ 10
3130 years after execution of the agreement.



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3131 ~~(6) The department may enter up to eight new certification~~
3132 ~~agreements each fiscal year. The department shall adopt~~
3133 ~~procedural rules governing the application and review of local~~
3134 ~~government requests for certification. Such procedural rules may~~
3135 ~~establish a phased schedule for review of local government~~
3136 ~~requests for certification.~~

3137 (3) For the municipality of Freeport, the notice of
3138 certification shall include the following components:

3139 (a) The boundary of the certification area.

3140 (b) A report to the state land planning agency according to
3141 the schedule provided in the written notice. The monitoring
3142 report shall, at a minimum, include the number of amendments to
3143 the comprehensive plan adopted by the local government, the
3144 number of plan amendments challenged by an affected person, and
3145 the disposition of those challenges.

3146 (c) Notwithstanding any other subsections, the municipality
3147 of Freeport shall remain certified for as long as it is
3148 designated as a rural area of critical economic concern.

3149 (4) If the municipality of Freeport does not request that
3150 the state land planning agency review the developments of
3151 regional impact that are proposed within the certified area, an
3152 application for approval of a development order within the
3153 certified area shall be exempt from review under s. 380.06,
3154 subject to the following:

3155 (a) Concurrent with filing an application for development
3156 approval with the local government, a developer proposing a
3157 project that would have been subject to review pursuant to s.
3158 380.06 shall notify in writing the regional planning council with
3159 jurisdiction.



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3160 (b) The regional planning council shall coordinate with the
3161 developer and the local government to ensure that all concurrency
3162 requirements as well as federal, state, and local environmental
3163 permit requirements are met.

3164 ~~(5)-(7)~~ The state land planning agency ~~department~~ shall
3165 revoke the local government's certification if it determines that
3166 the local government is not substantially complying with the
3167 terms of the agreement.

3168 ~~(6)-(8)~~ An affected person, as defined in s. 163.3184(1) ~~by~~
3169 ~~s. 163.3184(1)(a)~~, may petition for an administrative hearing
3170 alleging that a local government is not substantially complying
3171 with the terms of the agreement, using the procedures and
3172 timeframes for notice and conditions precedent described in s.
3173 163.3213. Such ~~a~~ petition must be filed within 30 days after the
3174 annual public hearing required by paragraph (2)(1) ~~(5)-(1)~~.

3175 ~~(7)-(9)~~(a) Upon certification all comprehensive plan
3176 amendments associated with the area certified must be adopted and
3177 reviewed in the manner described in ss. 163.3184(1), (2), (7),
3178 (14), (15), and (16) and 163.3187, such that state and regional
3179 agency review is eliminated. The state land planning agency
3180 ~~department~~ may not issue any objections, recommendations, and
3181 comments report on proposed plan amendments or a notice of intent
3182 on adopted plan amendments; however, affected persons, as defined
3183 in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may file a petition for
3184 administrative review pursuant to ~~the requirements of~~ s.
3185 163.3187(3)(a) to challenge the compliance of an adopted plan
3186 amendment.

3187 (b) Plan amendments that change the boundaries of the
3188 certification area; propose a rural land stewardship area
3189 pursuant to s. 163.3177(11)(d); propose an optional sector plan



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3190 | pursuant to s. 163.3245; propose a school facilities element;
3191 | update a comprehensive plan based on an evaluation and appraisal
3192 | report; impact lands outside the certification boundary;
3193 | implement new statutory requirements that require specific
3194 | comprehensive plan amendments; or increase hurricane evacuation
3195 | times or the need for shelter capacity on lands within the
3196 | coastal high-hazard area shall be reviewed pursuant to ss.
3197 | 163.3184 and 163.3187.

3198 | ~~(10) Notwithstanding subsections (2), (4), (5), (6), and~~
3199 | ~~(7), any municipality designated as a rural area of critical~~
3200 | ~~economic concern pursuant to s. 288.0656 which is located within~~
3201 | ~~a county eligible to levy the Small County Surtax under s.~~
3202 | ~~212.055(3) shall be considered certified during the effectiveness~~
3203 | ~~of the designation of rural area of critical economic concern.~~
3204 | ~~The state land planning agency shall provide a written notice of~~
3205 | ~~certification to the local government of the certified area,~~
3206 | ~~which shall be considered final agency action subject to~~
3207 | ~~challenge under s. 120.569. The notice of certification shall~~
3208 | ~~include the following components:~~

3209 | ~~(a) The boundary of the certification area.~~

3210 | ~~(b) A requirement that the local government submit either~~
3211 | ~~an annual or biennial monitoring report to the state land~~
3212 | ~~planning agency according to the schedule provided in the written~~
3213 | ~~notice. The monitoring report shall, at a minimum, include the~~
3214 | ~~number of amendments to the comprehensive plan adopted by the~~
3215 | ~~local government, the number of plan amendments challenged by an~~
3216 | ~~affected person, and the disposition of those challenges.~~

3217 | ~~(11) If the local government of an area described in~~
3218 | ~~subsection (10) does not request that the state land planning~~
3219 | ~~agency review the developments of regional impact that are~~



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3220 ~~proposed within the certified area, an application for approval~~
3221 ~~of a development order within the certified area shall be exempt~~
3222 ~~from review under s. 380.06, subject to the following:~~

3223 ~~(a) Concurrent with filing an application for development~~
3224 ~~approval with the local government, a developer proposing a~~
3225 ~~project that would have been subject to review pursuant to s.~~
3226 ~~380.06 shall notify in writing the regional planning council with~~
3227 ~~jurisdiction.~~

3228 ~~(b) The regional planning council shall coordinate with the~~
3229 ~~developer and the local government to ensure that all concurrency~~
3230 ~~requirements as well as federal, state, and local environmental~~
3231 ~~permit requirements are met.~~

