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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; renumbering and
3 amending s. 125.379, F.S.; requiring counties to certify
4 that they have prepared a list of county-owned property
5 appropriate for affordable housing before obtaining
6 certain funding; amending s. 163.3174, F.S.; prohibiting
7 the members of the local governing body from serving on
8 the local planning agency; amending s. 163.3177, F.S.;
9 including a provision encouraging rural counties to adopt
10 a rural sub-element as part of their future land use plan;
11 requiring local governments near certain environmentally
12 sensitive areas relating to the Everglades ecosystem to
13 amend their comprehensive plans by a certain date;
14 requiring certain counties to certify that they have
15 adopted a plan for ensuring affordable workforce housing
16 before obtaining certain funding; requiring the housing
17 element of the comprehensive plan to include a provision
18 addressing senior affordable housing; authorizing the
19 state land planning agency to amend administrative rules
20 relating to planning criteria to allow for varying local
21 conditions; deleting provisions encouraging local
22 governments to develop a community vision and to designate
23 an urban service boundary; amending s. 163.31771, F.S.;
24 requiring a local government to amend its comprehensive
25 plan to allow accessory dwelling units in an area zoned
26 for single-family residential use; prohibiting such units
27 from being treated as new units if there is a land use
28 restriction agreement that restricts use to affordable



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29 housing; prohibiting accessory dwelling units from being
30 located on certain land; amending s. 163.3178, F.S.;
31 revising provisions relating to coastal management and
32 coastal high-hazard areas; providing factors for
33 demonstrating the compliance of a comprehensive plan
34 amendment with rule provisions relating to coastal areas;
35 amending s. 163.3180, F.S.; revising concurrency
36 requirements; specifying municipal projects that are
37 eligible for transportation concurrency exception areas;
38 revising provisions relating to the Strategic Intermodal
39 System; deleting a requirement for local governments to
40 annually submit a summary of de minimus records;
41 authorizing a methodology based on vehicle and miles
42 traveled for calculating proportionate fair-share
43 methodology; providing transportation concurrency
44 incentives for private developers; deleting an exemption
45 from transportation concurrency provided to certain
46 workforce housing; providing for recommendations for the
47 establishment of a uniform mobility fee methodology to
48 replace the current transportation concurrency management
49 system; amending s. 163.3181, F.S.; requiring an applicant
50 for a future land use map amendment to hold community or
51 neighborhood meetings before filing the application for
52 and the hearing on the amendment; amending s. 163.3184,
53 F.S.; revising the timeframe for a local government to
54 adopt comprehensive plan amendments; providing that if the
55 amendment is not adopted it may not be considered again
56 until the next amendment cycle; requiring a material
57 change to the comprehensive plan or amendment to be filed
58 and made available to the public within a certain



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59 | timeframe; providing for submission of electronic
60 | addresses; deleting provision relating to community vision
61 | and urban boundary amendments to conform to changes made
62 | by the act; amending s. 163.3187, F.S.; revising the
63 | governing body voting requirements for passage of certain
64 | comprehensive plan amendments; revising how often certain
65 | plan amendments may be proposed; revising when small scale
66 | development amendments become effective; amending s.
67 | 163.3245, F.S.; revising provisions relating to optional
68 | sector plans; authorizing all local government to adopt
69 | optional sector plans into their comprehensive plan;
70 | increasing the size of the area to which sector plans
71 | apply; deleting certain restrictions on a local government
72 | upon entering into sector plans; deleting an annual
73 | monitoring report submitted by a host local government
74 | that has adopted a sector plan and a status report
75 | submitted by the department on optional sector plans;
76 | amending s. 163.3246, F.S.; discontinuing the Local
77 | Government Comprehensive Planning Certification Program
78 | except for currently certified local governments; creating
79 | s. 163.32461, F.S.; providing expedited affordable housing
80 | growth strategies; providing legislative intent; providing
81 | definitions; providing an optional expedited review for
82 | future land use map amendments; providing procedures for
83 | such review; providing for the expedited review of
84 | subdivision, site plans, and building permits; providing
85 | for density bonuses for certain land use; amending s.
86 | 163.32465, F.S.; revising provisions relating to the state
87 | review of comprehensive plans; providing additional types
88 | of amendments to which the alternative state review



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89 | applies; renumbering and amending s. 166.0451, F.S.;

90 | requiring municipalities to certify that they have

91 | prepared a list of county-owned property appropriate for

92 | affordable housing before obtaining certain funding;

93 | amending s. 1002.33, F.S.; restricting facilities from

94 | providing space to charter schools unless such use is

95 | consistent with the local comprehensive plan; amending ss.

96 | 163.32465, 288.975, and 380.06, F.S.; conforming cross-

97 | references; repealing s. 339.282, F.S., relating to

98 | transportation concurrency incentives; repealing s.

99 | 420.615, F.S., relating to affordable housing land

100 | donation density bonus incentives; providing an effective

101 | date.

102

103 | Be It Enacted by the Legislature of the State of Florida:

104

105 | Section 1. Section 125.379, Florida Statutes, is renumbered

106 | as section 163.32431, Florida Statutes, and amended to read:

107 | 163.32431 ~~125.379~~ Disposition of county property for

108 | affordable housing.--

109 | (1) By July 1, 2007, and every 3 years thereafter, each

110 | county shall prepare an inventory list of all real property

111 | within its jurisdiction to which the county holds fee simple

112 | title that is appropriate for use as affordable housing. The

113 | inventory list must include the address and legal description of

114 | each ~~such~~ real property and specify whether the property is

115 | vacant or improved. The governing body of the county must review

116 | the inventory list at a public hearing and may revise it at the

117 | conclusion of the public hearing. The governing body of the



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118 county shall adopt a resolution that includes an inventory list
119 of the ~~such~~ property following the public hearing.

120 (2) The properties identified as appropriate for use as
121 affordable housing on the inventory list adopted by the county
122 may be offered for sale and the proceeds used to purchase land
123 for the development of affordable housing or to increase the
124 local government fund earmarked for affordable housing, or may be
125 sold with a restriction that requires the development of the
126 property as permanent affordable housing, or may be donated to a
127 nonprofit housing organization for the construction of permanent
128 affordable housing. Alternatively, the county may otherwise make
129 the property available for use for the production and
130 preservation of permanent affordable housing. For purposes of
131 this section, the term "affordable" has the same meaning as in s.
132 420.0004(3).

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

138 Section 2. Subsection (1) of section 163.3174, Florida
139 Statutes, is amended to read:

140 163.3174 Local planning agency.--

141 (1) The governing body of each local government,
142 individually or in combination as provided in s. 163.3171, shall
143 designate and by ordinance establish a "local planning agency,"
144 unless the agency is otherwise established by law.
145 Notwithstanding any special act to the contrary, all local
146 planning agencies or equivalent agencies that first review
147 rezoning and comprehensive plan amendments in each municipality



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148 and county shall include a representative of the school district
149 appointed by the school board as a nonvoting member ~~of the local~~
150 ~~planning agency or equivalent agency~~ to attend those meetings at
151 which the agency considers comprehensive plan amendments and
152 rezonings that would, if approved, increase residential density
153 on the property that is the subject of the application. However,
154 this subsection does not prevent the ~~governing body of the~~ local
155 government from granting voting status to the school board
156 member. Members of the local governing body may not serve on
157 ~~designate itself as~~ the local planning agency pursuant to this
158 subsection ~~with the addition of a nonvoting school board~~
159 ~~representative~~. The local governing body shall notify the state
160 land planning agency of the establishment of its local planning
161 agency. All local planning agencies shall provide opportunities
162 for involvement by applicable community college boards, which may
163 be accomplished by formal representation, membership on technical
164 advisory committees, or other appropriate means. The local
165 planning agency shall prepare the comprehensive plan or plan
166 amendment after hearings ~~to be~~ held after public notice and shall
167 make recommendations to the local governing body regarding the
168 adoption or amendment of the plan. The local planning agency may
169 be a local planning commission, the planning department of the
170 local government, or other instrumentality, including a
171 countywide planning entity established by special act or a
172 council of local government officials created pursuant to s.
173 163.02, provided the composition of the council is fairly
174 representative of all the governing bodies in the county or
175 planning area; however:

176 (a) If a joint planning entity was ~~is~~ in existence on July
177 1, 1975 ~~the effective date of this act which authorizes the~~



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178 ~~governing bodies to adopt and enforce a land use plan effective~~
179 ~~throughout the joint planning area,~~ that entity shall be the
180 agency for those local governments until such time as the
181 authority of the joint planning entity is modified by law.

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

185 Section 3. Paragraphs (a), (d), and (f) of subsection (6),
186 paragraph (i) of subsection (10), and subsections (13) and (14)
187 of section 163.3177, Florida Statutes, are amended to read:

188 163.3177 Required and optional elements of comprehensive
189 plan; studies and surveys.--

190 (6) In addition to the requirements of subsections (1)-(5)
191 and (12), the comprehensive plan shall include the following
192 elements:

193 (a) A future land use plan element designating proposed
194 future general distribution, location, and extent of the uses of
195 land for residential uses, commercial uses, industry,
196 agriculture, recreation, conservation, education, public
197 buildings and grounds, other public facilities, and other
198 categories of the public and private uses of land. Counties are
199 encouraged to designate rural land stewardship areas, pursuant to
200 ~~the provisions of~~ paragraph (11) (d), as overlays on the future
201 land use map.

202 1. Each future land use category must be defined in terms
203 of uses included, and must include standards for ~~to be followed~~
204 ~~in~~ the control and distribution of population densities and
205 building and structure intensities. The proposed distribution,
206 location, and extent of the various categories of land use shall



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207 | be shown on a land use map or map series which shall be
208 | supplemented by goals, policies, and measurable objectives.

209 | 2. The future land use plan shall be based upon surveys,
210 | studies, and data regarding the area, including the amount of
211 | land required to accommodate anticipated growth; the projected
212 | population of the area; the character of undeveloped land; the
213 | availability of water supplies, public facilities, and services;
214 | the need for redevelopment, including the renewal of blighted
215 | areas and the elimination of nonconforming uses which are
216 | inconsistent with the character of the community; the
217 | compatibility of uses on lands adjacent to or closely proximate
218 | to military installations; the discouragement of urban sprawl;
219 | energy efficient land use patterns; and, in rural communities,
220 | the need for job creation, capital investment, and economic
221 | development that will strengthen and diversify the community's
222 | economy.

223 | 3. The future land use plan may designate areas for future
224 | planned development ~~use~~ involving combinations of types of uses
225 | for which special regulations may be necessary to ensure
226 | development in accord with the principles and standards of the
227 | comprehensive plan and this act.

228 | 4. The future land use plan ~~element~~ shall include criteria
229 | ~~to be used~~ to achieve the compatibility of adjacent or closely
230 | proximate lands with military installations.

231 | 5. Counties are encouraged to adopt a rural sub-element as
232 | a part of the future land use plan. The sub-element shall apply
233 | to all lands classified in the future land use plan as
234 | predominantly agricultural, rural, open, open-rural, or a
235 | substantively equivalent land use. The rural sub-element shall
236 | include goals, objectives, and policies that enhance rural



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237 economies, promote the viability of agriculture, provide for
238 appropriate economic development, discourage urban sprawl, and
239 ensure the protection of natural resources. The rural sub-element
240 shall generally identify anticipated areas of rural,
241 agricultural, and conservation areas that may be considered for
242 conversion to urban land use and appropriate sites for affordable
243 housing. The rural sub-element shall also generally identify
244 areas that may be considered for rural land stewardship areas,
245 sector planning, or new communities or towns in accordance with
246 ss. 163.3177(11) and 163.3245(2). ~~In addition,~~ For rural
247 communities, the amount of land designated for future planned
248 industrial use shall be based upon surveys and studies that
249 reflect the need for job creation, capital investment, and the
250 necessity to strengthen and diversify the local economies, and
251 may ~~shall~~ not be limited solely by the projected population of
252 the rural community.

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

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

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

262 9. The future land use plan element must clearly identify
263 the land use categories in which public schools are an allowable
264 use. When delineating such ~~the~~ land use categories ~~in which~~
265 ~~public schools are an allowable use,~~ a local government shall
266 include in the categories sufficient land proximate to



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267 residential development to meet the projected needs for schools
268 in coordination with public school boards and may establish
269 differing criteria for schools of different type or size. Each
270 local government shall include lands contiguous to existing
271 school sites, to the maximum extent possible, within the land use
272 categories in which public schools are an allowable use. ~~The~~
273 ~~failure by a local government to comply with these school siting~~
274 ~~requirements will result in the prohibition of~~ The local
275 government may not ~~government's ability to~~ amend the local
276 comprehensive plan, except for plan amendments described in s.
277 163.3187(1)(b), until the school siting requirements are met.
278 Amendments proposed by a local government for purposes of
279 identifying the land use categories in which public schools are
280 an allowable use are exempt from the limitation on the frequency
281 of plan amendments provided ~~contained~~ in s. 163.3187. The future
282 land use plan element shall include criteria that encourage the
283 location of schools proximate to urban residential areas to the
284 extent possible and shall require that the local government seek
285 to collocate public facilities, such as parks, libraries, and
286 community centers, with schools to the extent possible and to
287 encourage the use of elementary schools as focal points for
288 neighborhoods. For schools serving predominantly rural counties,
289 defined as a county having ~~with~~ a population of 100,000 or fewer,
290 an agricultural land use category is ~~shall be~~ eligible for the
291 location of public school facilities if the local comprehensive
292 plan contains school siting criteria and the location is
293 consistent with such criteria. Local governments required to
294 update or amend their comprehensive plan to include criteria and
295 address compatibility of adjacent or closely proximate lands with
296 existing military installations in their future land use plan



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297 | element shall transmit the update or amendment to the department
298 | by June 30, 2006.

299 | (d) A conservation element for the conservation, use, and
300 | protection of natural resources in the area, including air,
301 | water, water recharge areas, wetlands, waterwells, estuarine
302 | marshes, soils, beaches, shores, flood plains, rivers, bays,
303 | lakes, harbors, forests, fisheries and wildlife, marine habitat,
304 | minerals, and other natural and environmental resources. Local
305 | governments shall assess their current, as well as projected,
306 | water needs and sources for at least a 10-year period,
307 | considering the appropriate regional water supply plan approved
308 | pursuant to s. 373.0361, or, in the absence of an approved
309 | regional water supply plan, the district water management plan
310 | approved pursuant to s. 373.036(2). This information shall be
311 | submitted to the appropriate agencies.

312 | 1. The land use map or map series contained in the future
313 | land use element must comply with applicable state law and rules
314 | and shall generally identify and depict the following:

315 | a.1. Existing and planned waterwells and cones of influence
316 | where applicable.

317 | b.2. Beaches and shores, including estuarine systems.

318 | c.3. Rivers, bays, lakes, flood plains, and harbors.

319 | d.4. Wetlands.

320 | e 5. Minerals and soils.

321 |

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

324 | 2. By December 31, 2009, local governments lying in whole
325 | or in part, within or adjacent to the Everglades Protection Area
326 | as described in s. 373.4592; within the Lake Okeechobee



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327 watershed, the Caloosahatchee River watershed, or the St. Lucie
328 River watershed as those areas are described in s. 373.4595; or
329 within the Kissimmee River basin watershed shall amend their
330 comprehensive plans to adopt goals, objectives, and policies that
331 further the restoration and protection of the Everglades
332 ecosystem. The amendments must be supported by an analysis
333 demonstrating consistency with the Everglades Forever Act, the
334 Northern Everglades and Estuaries Protection Program, and the
335 Comprehensive Everglades Restoration Plan.

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

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

340 b. The elimination of substandard dwelling conditions.

341 c. The structural and aesthetic improvement of existing
342 housing.

343 d. The provision of adequate sites for future housing,
344 including affordable workforce housing as defined in s.
345 380.0651(3)(j), housing for low-income, very low-income, and
346 moderate-income families, mobile homes, and group home facilities
347 and foster care facilities, with supporting infrastructure and
348 public facilities. This includes compliance with the applicable
349 public lands provision under s. 163.32431 or s. 163.32432.

350 e. Provision for relocation housing and identification of
351 historically significant and other housing for purposes of
352 conservation, rehabilitation, or replacement.

353 f. The formulation of housing implementation programs.

354 g. The creation or preservation of affordable housing to
355 minimize the need for additional local services and avoid the



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356 concentration of affordable housing units only in specific areas
357 of the jurisdiction.

358 (I)h. By July 1, 2008, each county in which the gap between
359 the buying power of a family of four and the median county home
360 sale price exceeds \$170,000, as determined by the Florida Housing
361 Finance Corporation, and which is not designated as an area of
362 critical state concern shall adopt a plan for ensuring affordable
363 workforce housing. At a minimum, the plan shall identify adequate
364 sites for such housing. For purposes of this sub-subparagraph,
365 the term "workforce housing" means housing that is affordable to
366 natural persons or families whose total household income does not
367 exceed 140 percent of the area median income, adjusted for
368 household size.

369 (II)i. As a precondition to receiving any state affordable
370 housing funding or allocation for any project or program within
371 the jurisdiction of a county that is subject to sub-sub-
372 subparagraph (I), a county must, by July 1 of each year, provide
373 certification that the county has complied with the requirements
374 of sub-sub-subparagraph (I). ~~Failure by a local government to~~
375 ~~comply with the requirement in sub-subparagraph h. will result in~~
376 ~~the local government being ineligible to receive any state~~
377 ~~housing assistance grants until the requirement of sub-~~
378 ~~subparagraph h. is met.~~

379 h. The provision of senior affordable housing that has
380 supporting infrastructure and public facilities.

381 2. The goals, objectives, and policies of the housing
382 element must be based on the data and analysis prepared on
383 housing needs, including the affordable housing needs assessment.
384 State and federal housing plans prepared on behalf of the local
385 government must be consistent with the goals, objectives, and



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386 policies of the housing element. Local governments are encouraged
387 to use ~~utilize~~ job training, job creation, and economic solutions
388 to address a portion of their affordable housing concerns.

389 3.2- To assist local governments in housing data collection
390 and analysis and assure uniform and consistent information
391 regarding the state's housing needs, the state land planning
392 agency shall conduct an affordable housing needs assessment for
393 all local jurisdictions on a schedule that coordinates the
394 implementation of the needs assessment with the evaluation and
395 appraisal reports required by s. 163.3191. Each local government
396 shall use ~~utilize~~ the data and analysis from the needs assessment
397 as one basis for the housing element of its local comprehensive
398 plan. The agency shall allow a local government ~~the option~~ to
399 perform its own needs assessment, if it uses the methodology
400 established by the agency by rule.