3232 ~~(8)(12)~~ A local government's certification shall be
3233 reviewed by the local government and the state land planning
3234 agency department as part of the evaluation and appraisal process
3235 pursuant to s. 163.3191. Within 1 year after the deadline for the
3236 local government to update its comprehensive plan based on the
3237 evaluation and appraisal report, the state land planning agency
3238 department shall renew or revoke the certification. The local
3239 government's failure to adopt a timely evaluation and appraisal
3240 report, ~~failure to~~ adopt an evaluation and appraisal report found
3241 to be sufficient, or ~~failure to~~ timely adopt amendments based on
3242 an evaluation and appraisal report found to be in compliance by
3243 the state land planning agency department shall be cause for
3244 revoking the certification agreement. The state land planning
3245 agency's department's decision to renew or revoke is ~~shall be~~
3246 considered agency action subject to challenge under s. 120.569.

3247 ~~(13) The department shall, by July 1 of each odd-numbered~~
3248 ~~year, submit to the Governor, the President of the Senate, and~~
3249 ~~the Speaker of the House of Representatives a report listing~~



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3250 ~~certified local governments, evaluating the effectiveness of the~~
3251 ~~certification, and including any recommendations for legislative~~
3252 ~~actions.~~

3253 ~~(14) The Office of Program Policy Analysis and Government~~
3254 ~~Accountability shall prepare a report evaluating the~~
3255 ~~certification program, which shall be submitted to the Governor,~~
3256 ~~the President of the Senate, and the Speaker of the House of~~
3257 ~~Representatives by December 1, 2007.~~

3258 Section 12. Section 163.32461, Florida Statutes, is created
3259 to read:

3260 163.32461 Affordable housing growth strategies.--

3261 (1) LEGISLATIVE INTENT.--The Legislature recognizes the
3262 acute need to increase the availability of affordable housing in
3263 the state consistent this section, the state comprehensive plan,
3264 and the State Housing Strategy Act. The Legislature also
3265 recognizes that construction costs increase as the result of
3266 regulatory delays in approving the development of affordable
3267 housing. The Legislature further recognizes that the state's
3268 growth management laws can be amended in a manner that encourages
3269 the development of affordable housing. Therefore, it is the
3270 intent of the Legislature that state review of comprehensive plan
3271 amendments and local government review of development proposals
3272 that provide for affordable housing be streamlined and expedited.

3273 (2) DEFINITIONS.--For purposes of this section, the term:

3274 (a) "Density bonus" means an increase in the number of on-
3275 site, market-rate units that provide an incentive for the
3276 construction of affordable housing.

3277 (b) "Development" has the same meaning as in s. 380.04.

3278 (c) "Long-term affordable housing unit" means housing that
3279 is affordable to individuals or families whose total annual



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3280 household income does not exceed 120 percent of the area median
3281 income adjusted for household size or, if located in a county in
3282 which the median purchase price for an existing single-family
3283 home exceeds the statewide median purchase price for such home,
3284 does not exceed 140 percent of the area median income adjusted
3285 for family size. The unit shall be subject to a rental, deed, or
3286 other restriction to ensure that it meets the income limits
3287 provided in this paragraph for at least 30 years.

3288 (3) OPTIONAL EXPEDITED REVIEW IN COUNTIES HAVING A
3289 POPULATION GREATER THAN 75,000.--In counties having a population
3290 greater than 75,000 and municipalities within those counties, a
3291 future land use map amendment for a proposed residential
3292 development or mixed-use development requiring that at least 15
3293 percent of the residential units are long-term affordable housing
3294 units is subject to the alternative state review process in s.
3295 163.32465(3)-(6). Any special area plan policies or map notations
3296 directly related to the map amendment may be adopted at the same
3297 time and in the same manner as the map amendment.

3298 (4) OPTIONAL EXPEDITED REVIEW IN COUNTIES HAVING A
3299 POPULATION urban redevelopment pursuant to s. 163.3164(26), OF
3300 FEWER THAN 75,000.--In a county having a population of fewer than
3301 75,000 persons, a future land use map amendment for a proposed
3302 residential development or mixed-use development is subject to
3303 the alternative state review process in s. 163.32465(3)-(6) if:

3304 (a) The development is located in an area identified as
3305 appropriate for affordable housing in an adopted rural sub-
3306 element that meets the requirements of s. 163.3177(6)(a); and

3307 (b) The amendment requires that at least 15 percent of the
3308 residential units are long-term affordable housing units. Any
3309 special area plan policies or map notations directly related to



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3310 the map amendment may be adopted at the same time and in the same
3311 manner as the map amendment. The state land planning agency shall
3312 provide funding, contingent upon a legislative appropriation, to
3313 counties that undertake the process of preparing a rural sub-
3314 element that satisfies the requirements of s. 163.3177(6) (a).

3315 (5) UNIFIED APPLICATION AND EXPEDITED REVIEW.--

3316 (a) Each local government shall by July 1, 2009, establish
3317 a process for the unified and expedited review of an application
3318 for development approval for a residential development or mixed-
3319 use development in which at least 15 percent of the residential
3320 units are long-term affordable housing units. The process shall
3321 combine plan amendment and rezoning approval at the local level
3322 and shall include, at a minimum:

3323 1. A unified application. Each local government shall
3324 provide for a unified application for all comprehensive plan
3325 amendment and rezoning related to a residential development or
3326 mixed-use development in which at least 15 percent of the
3327 residential units are long-term affordable housing units. Local
3328 governments are encouraged to adopt requirements for a
3329 preapplication conference with an applicant to coordinate the
3330 completion and submission of the application. Local governments
3331 are also encouraged to assign the coordination for review of a
3332 unified application to one employee.