401 (10) The Legislature recognizes the importance and
402 significance of chapter 9J-5, Florida Administrative Code, the
403 Minimum Criteria for Review of Local Government Comprehensive
404 Plans and Determination of Compliance of the Department of
405 Community Affairs that will be used to determine compliance of
406 local comprehensive plans. The Legislature reserved unto itself
407 the right to review chapter 9J-5, Florida Administrative Code,
408 and to reject, modify, or take no action relative to this rule.
409 Therefore, pursuant to subsection (9), the Legislature hereby has
410 reviewed chapter 9J-5, Florida Administrative Code, and expresses
411 the following legislative intent:

412 (i) The Legislature recognizes that due to varying local
413 conditions, local governments have different planning needs that
414 cannot be addressed by one uniform set of minimum planning
415 criteria. Therefore, the state land planning agency may amend



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416 chapter 9J-5, Florida Administrative Code, to establish different
417 minimum criteria that are applicable to local governments based
418 on the following factors:

- 419 1. Current and projected population.
- 420 2. Size of the local jurisdiction.
- 421 3. Amount and nature of undeveloped land.
- 422 4. The scale of public services provided by the local
423 government.

424
425 The state land planning agency ~~department~~ shall take into account
426 the factors delineated in rule 9J-5.002(2), Florida
427 Administrative Code, as it provides assistance to local
428 governments and applies the rule in specific situations with
429 regard to the detail of the data and analysis required.

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

436 ~~(a) As part of the process of developing a community vision~~
437 ~~under this section, the local government must hold two public~~
438 ~~meetings with at least one of those meetings before the local~~
439 ~~planning agency. Before those public meetings, the local~~
440 ~~government must hold at least one public workshop with~~
441 ~~stakeholder groups such as neighborhood associations, community~~
442 ~~organizations, businesses, private property owners, housing and~~
443 ~~development interests, and environmental organizations.~~



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

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

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

450 ~~3. Preservation of open space, environmentally sensitive~~
451 ~~lands, and agricultural lands;~~

452 ~~4. Appropriate areas and standards for mixed-use~~
453 ~~development;~~

454 ~~5. Appropriate areas and standards for high density~~
455 ~~commercial and residential development;~~

456 ~~6. Appropriate areas and standards for economic development~~
457 ~~opportunities and employment centers;~~

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

459 ~~8. An efficient, interconnected multimodal transportation~~
460 ~~system; and~~

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

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

466 ~~1. Strategies to preserve open space and environmentally~~
467 ~~sensitive lands, and to encourage a healthy agricultural economy,~~
468 ~~including innovative planning and development strategies, such as~~
469 ~~the transfer of development rights;~~

470 ~~2. Incentives for mixed-use development, including~~
471 ~~increased height and intensity standards for buildings that~~
472 ~~provide residential use in combination with office or commercial~~
473 ~~space;~~



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

475 ~~4. Designation of an urban service boundary pursuant to~~

476 ~~subsection (2); and~~

477 ~~5. Strategies to provide mobility within the community and~~

478 ~~to protect the Strategic Intermodal System, including the~~

479 ~~development of a transportation corridor management plan under s.~~

480 ~~337.273.~~

481 ~~(d) The community vision must reflect the community's~~

482 ~~shared concept for growth and development of the community,~~

483 ~~including visual representations depicting the desired land use~~

484 ~~patterns and character of the community during a 10-year planning~~

485 ~~timeframe. The community vision must also take into consideration~~

486 ~~economic viability of the vision and private property interests.~~

487 ~~(e) After the workshops and public meetings required under~~

488 ~~paragraph (a) are held, the local government may amend its~~

489 ~~comprehensive plan to include the community vision as a component~~

490 ~~in the plan. This plan amendment must be transmitted and adopted~~

491 ~~pursuant to the procedures in ss. 163.3184 and 163.3189 at public~~

492 ~~hearings of the governing body other than those identified in~~

493 ~~paragraph (a).~~

494 ~~(f) Amendments submitted under this subsection are exempt~~

495 ~~from the limitation on the frequency of plan amendments in s.~~

496 ~~163.3187.~~

497 ~~(g) A local government that has developed a community~~

498 ~~vision or completed a visioning process after July 1, 2000, and~~

499 ~~before July 1, 2005, which substantially accomplishes the goals~~

500 ~~set forth in this subsection and the appropriate goals, policies,~~

501 ~~or objectives have been adopted as part of the comprehensive plan~~

502 ~~or reflected in subsequently adopted land development regulations~~

503 ~~and the plan amendment incorporating the community vision as a~~



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504 ~~component has been found in compliance is eligible for the~~
505 ~~incentives in s. 163.3184(17).~~

506 ~~(14) Local governments are also encouraged to designate an~~
507 ~~urban service boundary. This area must be appropriate for~~
508 ~~compact, contiguous urban development within a 10-year planning~~
509 ~~timeframe. The urban service area boundary must be identified on~~
510 ~~the future land use map or map series. The local government shall~~
511 ~~demonstrate that the land included within the urban service~~
512 ~~boundary is served or is planned to be served with adequate~~
513 ~~public facilities and services based on the local government's~~
514 ~~adopted level of service standards by adopting a 10-year~~
515 ~~facilities plan in the capital improvements element which is~~
516 ~~financially feasible. The local government shall demonstrate that~~
517 ~~the amount of land within the urban service boundary does not~~
518 ~~exceed the amount of land needed to accommodate the projected~~
519 ~~population growth at densities consistent with the adopted~~
520 ~~comprehensive plan within the 10-year planning timeframe.~~

521 ~~(a) As part of the process of establishing an urban service~~
522 ~~boundary, the local government must hold two public meetings with~~
523 ~~at least one of those meetings before the local planning agency.~~
524 ~~Before those public meetings, the local government must hold at~~
525 ~~least one public workshop with stakeholder groups such as~~
526 ~~neighborhood associations, community organizations, businesses,~~
527 ~~private property owners, housing and development interests, and~~
528 ~~environmental organizations.~~

529 ~~(b)1. After the workshops and public meetings required~~
530 ~~under paragraph (a) are held, the local government may amend its~~
531 ~~comprehensive plan to include the urban service boundary. This~~
532 ~~plan amendment must be transmitted and adopted pursuant to the~~



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533 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
534 ~~governing body other than those required under paragraph (a).~~

535 ~~2. This subsection does not prohibit new development~~
536 ~~outside an urban service boundary. However, a local government~~
537 ~~that establishes an urban service boundary under this subsection~~
538 ~~is encouraged to require a full-cost accounting analysis for any~~
539 ~~new development outside the boundary and to consider the results~~
540 ~~of that analysis when adopting a plan amendment for property~~
541 ~~outside the established urban service boundary.~~

542 ~~(c) Amendments submitted under this subsection are exempt~~
543 ~~from the limitation on the frequency of plan amendments in s.~~
544 ~~163.3187.~~

545 ~~(d) A local government that has adopted an urban service~~
546 ~~boundary before July 1, 2005, which substantially accomplishes~~
547 ~~the goals set forth in this subsection is not required to comply~~
548 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
549 ~~to be eligible for the incentives under s. 163.3184(17). In order~~
550 ~~to satisfy the provisions of this paragraph, the local government~~
551 ~~must secure a determination from the state land planning agency~~
552 ~~that the urban service boundary adopted before July 1, 2005,~~
553 ~~substantially complies with the criteria of this subsection,~~
554 ~~based on data and analysis submitted by the local government to~~
555 ~~support this determination. The determination by the state land~~
556 ~~planning agency is not subject to administrative challenge.~~

557 Section 4. Subsections (3), (4), (5), and (6) of section
558 163.31771, Florida Statutes, are amended to read:

559 163.31771 Accessory dwelling units.--

560 (3) Upon a finding by a local government that there is a
561 shortage of affordable rentals within its jurisdiction, the local
562 government may amend its comprehensive plan ~~adopt an ordinance~~ to



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563 allow accessory dwelling units in any area zoned for single-
564 family residential use.

565 (4) If the local government amends its comprehensive plan
566 pursuant to ~~adopts an ordinance under~~ this section, an
567 application for a building permit to construct an accessory
568 dwelling unit must include an affidavit from the applicant which
569 attests that the unit will be rented at an affordable rate to an
570 extremely-low-income, very-low-income, low-income, or moderate-
571 income person or persons.

572 (5) Each accessory dwelling unit allowed by the
573 comprehensive plan ~~an ordinance adopted under this section~~ shall
574 apply toward satisfying the affordable housing component of the
575 housing element in the local government's comprehensive plan
576 under s. 163.3177(6)(f), and if such unit is subject to a
577 recorded land use restriction agreement restricting its use to
578 affordable housing, the unit may not be treated as a new unit for
579 purposes of transportation concurrency or impact fees. Accessory
580 dwelling units may not be located on land within a coastal high-
581 hazard area, an area of critical state concern, or on lands
582 identified as environmentally sensitive in the local
583 comprehensive plan.

584 ~~(6) The Department of Community Affairs shall evaluate the~~
585 ~~effectiveness of using accessory dwelling units to address a~~
586 ~~local government's shortage of affordable housing and report to~~
587 ~~the Legislature by January 1, 2007. The report must specify the~~
588 ~~number of ordinances adopted by a local government under this~~
589 ~~section and the number of accessory dwelling units that were~~
590 ~~created under these ordinances.~~

591 Section 5. Paragraph (h) of subsection (2) and subsection
592 (9) of section 163.3178, Florida Statutes, are amended to read:



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593 | 163.3178 Coastal management.--

594 | (2) Each coastal management element required by s.
595 | 163.3177(6)(g) shall be based on studies, surveys, and data; be
596 | consistent with coastal resource plans prepared and adopted
597 | pursuant to general or special law; and contain:

598 | (h) Designation of coastal high-hazard areas and the
599 | criteria for mitigation for a comprehensive plan amendment in a
600 | coastal high-hazard area as provided ~~defined~~ in subsection (9).
601 | The coastal high-hazard area is the area seaward of ~~below~~ the
602 | elevation of the category 1 storm surge line as established by a
603 | Sea, Lake, and Overland Surges from Hurricanes (SLOSH)
604 | computerized storm surge model. It includes all lands within the
605 | area, regardless of elevation, from the mean low-water line to
606 | the inland extent of the category 1 storm surge area. It is
607 | depicted by, but not limited to, the areas illustrated in the
608 | most current SLOSH Storm Surge Atlas. Application of mitigation
609 | and the application of development and redevelopment policies,
610 | pursuant to s. 380.27(2), and any adopted rules ~~adopted~~
611 | ~~thereunder~~, are ~~shall be~~ at the discretion of the local
612 | government.

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

617 | (a) A proposed comprehensive plan amendment is ~~shall be~~
618 | ~~found in compliance with state coastal high-hazard provisions~~
619 | ~~pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative~~
620 | ~~Code,~~ if:

- 621 | 1. The area subject to the amendment is not:
622 | a. Within a designated area of critical state concern;



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- 623 b. Inclusive of areas within the FEMA velocity zones;
624 c. Subject to coastal erosion;
625 d. Seaward of the coastal construction control line; or
626 e. Subject to repetitive damage from coastal storms and
627 floods.
- 628 2. The local government has adopted the following as a part
629 of its comprehensive plan:
- 630 a. Hazard mitigation strategies that reduce, replace, or
631 eliminate unsafe structures and properties subject to repetitive
632 losses from coastal storms or floods.
- 633 b. Measures that reduce exposure to hazards including:
634 (I) Relocation;
635 (II) Structural modifications of threatened infrastructure;
636 (III) Provisions for operational or capacity improvements
637 to maintain hurricane evacuation clearance times within
638 established limits; and
- 639 (IV) Prohibiting public expenditures for capital
640 improvements that subsidize increased densities and intensities
641 of development within the coastal high-hazard area.
- 642 c. A post disaster redevelopment plan.
- 643 3.a. The adopted level of service for out-of-county
644 hurricane evacuation clearance time is maintained for a category
645 5 storm event as measured on the Saffir-Simpson scale and the
646 adopted out-of-county hurricane evacuation clearance time does
647 not exceed 16 hours and is based upon the time necessary to reach
648 shelter space;
- 649 b.2. A 12-hour evacuation time to shelter is maintained for
650 a category 5 storm event as measured on the Saffir-Simpson scale
651 and shelter space reasonably expected to accommodate the



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652 residents of the development contemplated by a proposed
653 comprehensive plan amendment is available; or
654 ~~c.3.~~ Appropriate mitigation is provided to ensure that the
655 requirements of sub-subparagraph a. or sub-subparagraph b. are
656 achieved. will satisfy the provisions of subparagraph 1. or
657 subparagraph 2. Appropriate mitigation shall include, without
658 limitation, payment of money, contribution of land, and
659 construction of hurricane shelters and transportation facilities.
660 Required mitigation may shall not exceed the amount required for
661 a developer to accommodate impacts reasonably attributable to
662 development. A local government and a developer shall enter into
663 a binding agreement to establish memorialize the mitigation plan.
664 The executed agreement must be submitted along with the adopted
665 plan amendment.

666 (b) For those local governments that have not established a
667 level of service for out-of-county hurricane evacuation by July
668 1, 2008, but elect to comply ~~with rule 9J-5.012(3)(b)6. and 7.,~~
669 ~~Florida Administrative Code,~~ by following the process in
670 paragraph (a), the level of service may not exceed shall be no
671 greater than 16 hours for a category 5 storm event as measured on
672 the Saffir-Simpson scale based upon the time necessary to reach
673 shelter space.

674 (c) This subsection applies shall become effective
675 immediately and shall apply to all local governments. By No later
676 than July 1, 2009 2008, local governments shall amend their
677 future land use map and coastal management element to include the
678 new definition of coastal high-hazard area provided in paragraph
679 (2)(h) and to depict the coastal high-hazard area on the future
680 land use map.



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681 Section 6. Section 163.3180, Florida Statutes, is amended
682 to read:

683 163.3180 Concurrency.--

684 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

685 (a) Public facility types.--Sanitary sewer, solid waste,
686 drainage, potable water, parks and recreation, schools, and
687 transportation facilities, including mass transit, where
688 applicable, are the only public facilities and services subject
689 to the concurrency requirement on a statewide basis. Additional
690 public facilities and services may not be made subject to
691 concurrency on a statewide basis without appropriate study and
692 approval by the Legislature; however, any local government may
693 extend the concurrency requirement ~~so that it applies to~~ apply to
694 additional public facilities within its jurisdiction.

695 (b) Transportation methodologies.--Local governments shall
696 use professionally accepted techniques for measuring level of
697 service for automobiles, bicycles, pedestrians, transit, and
698 trucks. These techniques may be used to evaluate increased
699 accessibility by multiple modes and reductions in vehicle miles
700 of travel in an area or zone. The state land planning agency and
701 the Department of Transportation shall develop methodologies to
702 assist local governments in implementing this multimodal level-
703 of-service analysis and. ~~The Department of Community Affairs and~~
704 ~~the Department of Transportation~~ shall provide technical
705 assistance to local governments in applying the ~~these~~
706 methodologies.

707 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

708 (a) Sanitary sewer, solid waste, drainage, adequate water
709 supply, and potable water facilities.--Consistent with public
710 health and safety, sanitary sewer, solid waste, drainage,



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711 adequate water supplies, and potable water facilities shall be in
712 place and available to serve new development no later than the
713 issuance by the local government of a certificate of occupancy or
714 its functional equivalent. Prior to approval of a building permit
715 or its functional equivalent, the local government shall consult
716 with the applicable water supplier to determine whether adequate
717 water supplies to serve the new development will be available by
718 ~~no later than~~ the anticipated date of issuance ~~by the local~~
719 ~~government~~ of the a certificate of occupancy or its functional
720 equivalent. A local government may meet the concurrency
721 requirement for sanitary sewer through the use of onsite sewage
722 treatment and disposal systems approved by the Department of
723 Health to serve new development.

724 (b) Parks and recreation facilities.--Consistent with the
725 public welfare, and except as otherwise provided in this section,
726 parks and recreation facilities to serve new development shall be
727 in place or under actual construction within ~~no later than~~ 1 year
728 after issuance by the local government of a certificate of
729 occupancy or its functional equivalent. However, the acreage for
730 such facilities must ~~shall~~ be dedicated or be acquired by the
731 local government prior to issuance ~~by the local government~~ of the
732 a certificate of occupancy or its functional equivalent, or funds
733 in the amount of the developer's fair share shall be committed no
734 later than the local government's approval to commence
735 construction.

736 (c) Transportation facilities.--Consistent with the public
737 welfare, and except as otherwise provided in this section,
738 transportation facilities needed to serve new development must
739 ~~shall~~ be in place or under actual construction within 3 years



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740 | after the local government approves a building permit or its
741 | functional equivalent that results in traffic generation.

742 | (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental
743 | entities that are not responsible for providing, financing,
744 | operating, or regulating public facilities needed to serve
745 | development may not establish binding level-of-service standards
746 | on governmental entities that do bear those responsibilities.
747 | This subsection does not limit the authority of any agency to
748 | recommend or make objections, recommendations, comments, or
749 | determinations during reviews conducted under s. 163.3184.

750 | (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

751 | (a) State and other public facilities.--The concurrency
752 | requirement as implemented in local comprehensive plans applies
753 | to state and other public facilities and development to the same
754 | extent that it applies to all other facilities and development,
755 | as provided by law.

756 | (b) Public transit facilities.--The concurrency requirement
757 | as implemented in local comprehensive plans does not apply to
758 | public transit facilities. For the purposes of this paragraph,
759 | public transit facilities include transit stations and terminals;
760 | transit station parking; park-and-ride lots; intermodal public
761 | transit connection or transfer facilities; fixed bus, guideway,
762 | and rail stations; and airport passenger terminals and
763 | concourses, air cargo facilities, and hangars for the maintenance
764 | or storage of aircraft. As used in this paragraph, the terms
765 | "terminals" and "transit facilities" do not include seaports or
766 | commercial or residential development constructed in conjunction
767 | with a public transit facility.

768 | (c) Infill and redevelopment areas.--The concurrency
769 | requirement, except as it relates to transportation facilities



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770 and public schools, as implemented in local government
771 comprehensive plans, may be waived by a local government for
772 urban infill and redevelopment areas designated pursuant to s.
773 163.2517 if such a waiver does not endanger public health or
774 safety as defined by the local government in its local government
775 comprehensive plan. The waiver must ~~shall~~ be adopted as a plan
776 amendment pursuant to ~~the process set forth in~~ s. 163.3187(3) (a).
777 A local government may grant a concurrency exception pursuant to
778 subsection (5) for transportation facilities located within ~~these~~
779 urban infill and redevelopment areas.