3333 2. Procedures for expedited review. Each local government
3334 shall adopt procedures that require an expedited review of a
3335 unified application. At a minimum, these procedures must ensure
3336 that:

3337 a. Within 10 days after receiving a unified application,
3338 the local government provides written notification to an
3339 applicant stating the application is complete or requests in



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3340 writing any specific information needed to complete the
3341 application.

3342 b. The local planning agency holds its hearing on a unified
3343 application and the governing body of the local government holds
3344 its first public hearing on whether to transmit the comprehensive
3345 plan amendment portion of a unified application under s.
3346 163.32465(4) (a) within 45 days after the application is
3347 determined to be complete.

3348 c. For plan amendments that have been transmitted to the
3349 state land planning agency under sub-subparagraph b., the
3350 governing body of a local government holds its second public
3351 hearing on whether to adopt the comprehensive plan amendment
3352 simultaneously with a hearing on any necessary rezoning ordinance
3353 within 30 days after the expiration of the 30-day period allowed
3354 for receipt of agency comments under s. 163.32465(4) (b).

3355 (b) This subsection does not apply to development within a
3356 rural land-stewardship area, within optional sector plan, within
3357 coastal high-hazard area, within an area of critical state
3358 concern, or on lands identified as environmentally sensitive in
3359 the local comprehensive plan.

3360 (6) EXPEDITED SUBDIVISIONS, SITE PLANS, AND BUILDING
3361 PERMITS.--Each local government shall adopt procedures to ensure
3362 that applications for subdivision, site plan approval, and
3363 building permits for a development in which 15 percent of the
3364 units are long-term affordable housing units are approved,
3365 approved with conditions, or denied within a specified number of
3366 days that is 50 percent of the average number of days the local
3367 government normally takes to process such application.

3368 (7) REQUIRED DENSITY BONUSES FOR DONATED LAND.--Each local
3369 government shall amend its comprehensive plan by July 1, 2009, to



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3370 provide a 15-percent density bonus if the land is donated for the
3371 development of affordable housing. The comprehensive plan shall
3372 establish a minimum number of acres that must be donated in order
3373 to receive the bonus.

3374 (a) The density bonus:

3375 1. Must be a 15 percent increase above the allowable number
3376 of residential units and shall apply to land identified by the
3377 developer and approved by the local government;

3378 2. May be used only on land within an area designated as an
3379 urban service area in the local comprehensive plan; and

3380 3. May not be used on land within a coastal high-hazard
3381 area or an area of critical state concern or on lands identified
3382 as environmentally sensitive in the local comprehensive plan.

3383 (b) The land donated for affordable housing does not have
3384 to be collocated with the land receiving the density bonus, but
3385 both parcels must be located within the local government's
3386 jurisdiction for the density bonus to apply. The donated land
3387 must be suitable for development as housing and must be conveyed
3388 to the local government in fee simple. The local government may
3389 transfer all or a portion of the donated land to a nonprofit
3390 organization, such as a community land trust, housing authority,
3391 or community redevelopment agency to be used for the development
3392 and preservation of permanently affordable housing in a project
3393 in which at least 30 percent of the residential units are
3394 affordable.

3395 (8) REQUIRED DENSITY BONUSSES.--Each local government shall
3396 amend its comprehensive plan by July 1, 2009, to provide a 15-
3397 percent density bonus above the allowable number of residential
3398 units for a residential development or a mixed-use development
3399 that is located within 2 miles of an existing employment center



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3400 or an employment center that has received site plan approval. At
3401 least 15 percent of any residential units allowed under the
3402 density bonus must be long-term affordable housing units.

3403 (a) The density bonus:

3404 1. May be used only on land within an area designated as an
3405 urban service area in the local comprehensive plan; and

3406 2. May not be used on land within a coastal high-hazard area
3407 or an area of critical state concern or on lands identified as
3408 environmentally sensitive in the local comprehensive plan.

3409 (b) For purposes of this subsection, the term "employment
3410 center" means a place of employment, or multiple places of
3411 employment that are contiguously located, which employ 100 or
3412 more full-time employees and is located within an urban service
3413 area, approved sector plan, or area designated as a rural area of
3414 critical economic concern under s. 288.0656.

3415 (9) CALCULATION OF AFFORDABLE UNITS.--When calculating the
3416 number of long-term affordable housing units under this section,
3417 a fraction of 0.5 or more shall be rounded up to the next whole
3418 number and a fraction of less than 0.5 shall be rounded down to
3419 the next lower whole number.

3420 (10) PENALTY.-- As a precondition to receiving any state
3421 affordable housing funding or allocation for any project or
3422 program within the local government's jurisdiction, a local
3423 government must, by July 1 of each year, provide certification
3424 that the local government is in compliance with this section.

3425 Section 13. Paragraphs (a) and (b) of subsection (1),
3426 subsections (2) and (3), paragraph (b) of subsection (4),
3427 paragraph (a) of subsection (5), paragraph (g) of subsection (6),
3428 and subsection (8) of section 163.32465, Florida Statutes, are
3429 amended to read:



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3430 163.32465 State review of local comprehensive plans in
3431 urban areas.--

3432 (1) LEGISLATIVE FINDINGS.--

3433 (a) The Legislature finds that local governments in this
3434 state have a wide diversity of resources, conditions, abilities,
3435 and needs. The Legislature also finds that the needs and
3436 resources of urban areas are different from those of rural areas
3437 and that different planning and growth management approaches,
3438 strategies, and techniques are required in urban areas. The state
3439 role in overseeing growth management should reflect this
3440 diversity and should vary based on local government conditions,
3441 capabilities, needs, and the extent and type of development.
3442 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced
3443 state oversight of local comprehensive planning is justified for
3444 some local governments in urban areas and for certain types of
3445 development.

3446 (b) The Legislature finds and declares that ~~this~~ state's
3447 urban areas require a reduced level of state oversight because of
3448 their high degree of urbanization and the planning capabilities
3449 and resources of many of their local governments. An alternative
3450 state review process that is adequate to protect issues of
3451 regional or statewide importance should be created for
3452 appropriate local governments in these areas and for certain
3453 types of development. Further, the Legislature finds that
3454 development, including urban infill and redevelopment, should be
3455 encouraged in these urban areas. The Legislature finds that an
3456 alternative process for amending local comprehensive plans in
3457 these areas should be established with an objective of
3458 streamlining the process and recognizing local responsibility and
3459 accountability.



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3460 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
3461 PROGRAM.--Pinellas and Broward Counties, and the municipalities
3462 within these counties, and Jacksonville, Miami, Tampa, and
3463 Hialeah shall follow the an alternative state review process
3464 provided in this section. Municipalities within the pilot
3465 counties may elect, by super majority vote of the governing body,
3466 not to participate in the pilot program. The alternative state
3467 review process shall also apply to:

3468 (a) Future land use map amendments and associated special
3469 area policies within areas designated in a comprehensive plan for
3470 downtown revitalization pursuant to s. 163.3164(25), urban
3471 redevelopment pursuant to s. 163.3164(26), urban infill
3472 development pursuant to s. 163.3164(27), urban infill and
3473 redevelopment pursuant to s. 163.2517, or an urban service area
3474 pursuant to s. 163.3180(5)(b)5;

3475 (b) Affordable housing amendments that qualify under s.
3476 163.32461; and

3477 (c) Future land use map amendments within an area
3478 designated by the Governor as a rural area of critical economic
3479 concern under s. 288.0656(7) for the duration of such
3480 designation. Before the adoption of such an amendment, the local
3481 government must obtain written certification from the Office of
3482 Tourism, Trade, and Economic Development that the plan amendment
3483 furtheres the economic objectives set forth in the executive order
3484 issued under s. 288.0656(7).

3485 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
3486 UNDER THE PILOT PROGRAM.--

3487 (a) Plan amendments adopted by the pilot program
3488 jurisdictions shall follow the alternate, expedited process in



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3489 subsections (4) and (5), except as set forth in paragraphs (b)-
3490 (f) ~~(b)-(e)~~ of this subsection.

3491 (b) Amendments that qualify as small-scale development
3492 amendments may continue to be adopted by the pilot program
3493 jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(e)~~ and
3494 (3).

3495 (c) Plan amendments that propose a rural land stewardship
3496 area pursuant to s. 163.3177(11)(d); propose an optional sector
3497 plan; update a comprehensive plan based on an evaluation and
3498 appraisal report; implement ~~new~~ statutory requirements not
3499 previously incorporated into a comprehensive plan; or new plans
3500 for newly incorporated municipalities are subject to state review
3501 as set forth in s. 163.3184.

3502 (d) Pilot program jurisdictions are ~~shall be~~ subject to the
3503 frequency, voting, and timing requirements for plan amendments
3504 set forth in ss. 163.3187 and 163.3191, except as ~~where~~ otherwise
3505 stated in this section.

3506 (e) The mediation and expedited hearing provisions in s.
3507 163.3189(3) apply to all plan amendments adopted by the pilot
3508 program jurisdictions.

3509 (f) All amendments adopted under this section must comply
3510 with ss. 163.3184(3)(a) and 163.3184(15)(b)2.

3511 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
3512 PILOT PROGRAM.--

3513 (b) The agencies and local governments specified in
3514 paragraph (a) may provide comments regarding the amendment or
3515 amendments to the local government. The regional planning council
3516 review and comment shall be limited to effects on regional
3517 resources or facilities identified in the strategic regional
3518 policy plan and extrajurisdictional impacts that would be



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3519 inconsistent with the comprehensive plan of the affected local
3520 government. A regional planning council may ~~shall~~ not review and
3521 comment on a proposed comprehensive plan amendment prepared by
3522 such council unless the plan amendment has been changed by the
3523 local government subsequent to the preparation of the plan
3524 amendment by the regional planning council. County comments on
3525 municipal comprehensive plan amendments shall be primarily in the
3526 context of the relationship and effect of the proposed plan
3527 amendments on the county plan. Municipal comments on county plan
3528 amendments shall be primarily in the context of the relationship
3529 and effect of the amendments on the municipal plan. State agency
3530 comments may include technical guidance on issues of agency
3531 jurisdiction as it relates to the requirements of this part. Such
3532 comments must ~~shall~~ clearly identify issues that, if not
3533 resolved, may result in an agency challenge to the plan
3534 amendment. For the purposes of this pilot program, agencies are
3535 encouraged to focus potential challenges on issues of regional or
3536 statewide importance. Agencies and local governments must
3537 transmit their comments to the affected local government, if
3538 issued, within 30 days after such that they are received by the
3539 local government not later than thirty days from the date on
3540 which the state land planning agency notifies the affected local
3541 government that the plan amendment package is complete agency or
3542 government received the amendment or amendments. Any comments
3543 from the agencies and local governments must also be transmitted
3544 to the state land planning agency.