780 (5) TRANSPORTATION CONCURRENCY EXCEPTION AREAS.--

781 (a) Countervailing planning and public policy goals.--The
782 Legislature finds that under limited circumstances ~~dealing with~~
783 ~~transportation facilities,~~ countervailing planning and public
784 policy goals may come into conflict with the requirement that
785 adequate public transportation facilities and services be
786 available concurrent with the impacts of such development. The
787 Legislature further finds that ~~often~~ the unintended result of the
788 concurrency requirement for transportation facilities is often
789 the discouragement of urban infill development and redevelopment.
790 Such unintended results directly conflict with the goals and
791 policies of the state comprehensive plan and the intent of this
792 part. The Legislature also finds that in urban centers
793 transportation cannot be effectively managed and mobility cannot
794 be improved solely through the expansion of roadway capacity,
795 that the expansion of roadway capacity is not always physically
796 or financially possible, and that a range of transportation
797 alternatives are essential to satisfy mobility needs, reduce
798 congestion, and achieve healthy, vibrant centers. Therefore,
799 transportation concurrency exception areas are necessary to



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800 achieve the goals and objectives of this part ~~exceptions from the~~
801 ~~concurrency requirement for transportation facilities may be~~
802 ~~granted as provided by this subsection.~~

803 (b) Geographic applicability.--

804 1. Within municipalities, transportation concurrency
805 exception areas are established for geographic areas identified
806 in the adopted portion of the comprehensive plan as of July 1,
807 2008, for:

808 a. Urban infill development;

809 b. Urban redevelopment;

810 c. Downtown revitalization; and

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

812 2. In other portions of the state, including municipalities
813 and unincorporated areas of counties, a local government may
814 adopt a comprehensive plan amendment establishing a
815 transportation concurrency exception area ~~grant an exception from~~
816 ~~the concurrency requirement for transportation facilities if the~~
817 ~~proposed development is otherwise consistent with the adopted~~
818 ~~local government comprehensive plan and is a project that~~
819 ~~promotes public transportation or is located within an area~~
820 ~~designated in the comprehensive plan for:~~

821 ~~a.1.~~ Urban infill development;

822 ~~b.2.~~ Urban redevelopment;

823 ~~c.3.~~ Downtown revitalization;

824 ~~d.4.~~ Urban infill and redevelopment under s. 163.2517; or

825 ~~e.5.~~ An urban service area specifically designated as a
826 transportation concurrency exception area which includes lands
827 appropriate for compact, contiguous urban development, which does
828 not exceed the amount of land needed to accommodate the projected
829 population growth at densities consistent with the adopted



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830 comprehensive plan within the 10-year planning period, and which
831 is served or is planned to be served with public facilities and
832 services as provided by the capital improvements element.

833 (c) Projects that have special part-time demands.--The
834 Legislature also finds that developments located within urban
835 infill, urban redevelopment, existing urban service, or downtown
836 revitalization areas or areas designated as urban infill and
837 redevelopment areas under s. 163.2517 which pose only special
838 part-time demands on the transportation system should be excepted
839 from the concurrency requirement for transportation facilities. A
840 special part-time demand is one that does not have more than 200
841 scheduled events during any calendar year and does not affect the
842 100 highest traffic volume hours.

843 (d) Long-term strategies within transportation concurrency
844 exception areas.--Except for transportation concurrency exception
845 areas established pursuant to s. 163.3180(5)(b)1., the following
846 requirements apply: A local government shall establish guidelines
847 in the comprehensive plan for granting the exceptions authorized
848 in paragraphs (b) and (c) and subsections (7) and (15) which must
849 be consistent with and support a comprehensive strategy adopted
850 in the plan to promote the purpose of the exceptions.

851 1.(e) The local government shall adopt into the plan and
852 implement long-term strategies to support and fund mobility
853 within the designated exception area, including alternative modes
854 of transportation. The plan amendment must ~~also~~ demonstrate how
855 strategies will support the purpose of the exception and how
856 mobility within the designated exception area will be provided.

857 2. In addition, The strategies must address urban design;
858 appropriate land use mixes, including intensity and density; and
859 network connectivity plans needed to promote urban infill,



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860 redevelopment, or downtown revitalization. The comprehensive plan
861 amendment designating the ~~concurrency~~ exception area must be
862 accompanied by data and analysis justifying the size of the area.

863 (e)-(f) Strategic Intermodal System.-- Prior to the
864 designation of a concurrency exception area pursuant to
865 subparagraph (b)2., the state land planning agency and the
866 Department of Transportation shall be consulted by the local
867 government to assess the effect ~~impact~~ that the proposed
868 exception area is expected to have on the adopted level-of-
869 service standards established for Strategic Intermodal System
870 facilities, ~~as defined in s. 339.64~~, and roadway facilities
871 funded in accordance with s. 339.2819. Further, as a part of the
872 comprehensive plan amendment establishing the exception area, the
873 local government shall provide for mitigation of impacts ~~, in~~
874 ~~consultation with the state land planning agency and the~~
875 ~~Department of Transportation, develop a plan to mitigate any~~
876 ~~impacts~~ to the Strategic Intermodal System, including, if
877 appropriate, access management, parallel reliever roads,
878 transportation demand management, and other measures ~~the~~
879 ~~development of a long-term concurrency management system pursuant~~
880 ~~to subsection (9) and s. 163.3177(3)(d).~~ The exceptions may be
881 available only within the specific geographic area of the
882 jurisdiction designated in the plan. Pursuant to s. 163.3184, any
883 affected person may challenge a plan amendment establishing these
884 guidelines and the areas within which an exception could be
885 granted.

886 ~~(g) Transportation concurrency exception areas existing~~
887 ~~prior to July 1, 2005, must, at a minimum, meet the provisions of~~
888 ~~this section by July 1, 2006, or at the time of the comprehensive~~



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889 ~~plan update pursuant to the evaluation and appraisal report,~~
890 ~~whichever occurs last.~~

891 (6) DE MINIMIS IMPACT.--The Legislature finds that a de
892 minimis impact is consistent with this part. A de minimis impact
893 is an impact that does ~~would~~ not affect more than 1 percent of
894 the maximum volume at the adopted level of service of the
895 affected transportation facility as determined by the local
896 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
897 existing roadway volumes and the projected volumes from approved
898 projects on a transportation facility exceeds ~~would exceed~~ 110
899 percent of the maximum volume at the adopted level of service of
900 the affected transportation facility; ~~provided~~ however, the ~~that~~
901 ~~an~~ impact of a single family home on an existing lot is ~~will~~
902 ~~constitute~~ a de minimis impact on all roadways regardless of the
903 level of the deficiency of the roadway. Further, an ~~no~~ impact is
904 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted
905 level-of-service standard of any affected designated hurricane
906 evacuation routes. Each local government shall maintain
907 sufficient records to ensure that the 110-percent criterion is
908 not exceeded. ~~Each local government shall submit annually, with~~
909 ~~its updated capital improvements element, a summary of the de~~
910 ~~minimis records. If the state land planning agency determines~~
911 ~~that the 110-percent criterion has been exceeded, the state land~~
912 ~~planning agency shall notify the local government of the~~
913 ~~exceedance and that no further de minimis exceptions for the~~
914 ~~applicable roadway may be granted until such time as the volume~~
915 ~~is reduced below the 110 percent. The local government shall~~
916 ~~provide proof of this reduction to the state land planning agency~~
917 ~~before issuing further de minimis exceptions.~~



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918 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote
919 infill development and redevelopment, one or more transportation
920 concurrency management areas may be designated in a local
921 government comprehensive plan. A transportation concurrency
922 management area is ~~must be~~ a compact geographic area that has
923 ~~with~~ an existing network of roads where multiple, viable
924 alternative travel paths or modes are available for common trips.
925 A local government may establish an areawide level-of-service
926 standard for ~~such~~ a transportation concurrency management area
927 based upon an analysis that provides for a justification for the
928 areawide level of service, how urban infill development or
929 redevelopment will be promoted, and how mobility will be
930 accomplished within the transportation concurrency management
931 area. Prior to the designation of a concurrency management area,
932 the local government shall consult with the state land planning
933 agency and the Department of Transportation ~~shall be consulted by~~
934 ~~the local government~~ to assess the impact that the proposed
935 concurrency management area is expected to have on the adopted
936 level-of-service standards established for Strategic Intermodal
937 System facilities, ~~as defined in s. 339.64,~~ and roadway
938 facilities funded in accordance with s. 339.2819. Further, the
939 local government shall, in cooperation with the state land
940 planning agency and the Department of Transportation, develop a
941 plan to mitigate any impacts to the Strategic Intermodal System,
942 including, if appropriate, the development of a long-term
943 concurrency management system pursuant to subsection (9) and s.
944 163.3177(3) (d). ~~Transportation concurrency management areas~~
945 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
946 ~~provisions of this section by July 1, 2006, or at the time of the~~
947 ~~comprehensive plan update pursuant to the evaluation and~~



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948 ~~appraisal report, whichever occurs last.~~ The state land planning
949 agency shall amend chapter 9J-5, Florida Administrative Code, to
950 be consistent with this subsection.

951 (8) URBAN REDEVELOPMENT.--When assessing the transportation
952 impacts of proposed urban redevelopment within an established
953 existing urban service area, 150 ~~110~~ percent of the actual
954 transportation impact caused by the previously existing
955 development must be reserved for the redevelopment, even if the
956 previously existing development has a lesser or nonexistent
957 impact pursuant to the calculations of the local government.
958 Redevelopment requiring less than 150 ~~110~~ percent of the
959 previously existing capacity may ~~shall~~ not be prohibited due to
960 the reduction of transportation levels of service below the
961 adopted standards. This does not preclude the appropriate
962 assessment of fees or accounting for the impacts within the
963 concurrency management system and capital improvements program of
964 the affected local government. This paragraph does not affect
965 local government requirements for appropriate development
966 permits.