3545 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
3546 AREAS.--

3547 (a) The local government shall hold its second public
3548 hearing, which shall be a hearing on whether to adopt one or more



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3549 comprehensive plan amendments, on a weekday at least 5 days after
3550 the day the second advertisement is published pursuant to ~~the~~
3551 ~~requirements of~~ chapter 125 or chapter 166. Adoption of
3552 comprehensive plan amendments must be by ordinance ~~and requires~~
3553 ~~an affirmative vote of a majority of the members of the governing~~
3554 ~~body present at the second hearing.~~ The hearing must be conducted
3555 and the amendment adopted within 120 days after receipt of the
3556 agency comments pursuant to s. 163.3246(4)(b). If a local
3557 government fails to adopt the plan amendment within the timeframe
3558 set forth in this subsection, the plan amendment is deemed
3559 abandoned and the plan amendment may not be considered until the
3560 next available amendment cycle pursuant to s. 163.3187.

3561 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
3562 PROGRAM.--

3563 (g) An amendment adopted under the expedited provisions of
3564 this section shall not become effective until completion of the
3565 time period available to the state land planning agency for
3566 administrative challenge under s. 163.32465(6)(a) ~~31 days after~~
3567 ~~adoption~~. If timely challenged, an amendment shall not become
3568 effective until the state land planning agency or the
3569 Administration Commission enters a final order determining that
3570 the adopted amendment is to be in compliance.

3571 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
3572 GOVERNMENTS.--Local governments and specific areas that are ~~have~~
3573 ~~been~~ designated for alternate review process pursuant to ss.
3574 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this
3575 section.

3576 (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state land
3577 planning agency may adopt procedural ~~Agencies shall not~~



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3578 | ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
3579 | ~~program~~.

3580 | Section 14. Section 166.0451, Florida Statutes, is
3581 | renumbered as section 163.32432, Florida Statutes, and amended to
3582 | read:

3583 | 163.32432 ~~166.0451~~ Disposition of municipal property for
3584 | affordable housing.--

3585 | (1) By July 1, 2007, and every 3 years thereafter, each
3586 | municipality shall prepare an inventory list of all real property
3587 | within its jurisdiction to which the municipality holds fee
3588 | simple title that is appropriate for use as affordable housing.
3589 | The inventory list must include the address and legal description
3590 | of each ~~such~~ property and specify whether the property is vacant
3591 | or improved. The governing body of the municipality must review
3592 | the inventory list at a public hearing and may revise it at the
3593 | conclusion of the public hearing. Following the public hearing,
3594 | the governing body of the municipality shall adopt a resolution
3595 | that includes an inventory list of such property.

3596 | (2) The properties identified as appropriate for use as
3597 | affordable housing on the inventory list adopted by the
3598 | municipality may be offered for sale and the proceeds may be used
3599 | to purchase land for the development of affordable housing or to
3600 | increase the local government fund earmarked for affordable
3601 | housing, or may be sold with a restriction that requires the
3602 | development of the property as permanent affordable housing, or
3603 | may be donated to a nonprofit housing organization for the
3604 | construction of permanent affordable housing. Alternatively, the
3605 | municipality may otherwise make the property available for use
3606 | for the production and preservation of permanent affordable



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3607 housing. For purposes of this section, the term "affordable" has
3608 the same meaning as in s. 420.0004(3).

3609 (3) As a precondition to receiving any state affordable
3610 housing funding or allocation for any project or program within
3611 the municipality's jurisdiction, a municipality must, by July 1
3612 of each year, provide certification that the inventory and any
3613 update required by this section is complete.

3614 Section 15. Paragraph (c) of subsection (6) of section
3615 253.034, Florida Statutes, is amended, and paragraph (d) is added
3616 to subsection (8) of that section, to read:

3617 253.034 State-owned lands; uses.--

3618 (6) The Board of Trustees of the Internal Improvement Trust
3619 Fund shall determine which lands, the title to which is vested in
3620 the board, may be surplus. For conservation lands, the board
3621 shall make a determination that the lands are no longer needed
3622 for conservation purposes and may dispose of them by an
3623 affirmative vote of at least three members. In the case of a land
3624 exchange involving the disposition of conservation lands, the
3625 board must determine by an affirmative vote of at least three
3626 members that the exchange will result in a net positive
3627 conservation benefit. For all other lands, the board shall make a
3628 determination that the lands are no longer needed and may dispose
3629 of them by an affirmative vote of at least three members.

3630 (c) At least every 5 ~~10~~ years, as a component of each land
3631 management plan or land use plan and in a form and manner
3632 prescribed by rule by the board, each manager shall evaluate and
3633 indicate to the board those lands that are not being used for the
3634 purpose for which they were originally leased. For conservation
3635 lands, the council shall review and shall recommend to the board
3636 whether such lands should be retained in public ownership or



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3637 disposed of by the board. For nonconservation lands, the division
3638 shall review such lands and shall recommend to the board whether
3639 such lands should be retained in public ownership or disposed of
3640 by the board.

3641 (8)

3642 (d) Beginning December 1, 2008, the Division of State Lands
3643 shall annually submit to the President of the Senate and Speaker
3644 of the House of Representatives a copy of the state inventory
3645 that identifies all nonconservation lands, including lands that
3646 meet the surplus requirements of subsection (6) and lands
3647 purchased by the state, a state agency, or a water management
3648 district which are not essential or necessary for conservation
3649 purposes. The division shall also publish a copy of the annual
3650 inventory on its website and notify by electronic mail the
3651 executive head of the governing body of each local government
3652 that has lands in the inventory within its jurisdiction.

3653 Section 16. Subsection (5) and paragraph (d) of subsection
3654 (12) of section 288.975, Florida Statutes, are amended to read:

3655 288.975 Military base reuse plans.--

3656 (5) At the discretion of the host local government, the
3657 provisions of this act may be complied with through the adoption
3658 of the military base reuse plan as a separate component of the
3659 local government comprehensive plan or through simultaneous
3660 amendments to all pertinent portions of the local government
3661 comprehensive plan. Once adopted and approved in accordance with
3662 this section, the military base reuse plan shall be considered to
3663 be part of the host local government's comprehensive plan and
3664 shall be thereafter implemented, amended, and reviewed in
3665 accordance with ~~the provisions of part II of chapter 163. Local~~
3666 ~~government comprehensive plan amendments necessary to initially~~



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3667 | ~~adopt the military base reuse plan shall be exempt from the~~
3668 | ~~limitation on the frequency of plan amendments contained in s.~~
3669 | ~~163.3187(2).~~

3670 | (12) Following receipt of a petition, the petitioning party
3671 | or parties and the host local government shall seek resolution of
3672 | the issues in dispute. The issues in dispute shall be resolved as
3673 | follows:

3674 | (d) Within 45 days after receiving the report from the
3675 | state land planning agency, the Administration Commission shall
3676 | take action to resolve the issues in dispute. In deciding upon a
3677 | proper resolution, the Administration Commission shall consider
3678 | the nature of the issues in dispute, any requests for a formal
3679 | administrative hearing pursuant to chapter 120, the compliance of
3680 | the parties with this section, the extent of the conflict between
3681 | the parties, the comparative hardships and the public interest
3682 | involved. If the Administration Commission incorporates in its
3683 | final order a term or condition that requires any local
3684 | government to amend its local government comprehensive plan, the
3685 | local government shall amend its plan within 60 days after the
3686 | issuance of the order. ~~Such amendment or amendments shall be~~
3687 | ~~exempt from the limitation of the frequency of plan amendments~~
3688 | ~~contained in s. 163.3187(2), and~~ A public hearing on such
3689 | amendment or amendments pursuant to s. 163.3184(15)(b)1. is ~~shall~~
3690 | not ~~be~~ required. The final order of the Administration Commission
3691 | is subject to appeal pursuant to s. 120.68. If the order of the
3692 | Administration Commission is appealed, the time for the local
3693 | government to amend its plan is ~~shall be~~ tolled during the
3694 | pendency of any local, state, or federal administrative or
3695 | judicial proceeding relating to the military base reuse plan.



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3696 Section 17. Paragraph (e) of subsection (15), paragraph (c)
3697 of subsection (19), and paragraph (1) of subsection (24) of
3698 section 380.06, Florida Statutes, is amended, and a new paragraph
3699 (v) is added to subsection (24) to read:

3700 380.06 Developments of regional impact.--

3701 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

3702 (e)1. A local government shall not include, as a
3703 development order condition for a development of regional impact,
3704 any requirement that a developer contribute or pay for land
3705 acquisition or construction or expansion of public facilities or
3706 portions thereof unless the local government has enacted a local
3707 ordinance which requires other development not subject to this
3708 section to contribute its proportionate share of the funds, land,
3709 or public facilities necessary to accommodate any impacts having
3710 a rational nexus to the proposed development, and the need to
3711 construct new facilities or add to the present system of public
3712 facilities must be reasonably attributable to the proposed
3713 development.

3714 2. A local government shall not approve a development of
3715 regional impact that does not make adequate provision for the
3716 public facilities needed to accommodate the impacts of the
3717 proposed development unless the local government includes in the
3718 development order a commitment by the local government to provide
3719 these facilities consistently with the development schedule
3720 approved in the development order; however, a local government's
3721 failure to meet the requirements of subparagraph 1. and this
3722 subparagraph shall not preclude the issuance of a development
3723 order where adequate provision is made by the developer for the
3724 public facilities needed to accommodate the impacts of the
3725 proposed development. Any funds or lands contributed by a



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3726 developer must be expressly designated and used to accommodate
3727 impacts reasonably attributable to the proposed development. If a
3728 developer has contributed funds, lands, or other mitigation
3729 required by a development order to address the transportation
3730 impacts of a particular phase or stage of development, all
3731 transportation impacts attributable to that phase or stage of
3732 development shall be deemed fully mitigated in any subsequent
3733 monitoring or transportation analysis for any phase or state of
3734 development.

3735 3. The Department of Community Affairs and other state and
3736 regional agencies involved in the administration and
3737 implementation of this act shall cooperate and work with units of
3738 local government in preparing and adopting local impact fee and
3739 other contribution ordinances.

3740 (19) SUBSTANTIAL DEVIATIONS.--

3741 (c) An extension of the date of buildout of a development,
3742 or any phase thereof, by more than 7 years is presumed to create
3743 a substantial deviation subject to further development-of-
3744 regional-impact review. An extension of the date of buildout, or
3745 any phase thereof, of more than 5 years but not more than 7 years
3746 is presumed not to create a substantial deviation. The extension
3747 of the date of buildout of an areawide development of regional
3748 impact by more than 5 years but less than 10 years is presumed
3749 not to create a substantial deviation. These presumptions may be
3750 rebutted by clear and convincing evidence at the public hearing
3751 held by the local government. An extension of 5 years or less is
3752 not a substantial deviation. For the purpose of calculating when
3753 a buildout or phase date has been exceeded, the time shall be
3754 tolled during the pendency of administrative or judicial
3755 proceedings relating to development permits. Any extension of the



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3756 buildout date of a project or a phase thereof shall automatically
3757 extend the commencement date of the project, the termination date
3758 of the development order, the expiration date of the development
3759 of regional impact, and the phases thereof if applicable by a
3760 like period of time. In recognition of the current and 2008 2007
3761 real estate market conditions, all development order, phase,
3762 buildout, commencement, and expiration dates, and all related
3763 local government approvals, for projects that are developments of
3764 regional impact or Florida Quality Developments and under active
3765 construction on July 1, 2007, or for which a development order
3766 was adopted after January 1, 2006, regardless of whether active
3767 construction has commenced are extended for 3 years regardless of
3768 any prior extension. The 3-year extension is not a substantial
3769 deviation, is not subject to further development-of-regional-
3770 impact review, and may not be considered when determining whether
3771 a subsequent extension is a substantial deviation under this
3772 subsection. This extension shall also apply to all local
3773 government approvals including agreements, certificates, and
3774 permits related to the project.