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

968 (a) Each local government may adopt ~~as a part of its plan,~~
969 long-term transportation and school concurrency management
970 systems that have ~~with~~ a planning period of up to 10 years for
971 specially designated districts or areas where significant
972 backlogs exist as a part of its plan. The plan may include
973 interim level-of-service standards on certain facilities and
974 shall rely on the local government's schedule of capital
975 improvements for up to 10 years as a basis for issuing
976 development orders that authorize commencement of construction in
977 these designated districts or areas. The concurrency management



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978 | system must be designed to correct existing deficiencies and set
979 | priorities for addressing backlogged facilities and be
980 | coordinated with the appropriate metropolitan planning
981 | organization. The concurrency management system must be
982 | financially feasible and consistent with other portions of the
983 | adopted local plan, including the future land use map.

984 | (b) If a local government has a transportation or school
985 | facility backlog for existing development which cannot be
986 | adequately addressed in a 10-year plan, the state land planning
987 | agency may allow it to develop a plan and long-term schedule of
988 | capital improvements covering up to 15 years for good and
989 | sufficient cause, based on a general comparison between the ~~that~~
990 | local government and all other similarly situated local
991 | jurisdictions, using the following factors:

- 992 | 1. The extent of the backlog.
- 993 | 2. For roads, whether the backlog is on local or state
994 | roads.
- 995 | 3. The cost of eliminating the backlog.
- 996 | 4. The local government's tax and other revenue-raising
997 | efforts.

998 | (c) The local government may issue approvals to commence
999 | construction notwithstanding this section, consistent with and in
1000 | areas that are subject to a long-term concurrency management
1001 | system.

1002 | (d) If the local government adopts a long-term concurrency
1003 | management system, it must evaluate the system periodically. At a
1004 | minimum, the local government must assess its progress toward
1005 | improving levels of service within the long-term concurrency
1006 | management district or area in the evaluation and appraisal



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1007 | report and determine any changes that are necessary to accelerate
1008 | progress in meeting acceptable levels of service.

1009 | (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With
1010 | regard to roadway facilities on the Strategic Intermodal System
1011 | designated in accordance with s. ss. 339.61, 339.62, 339.63, and
1012 | ~~339.64~~, the Florida Intrastate Highway System ~~as defined in s.~~
1013 | ~~338.001~~, and roadway facilities funded in accordance with s.
1014 | 339.2819, local governments shall adopt the level-of-service
1015 | standard established by the Department of Transportation by rule.
1016 | For all other roads on the State Highway System, local
1017 | governments shall establish an adequate level-of-service standard
1018 | that need not be consistent with any level-of-service standard
1019 | established by the Department of Transportation. In establishing
1020 | adequate level-of-service standards for any arterial roads, or
1021 | collector roads as appropriate, which traverse multiple
1022 | jurisdictions, local governments shall consider compatibility
1023 | with the roadway facility's adopted level-of-service standards in
1024 | adjacent jurisdictions. Each local government within a county
1025 | shall use a professionally accepted methodology for measuring
1026 | impacts on transportation facilities for the purposes of
1027 | implementing its concurrency management system. Counties are
1028 | encouraged to coordinate with adjacent counties, and local
1029 | governments within a county are encouraged to coordinate, in for
1030 | ~~the purpose of~~ using common methodologies for measuring impacts
1031 | on transportation facilities for the purpose of implementing
1032 | their concurrency management systems.

1033 | (11) LIMITATION OF LIABILITY.--In order to limit the
1034 | liability of local governments, a local government may allow a
1035 | landowner to proceed with development of a specific parcel of
1036 | land notwithstanding a failure of the development to satisfy



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1037 transportation concurrency, if ~~when~~ all the following factors ~~are~~
1038 ~~shown to~~ exist:

1039 (a) The local government that has ~~with~~ jurisdiction over
1040 the property has adopted a local comprehensive plan that is in
1041 compliance.

1042 (b) The proposed development is ~~would be~~ consistent with
1043 the future land use designation for the specific property and
1044 with pertinent portions of the adopted local plan, as determined
1045 by the local government.

1046 (c) The local plan includes a financially feasible capital
1047 improvements element that provides for transportation facilities
1048 adequate to serve the proposed development, and the local
1049 government has not implemented that element.

1050 (d) The local government has provided a means for assessing
1051 ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the
1052 cost of providing the transportation facilities necessary to
1053 serve the proposed development.

1054 (e) The landowner has made a binding commitment to the
1055 local government to pay the fair share of the cost of providing
1056 the transportation facilities to serve the proposed development.

1057 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--A development of
1058 regional impact may satisfy the transportation concurrency
1059 requirements of the local comprehensive plan, the local
1060 government's concurrency management system, and s. 380.06 by
1061 payment of a proportionate-share contribution for local and
1062 regionally significant traffic impacts, if:

1063 (a) The development of regional impact which, based on its
1064 location or mix of land uses, is designed to encourage pedestrian
1065 or other nonautomotive modes of transportation;



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1066 (b) The proportionate-share contribution for local and
1067 regionally significant traffic impacts is sufficient to pay for
1068 one or more required mobility improvements that will benefit the
1069 network of a regionally significant transportation facilities if
1070 impacts on the Strategic Intermodal System, the Florida
1071 Intrastate Highway System, and other regionally significant
1072 roadways outside of the jurisdiction of the local government are
1073 mitigated based on the prioritization of needed improvements
1074 recommended by the regional planning council facility;

1075 (c) The owner and developer of the development of regional
1076 impact pays or assures payment of the proportionate-share
1077 contribution; and

1078 (d) ~~If~~ The regionally significant transportation facility
1079 to be constructed or improved is under the maintenance authority
1080 of a governmental entity, as defined by s. 334.03 ~~334.03(12)~~,
1081 other than the local government that has ~~with~~ jurisdiction over
1082 the development of regional impact, the developer must ~~is~~
1083 ~~required to~~ enter into a binding and legally enforceable
1084 commitment to transfer funds to the governmental entity having
1085 maintenance authority or to otherwise assure construction or
1086 improvement of the facility.

1087
1088 The proportionate-share contribution may be applied to any
1089 transportation facility to satisfy the provisions of this
1090 subsection and the local comprehensive plan. ~~but,~~ For the
1091 purposes of this subsection, the amount of the proportionate-
1092 share contribution shall be calculated based upon the cumulative
1093 number of trips from the proposed development expected to reach
1094 roadways during the peak hour from the complete buildout of a
1095 stage or phase being approved, divided by the change in the peak



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1096 | hour maximum service volume of roadways resulting from
1097 | construction of an improvement necessary to maintain the adopted
1098 | level of service, multiplied by the construction cost, at the
1099 | time of developer payment, of the improvement necessary to
1100 | maintain the adopted level of service. For purposes of this
1101 | subsection, "construction cost" includes all associated costs of
1102 | the improvement. Proportionate-share mitigation shall be limited
1103 | to ensure that a development of regional impact meeting the
1104 | requirements of this subsection mitigates its impact on the
1105 | transportation system but is not responsible for the additional
1106 | cost of reducing or eliminating backlogs. This subsection also
1107 | applies to Florida Quality Developments pursuant to s. 380.061
1108 | and to detailed specific area plans implementing optional sector
1109 | plans pursuant to s. 163.3245.

1110 | (13) SCHOOL CONCURRENCY.--School concurrency shall be
1111 | established on a districtwide basis and ~~shall~~ include all public
1112 | schools in the district and all portions of the district, whether
1113 | located in a municipality or an unincorporated area unless exempt
1114 | from the public school facilities element pursuant to s.
1115 | 163.3177(12). The application of school concurrency to
1116 | development shall be based upon the adopted comprehensive plan,
1117 | as amended. All local governments within a county, except as
1118 | provided in paragraph (f), shall adopt and transmit to the state
1119 | land planning agency the necessary plan amendments, along with
1120 | the interlocal agreement, for a compliance review pursuant to s.
1121 | 163.3184(7) and (8). The minimum requirements for school
1122 | concurrency are the following:

1123 | (a) Public school facilities element.--A local government
1124 | shall adopt and transmit to the state land planning agency a plan
1125 | or plan amendment which includes a public school facilities



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1126 | element which is consistent with the requirements of s.
1127 | 163.3177(12) and which is determined to be in compliance as
1128 | defined in s. 163.3184(1) (b). All local government public school
1129 | facilities plan elements within a county must be consistent with
1130 | each other as well as the requirements of this part.

1131 | (b) Level-of-service standards.--The Legislature recognizes
1132 | that an essential requirement for a concurrency management system
1133 | is the level of service at which a public facility is expected to
1134 | operate.

1135 | 1. Local governments and school boards imposing school
1136 | concurrency shall exercise authority in conjunction with each
1137 | other to establish jointly adequate level-of-service standards,
1138 | as defined in chapter 9J-5, Florida Administrative Code,
1139 | necessary to implement the adopted local government comprehensive
1140 | plan, based on data and analysis.

1141 | 2. Public school level-of-service standards shall be
1142 | included and adopted into the capital improvements element of the
1143 | local comprehensive plan and shall apply districtwide to all
1144 | schools of the same type. Types of schools may include
1145 | elementary, middle, and high schools as well as special purpose
1146 | facilities such as magnet schools.