3775 (24) STATUTORY EXEMPTIONS.--

3776 (1) Any proposed development within an urban service
3777 boundary established as part of a local comprehensive plan under
3778 s. 163.3187 ~~s. 163.3177(14)~~ is exempt from ~~the provisions of this~~
3779 section if the local government having jurisdiction over the area
3780 where the development is proposed has adopted the urban service
3781 boundary, has entered into a binding agreement with jurisdictions
3782 that would be impacted and with the Department of Transportation
3783 regarding the mitigation of impacts on state and regional
3784 transportation facilities, and has adopted a proportionate share
3785 methodology pursuant to s. 163.3180(16).



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3786 (v) Any proposed development of up to an additional 150
3787 percent of the office development threshold located within 5
3788 miles of a state-sponsored biotechnical research facility is
3789 exempt from this section.

3790
3791 If a use is exempt from review as a development of regional
3792 impact under paragraphs (a)-(t) and (v), but will be part of a
3793 larger project that is subject to review as a development of
3794 regional impact, the impact of the exempt use must be included in
3795 the review of the larger project.

3796 Section 18. Paragraph (h) of subsection (3) of section
3797 380.0651, Florida Statutes, is amended to read:

3798 380.0651 Statewide guidelines and standards.--

3799 (3) The following statewide guidelines and standards shall
3800 be applied in the manner described in s. 380.06(2) to determine
3801 whether the following developments shall be required to undergo
3802 development-of-regional-impact review:

3803 (h) Multiuse development.--Any proposed development with
3804 two or more land uses where the sum of the percentages of the
3805 appropriate thresholds identified in chapter 28-24, Florida
3806 Administrative Code, or this section for each land use in the
3807 development is equal to or greater than 145 percent. Any proposed
3808 development with three or more land uses, one of which is
3809 residential and contains at least 100 dwelling units or 15
3810 percent of the applicable residential threshold, whichever is
3811 greater, where the sum of the percentages of the appropriate
3812 thresholds identified in chapter 28-24, Florida Administrative
3813 Code, or this section for each land use in the development is
3814 equal to or greater than 160 percent. This threshold is in
3815 addition to, and does not preclude, a development from being



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3816 required to undergo development-of-regional-impact review under
3817 any other threshold. This threshold does not apply to
3818 developments within 5 miles of a state-sponsored biotechnical
3819 facility.

3820 Section 19. Paragraph (c) of subsection (18) of section
3821 1002.33, Florida Statutes, is amended to read:

3822 1002.33 Charter schools.--

3823 (18) FACILITIES.--

3824 (c) Any facility, or portion thereof, used to house a
3825 charter school whose charter has been approved by the sponsor and
3826 the governing board, pursuant to subsection (7), is shall be
3827 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
3828 community service, museum, performing arts, theatre, cinema,
3829 church, community college, college, and university facilities may
3830 provide space to charter schools within their facilities if such
3831 use is consistent with the local comprehensive plan under their
3832 preexisting zoning and land use designations.

3833 Section 20. Section 1011.775, Florida Statutes, is created
3834 to read:

3835 1011.775 Disposition of district school board property for
3836 affordable housing.--

3837 (1) On or before July 1, 2009, and every 3 years
3838 thereafter, each district school board shall prepare an inventory
3839 list of all real property within its jurisdiction to which the
3840 district holds fee simple title and which is not included in the
3841 5-year district facilities work plan. The inventory list must
3842 include the address and legal description of each such property
3843 and specify whether the property is vacant or improved. The
3844 district school board must review the inventory list at a public
3845 meeting and determine if any property is surplus property and



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3846 appropriate for affordable housing. For real property that is not
3847 included in the 5-year district facilities work plan and that is
3848 not determined appropriate to be surplus property for affordable
3849 housing, the board shall state in the inventory list the public
3850 purpose for which the board intends to use the property. The
3851 board may revise the list at the conclusion of the public
3852 meeting. Following the public meeting, the district school board
3853 shall adopt a resolution that includes the inventory list.

3854 (2) Notwithstanding ss. 1013.28 and 1002.33(18)(e), the
3855 properties identified as appropriate for use as affordable
3856 housing on the inventory list adopted by the district school
3857 board may be offered for sale and the proceeds may be used to
3858 purchase land for the development of affordable housing or to
3859 increase the local government fund earmarked for affordable
3860 housing, sold with a restriction that requires the development of
3861 the property as permanent affordable housing, or donated to a
3862 nonprofit housing organization for the construction of permanent
3863 affordable housing. Alternatively, the district school board may
3864 otherwise make the property available for the production and
3865 preservation of permanent affordable housing. For purposes of
3866 this section, the term "affordable" has the same meaning as in s.
3867 420.0004.

3868 Section 21. Sections 339.282 and 421.615, Florida Statutes,
3869 are repealed.

3870 Section 22. Subsections (13) and (15) of section 1013.33,
3871 Florida Statutes, are amended to read:

3872 1013.33 Coordination of planning with local governing
3873 bodies.--

3874 (13) A local governing body may not deny the site applicant
3875 based on adequacy of the site plan as it relates solely to the



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3876 | needs of the school. If the site is consistent with the
3877 | comprehensive plan's land use policies and categories in which
3878 | public schools are identified as allowable uses, the local
3879 | government may not deny the application but it may impose
3880 | reasonable development standards and conditions in accordance
3881 | with s. 1013.51(1) and consider the site plan and its adequacy as
3882 | it relates to environmental concerns, health, safety and welfare,
3883 | and effects on adjacent property. Standards and conditions may
3884 | not be imposed which exceed or conflict with those established in
3885 | this chapter, any state requirements for educational facilities,
3886 | or the Florida Building Code, unless mutually agreed and
3887 | consistent with the interlocal agreement required by subsections
3888 | (2)-(8) and consistent with maintaining a balanced, financially
3889 | feasible school district facilities work plan.