1147 | 3. Local governments and school boards may use ~~shall have~~
1148 | ~~the option to utilize~~ tiered level-of-service standards to allow
1149 | time to achieve an adequate and desirable level of service as
1150 | circumstances warrant.

1151 | (c) Service areas.--The Legislature recognizes that an
1152 | essential requirement for a concurrency system is a designation
1153 | of the area within which the level of service will be measured
1154 | when an application for a residential development permit is
1155 | reviewed for school concurrency purposes. This delineation is



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1156 | also important for ~~purposes of~~ determining whether the local
1157 | government has a financially feasible public school capital
1158 | facilities program for ~~that will provide~~ schools which will
1159 | achieve and maintain the adopted level-of-service standards.

1160 | 1. In order to balance competing interests, preserve the
1161 | constitutional concept of uniformity, and avoid disruption of
1162 | existing educational and growth management processes, local
1163 | governments are encouraged to initially apply school concurrency
1164 | to development only on a districtwide basis so that a concurrency
1165 | determination for a specific development is ~~will be~~ based upon
1166 | the availability of school capacity districtwide. To ensure that
1167 | development is coordinated with schools having available
1168 | capacity, within 5 years after adoption of school concurrency,
1169 | local governments shall apply school concurrency on a less than
1170 | districtwide basis, ~~such as using school attendance zones or~~
1171 | ~~concurrency service areas,~~ as provided in subparagraph 2.

1172 | 2. For local governments applying school concurrency on a
1173 | less than districtwide basis, such as utilizing school attendance
1174 | zones or larger school concurrency service areas, local
1175 | governments and school boards shall have the burden of
1176 | demonstrating ~~to demonstrate~~ that the utilization of school
1177 | capacity is maximized to the greatest extent possible in the
1178 | comprehensive plan and amendment, taking into account
1179 | transportation costs and court-approved desegregation plans, as
1180 | well as other factors. In addition, in order to achieve
1181 | concurrency within the service area boundaries selected by local
1182 | governments and school boards, the service area boundaries,
1183 | together with the standards for establishing those boundaries,
1184 | shall be identified and included as supporting data and analysis
1185 | for the comprehensive plan.



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1186 3. Where school capacity is available on a districtwide
1187 basis but school concurrency is applied on a less than
1188 districtwide basis in the form of concurrency service areas, if
1189 the adopted level-of-service standard cannot be met in a
1190 particular service area as applied to an application for a
1191 development permit and if the needed capacity for the particular
1192 service area is available in one or more contiguous service
1193 areas, as adopted by the local government, ~~then~~ the local
1194 government may not deny an application for site plan or final
1195 subdivision approval or the functional equivalent for a
1196 development or phase of a development on the basis of school
1197 concurrency, and if issued, development impacts shall be shifted
1198 to contiguous service areas with schools having available
1199 capacity.

1200 (d) Financial feasibility.--The Legislature recognizes that
1201 financial feasibility is an important issue because the premise
1202 of concurrency is that ~~the~~ public facilities will be provided in
1203 order to achieve and maintain the adopted level-of-service
1204 standard. This part and chapter 9J-5, Florida Administrative
1205 Code, contain specific standards for determining ~~to determine~~ the
1206 financial feasibility of capital programs. These standards were
1207 adopted to make concurrency more predictable and local
1208 governments more accountable.

1209 1. A comprehensive plan amendment seeking to impose school
1210 concurrency must ~~shall~~ contain appropriate amendments to the
1211 capital improvements element of the comprehensive plan,
1212 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-
1213 5.016, Florida Administrative Code. The capital improvements
1214 element must ~~shall~~ set forth a financially feasible public school
1215 capital facilities program, established in conjunction with the



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1216 school board, that demonstrates that the adopted level-of-service
1217 standards will be achieved and maintained.

1218 2. ~~Such~~ Amendments to the capital improvements element must
1219 ~~shall~~ demonstrate that the public school capital facilities
1220 program meets all of the financial feasibility standards of this
1221 part and chapter 9J-5, Florida Administrative Code, that apply to
1222 capital programs which provide the basis for mandatory
1223 concurrency on other public facilities and services.

1224 3. If ~~When~~ the financial feasibility of a public school
1225 capital facilities program is evaluated by the state land
1226 planning agency for purposes of a compliance determination, the
1227 evaluation must ~~shall~~ be based upon the service areas selected by
1228 the local governments and school board.

1229 (e) Availability standard.--Consistent with the public
1230 welfare, a local government may not deny an application for site
1231 plan, final subdivision approval, or the functional equivalent
1232 for a development or phase of a development authorizing
1233 residential development for failure to achieve and maintain the
1234 level-of-service standard for public school capacity in a local
1235 school concurrency management system where adequate school
1236 facilities will be in place or under actual construction within 3
1237 years after the issuance of final subdivision or site plan
1238 approval, or the functional equivalent. School concurrency is
1239 satisfied if the developer executes a legally binding commitment
1240 to provide mitigation proportionate to the demand for public
1241 school facilities to be created by actual development of the
1242 property, including, but not limited to, the options described in
1243 subparagraph 1. Options for proportionate-share mitigation of
1244 impacts on public school facilities must be established in the



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1245 public school facilities element and the interlocal agreement
1246 pursuant to s. 163.31777.

1247 1. Appropriate mitigation options include the contribution
1248 of land; the construction, expansion, or payment for land
1249 acquisition or construction of a public school facility; or the
1250 creation of mitigation banking based on the construction of a
1251 public school facility in exchange for the right to sell capacity
1252 credits. Such options must include execution by the applicant and
1253 the local government of a development agreement that constitutes
1254 a legally binding commitment to pay proportionate-share
1255 mitigation for the additional residential units approved by the
1256 local government in a development order and actually developed on
1257 the property, taking into account residential density allowed on
1258 the property prior to the plan amendment that increased the
1259 overall residential density. The district school board must be a
1260 party to such an agreement. As a condition of its entry into such
1261 a development agreement, the local government may require the
1262 landowner to agree to continuing renewal of the agreement upon
1263 its expiration.

1264 2. If the education facilities plan and the public
1265 educational facilities element authorize a contribution of land;
1266 the construction, expansion, or payment for land acquisition; or
1267 the construction or expansion of a public school facility, or a
1268 portion thereof, as proportionate-share mitigation, the local
1269 government shall credit such a contribution, construction,
1270 expansion, or payment toward any other impact fee or exaction
1271 imposed by local ordinance for the same need, on a dollar-for-
1272 dollar basis at fair market value.

1273 3. Any proportionate-share mitigation must be directed by
1274 the school board toward a school capacity improvement identified



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1275 | in a financially feasible 5-year district work plan that
1276 | satisfies the demands created by the development in accordance
1277 | with a binding developer's agreement.

1278 | 4. If a development is precluded from commencing because
1279 | there is inadequate classroom capacity to mitigate the effects
1280 | ~~impacts~~ of the development, the development may nevertheless
1281 | commence if there are accelerated facilities in an approved
1282 | capital improvement element scheduled for construction in year
1283 | four or later of such plan which, when built, will mitigate the
1284 | proposed development, or if such accelerated facilities will be
1285 | in the next annual update of the capital facilities element, the
1286 | developer enters into a binding, financially guaranteed agreement
1287 | with the school district to construct an accelerated facility
1288 | within the first 3 years of an approved capital improvement plan,
1289 | and the cost of the school facility is equal to or greater than
1290 | the development's proportionate share. When the completed school
1291 | facility is conveyed to the school district, the developer shall
1292 | receive impact fee credits usable within the zone where the
1293 | facility is constructed or any attendance zone contiguous with or
1294 | adjacent to the zone where the facility is constructed.

1295 | 5. This paragraph does not limit the authority of a local
1296 | government to deny a development permit or its functional
1297 | equivalent pursuant to its home rule regulatory powers, except as
1298 | provided in this part.

1299 | (f) Intergovernmental coordination.--

1300 | 1. When establishing concurrency requirements for public
1301 | schools, a local government shall satisfy the requirements for
1302 | intergovernmental coordination set forth in s. 163.3177(6)(h)1.
1303 | and 2., except that a municipality is not required to be a
1304 | signatory to the interlocal agreement required by ss.



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1305 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
1306 imposition of school concurrency, and as a nonsignatory, may
1307 ~~shall~~ not participate in the adopted local school concurrency
1308 system, if the municipality meets all of the following criteria
1309 for not having a no significant impact on school attendance:

1310 a. The municipality has issued development orders for fewer
1311 than 50 residential dwelling units during the preceding 5 years,
1312 or the municipality has generated fewer than 25 additional public
1313 school students during the preceding 5 years.

1314 b. The municipality has not annexed new land during the
1315 preceding 5 years in land use categories which permit residential
1316 uses that ~~will~~ affect school attendance rates.

1317 c. The municipality has no public schools located within
1318 its boundaries.

1319 d. At least 80 percent of the developable land within the
1320 boundaries of the municipality has been built upon.