3890 | (15) Existing schools shall be considered consistent with
3891 | the applicable local government comprehensive plan adopted under
3892 | part II of chapter 163. If a board submits an application to
3893 | expand an existing school site, the local governing body may
3894 | impose reasonable development standards and conditions on the
3895 | expansion only, and in a manner consistent with s. 1013.51(1) and
3896 | any state requirements for educational facilities. Standards and
3897 | conditions may not be imposed which exceed or conflict with those
3898 | established in this chapter or the Florida Building Code, unless
3899 | mutually agreed upon. Such agreement must be made with the
3900 | consideration of maintaining the financial feasibility of the
3901 | school district facilities work plan. Local government review or
3902 | approval is not required for:

3903 | (a) The placement of temporary or portable classroom
3904 | facilities; or



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3905 (b) Proposed renovation or construction on existing school
3906 sites, with the exception of construction that changes the
3907 primary use of a facility, includes stadiums, or results in a
3908 greater than 5 percent increase in student capacity, or as
3909 mutually agreed upon, pursuant to an interlocal agreement adopted
3910 in accordance with subsections (2)-(8).

3911 Section 23. Subsection (4) is added to section 1013.372,
3912 Florida Statutes, to read:

3913 1013.372 Education facilities as emergency shelters.--

3914 (4) Any charter school satisfying the requirements of s.
3915 163.3180(13)(e)2. shall serve as a public shelter for emergency
3916 management purposes at the request of the local emergency
3917 management agency. This subsection does not apply to a charter
3918 school located in an identified category 1, 2, or 3 evacuation
3919 zone or if the regional planning council region in which the
3920 charter school is located does not have a hurricane shelter
3921 deficit as determined by the Department of Community Affairs.

3922 Section 24. Paragraph (b) of subsection (2) of section
3923 163.3217, Florida Statutes, is amended to read:

3924 163.3217 Municipal overlay for municipal incorporation.--

3925 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
3926 OVERLAY.--

3927 (b)~~1~~. A municipal overlay shall be adopted as an amendment
3928 to the local government comprehensive plan as prescribed by s.
3929 163.3184.

3930 ~~2. A county may consider the adoption of a municipal~~
3931 ~~overlay without regard to the provisions of s. 163.3187(1)~~
3932 ~~regarding the frequency of adoption of amendments to the local~~
3933 ~~comprehensive plan.~~



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3934 Section 25. Subsection (4) of section 163.3182, Florida
3935 Statutes, is amended to read:

3936 163.3182 Transportation concurrency backlogs.--

3937 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

3938 ~~(a)~~ Each transportation concurrency backlog authority shall
3939 adopt a transportation concurrency backlog plan as a part of the
3940 local government comprehensive plan within 6 months after the
3941 creation of the authority. The plan shall:

3942 1. Identify all transportation facilities that have been
3943 designated as deficient and require the expenditure of moneys to
3944 upgrade, modify, or mitigate the deficiency.

3945 2. Include a priority listing of all transportation
3946 facilities that have been designated as deficient and do not
3947 satisfy concurrency requirements pursuant to s. 163.3180, and the
3948 applicable local government comprehensive plan.

3949 3. Establish a schedule for financing and construction of
3950 transportation concurrency backlog projects that will eliminate
3951 transportation concurrency backlogs within the jurisdiction of
3952 the authority within 10 years after the transportation
3953 concurrency backlog plan adoption. The schedule shall be adopted
3954 as part of the local government comprehensive plan.

3955 ~~(b) The adoption of the transportation concurrency backlog
3956 plan shall be exempt from the provisions of s. 163.3187(1).~~

3957 Section 26. Subsection (11) of section 171.203, Florida
3958 Statutes, is amended to read:

3959 171.203 Interlocal service boundary agreement.--The
3960 governing body of a county and one or more municipalities or
3961 independent special districts within the county may enter into an
3962 interlocal service boundary agreement under this part. The
3963 governing bodies of a county, a municipality, or an independent



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3964 special district may develop a process for reaching an interlocal
3965 service boundary agreement which provides for public
3966 participation in a manner that meets or exceeds the requirements
3967 of subsection (13), or the governing bodies may use the process
3968 established in this section.

3969 (11) (a) A municipality that is a party to an interlocal
3970 service boundary agreement that identifies an unincorporated area
3971 for municipal annexation under s. 171.202(11) (a) shall adopt a
3972 municipal service area as an amendment to its comprehensive plan
3973 to address future possible municipal annexation. The state land
3974 planning agency shall review the amendment for compliance with
3975 part II of chapter 163. The proposed plan amendment must contain:

- 3976 1. A boundary map of the municipal service area.
- 3977 2. Population projections for the area.
- 3978 3. Data and analysis supporting the provision of public
3979 facilities for the area.

3980 (b) This part does not authorize the state land planning
3981 agency to review, evaluate, determine, approve, or disapprove a
3982 municipal ordinance relating to municipal annexation or
3983 contraction.

3984 ~~(c) Any amendment required by paragraph (a) is exempt from~~
3985 ~~the twice per year limitation under s. 163.3187.~~

3986 Section 27. This act shall take effect July 1, 2008.