1321 2. A municipality that ~~which~~ qualifies as not having a no
1322 significant impact on school attendance pursuant to ~~the criteria~~
1323 ~~of~~ subparagraph 1. must review and determine at the time of its
1324 evaluation and appraisal report pursuant to s. 163.3191 whether
1325 it continues to meet the criteria pursuant to s. 163.31777(6). If
1326 the municipality determines that it no longer meets the criteria,
1327 it must adopt appropriate school concurrency goals, objectives,
1328 and policies in its plan amendments based on the evaluation and
1329 appraisal report, and enter into the existing interlocal
1330 agreement required by ss. 163.3177(6)(h)2. and 163.31777, in
1331 order to fully participate in the school concurrency system. If
1332 such a municipality fails to do so, it is ~~will be~~ subject to the
1333 enforcement provisions of s. 163.3191.



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1334 (g) Interlocal agreement for school concurrency.--When
1335 establishing concurrency requirements for public schools, a local
1336 government must enter into an interlocal agreement that satisfies
1337 the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and
1338 the requirements of this subsection. The interlocal agreement
1339 must ~~shall~~ acknowledge both the school board's constitutional and
1340 statutory obligations to provide a uniform system of free public
1341 schools on a countywide basis, and the land use authority of
1342 local governments, including their authority to approve or deny
1343 comprehensive plan amendments and development orders. The
1344 interlocal agreement shall be submitted to the state land
1345 planning agency by the local government as a part of the
1346 compliance review, along with the other necessary amendments to
1347 the comprehensive plan required by this part. In addition to the
1348 requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal
1349 agreement must ~~shall~~ meet the following requirements:

1350 1. Establish ~~the~~ mechanisms for coordinating the
1351 development, adoption, and amendment of each local government's
1352 public school facilities element with each other and the plans of
1353 the school board to ensure a uniform districtwide school
1354 concurrency system.

1355 2. Establish a process for developing ~~the development of~~
1356 siting criteria that ~~which~~ encourages the location of public
1357 schools proximate to urban residential areas to the extent
1358 possible and seeks to collocate schools with other public
1359 facilities such as parks, libraries, and community centers to the
1360 extent possible.

1361 3. Specify uniform, districtwide level-of-service standards
1362 for public schools of the same type and the process for modifying
1363 the adopted level-of-service standards.



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1364 4. Establish a process for the preparation, amendment, and
1365 joint approval by each local government and the school board of a
1366 public school capital facilities program that ~~which~~ is
1367 financially feasible, and a process and schedule for
1368 incorporation of the public school capital facilities program
1369 into the local government comprehensive plans on an annual basis.

1370 5. Define the geographic application of school concurrency.
1371 If school concurrency is to be applied on a less than
1372 districtwide basis in the form of concurrency service areas, the
1373 agreement must ~~shall~~ establish criteria and standards for the
1374 establishment and modification of school concurrency service
1375 areas. The agreement must ~~shall~~ also establish a process and
1376 schedule for the mandatory incorporation of the school
1377 concurrency service areas and the criteria and standards for
1378 establishment of the service areas into the local government
1379 comprehensive plans. The agreement must ~~shall~~ ensure maximum
1380 utilization of school capacity, taking into account
1381 transportation costs and court-approved desegregation plans, as
1382 well as other factors. The agreement must ~~shall~~ also ensure the
1383 achievement and maintenance of the adopted level-of-service
1384 standards for the geographic area of application throughout the 5
1385 years covered by the public school capital facilities plan and
1386 thereafter by adding a new fifth year during the annual update.

1387 6. Establish a uniform districtwide procedure for
1388 implementing school concurrency which provides for:

1389 a. The evaluation of development applications for
1390 compliance with school concurrency requirements, including
1391 information provided by the school board on affected schools,
1392 impact on levels of service, ~~and~~ programmed improvements for
1393 affected schools, and any options to provide sufficient capacity;



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1394 b. An opportunity for the school board to review and
1395 comment on the effect of comprehensive plan amendments and
1396 rezonings on the public school facilities plan; and

1397 c. The monitoring and evaluation of the school concurrency
1398 system.

1399 7. Include provisions relating to amendment of the
1400 agreement.

1401 8. A process and uniform methodology for determining
1402 proportionate-share mitigation pursuant to subparagraph (e)1.

1403 (h) Local government authority.--This subsection does not
1404 limit the authority of a local government to grant or deny a
1405 development permit or its functional equivalent prior to the
1406 implementation of school concurrency.

1407 (14) RULEMAKING AUTHORITY.--The state land planning agency
1408 shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for the
1409 review and determination of compliance of a public school
1410 facilities element adopted by a local government for purposes of
1411 imposition of school concurrency.

1412 (15) MULTIMODAL DISTRICTS.--

1413 (a) Multimodal transportation districts may be established
1414 under a local government comprehensive plan in areas delineated
1415 on the future land use map for which the local comprehensive plan
1416 assigns secondary priority to vehicle mobility and primary
1417 priority to assuring a safe, comfortable, and attractive
1418 pedestrian environment, with convenient interconnection to
1419 transit. Such districts must incorporate community design
1420 features that ~~will~~ reduce the number of automobile trips or
1421 vehicle miles of travel and ~~will~~ support an integrated,
1422 multimodal transportation system. Prior to the designation of
1423 multimodal transportation districts, the Department of



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1424 Transportation shall be consulted by the local government to
1425 assess the impact that the proposed multimodal district area is
1426 expected to have on the adopted level-of-service standards
1427 established for Strategic Intermodal System facilities, as
1428 designated in s. 339.63 ~~defined in s. 339.64~~, and roadway
1429 facilities funded in accordance with s. 339.2819. Further, the
1430 local government shall, in cooperation with the Department of
1431 Transportation, develop a plan to mitigate any impacts to the
1432 Strategic Intermodal System, including the development of a long-
1433 term concurrency management system pursuant to subsection (9) and
1434 s. 163.3177(3) (d). ~~Multimodal transportation districts existing~~
1435 ~~prior to July 1, 2005, shall meet, at a minimum, the provisions~~
1436 ~~of this section by July 1, 2006, or at the time of the~~
1437 ~~comprehensive plan update pursuant to the evaluation and~~
1438 ~~appraisal report, whichever occurs last.~~

1439 (b) Community design elements of ~~such a~~ multimodal
1440 transportation district include: a complementary mix and range of
1441 land uses, including educational, recreational, and cultural
1442 uses; interconnected networks of streets designed to encourage
1443 walking and bicycling, with traffic-calming where desirable;
1444 appropriate densities and intensities of use within walking
1445 distance of transit stops; daily activities within walking
1446 distance of residences, allowing independence to persons who do
1447 not drive; public uses, streets, and squares that are safe,
1448 comfortable, and attractive for the pedestrian, with adjoining
1449 buildings open to the street and with parking not interfering
1450 with pedestrian, transit, automobile, and truck travel modes.

1451 (c) Local governments may establish multimodal level-of-
1452 service standards that rely primarily on nonvehicular modes of
1453 transportation within the district, if ~~when~~ justified by an



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1454 analysis demonstrating that the existing and planned community
1455 design provides ~~will provide~~ an adequate level of mobility within
1456 the district based upon professionally accepted multimodal level-
1457 of-service methodologies. The analysis must also demonstrate that
1458 the capital improvements required to promote community design are
1459 financially feasible over the development or redevelopment
1460 timeframe for the district and that community design features
1461 within the district provide convenient interconnection for a
1462 multimodal transportation system. Local governments may issue
1463 development permits in reliance upon all planned community design
1464 capital improvements that are financially feasible over the
1465 development or redevelopment timeframe for the district, without
1466 regard to the period of time between development or redevelopment
1467 and the scheduled construction of the capital improvements. A
1468 determination of financial feasibility shall be based upon
1469 currently available funding or funding sources that could
1470 reasonably be expected to become available over the planning
1471 period.

1472 (d) Local governments may reduce impact fees or local
1473 access fees for development within multimodal transportation
1474 districts based on the reduction of vehicle trips per household
1475 or vehicle miles of travel expected from the development pattern
1476 planned for the district.

1477 (e) By December 1, 2007, the Department of Transportation,
1478 in consultation with the state land planning agency and
1479 interested local governments, may designate a study area for
1480 conducting a pilot project to determine the benefits of and
1481 barriers to establishing a regional multimodal transportation
1482 concurrency district that extends over more than one local
1483 government jurisdiction. If designated:



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1484 1. The study area must be in a county that has a population
1485 of at least 1,000 persons per square mile, be within an urban
1486 service area, and have the consent of the local governments
1487 within the study area. The Department of Transportation and the
1488 state land planning agency shall provide technical assistance.

1489 2. The local governments within the study area and the
1490 Department of Transportation, in consultation with the state land
1491 planning agency, shall cooperatively create a multimodal
1492 transportation plan that meets the requirements of this section.
1493 The multimodal transportation plan must include viable local
1494 funding options and incorporate community design features,
1495 including a range of mixed land uses and densities and
1496 intensities, which will reduce the number of automobile trips or
1497 vehicle miles of travel while supporting an integrated,
1498 multimodal transportation system.

1499 3. To effectuate the multimodal transportation concurrency
1500 district, participating local governments may adopt appropriate
1501 comprehensive plan amendments.

1502 4. The Department of Transportation, in consultation with
1503 the state land planning agency, shall submit a report by March 1,
1504 2009, to the Governor, the President of the Senate, and the
1505 Speaker of the House of Representatives on the status of the
1506 pilot project. The report must identify any factors that support
1507 or limit the creation and success of a regional multimodal
1508 transportation district including intergovernmental coordination.

1509 (16) FAIR-SHARE MITIGATION.--It is the intent of the
1510 Legislature to provide a method by which the impacts of
1511 development on transportation facilities can be mitigated by the
1512 cooperative efforts of the public and private sectors. The
1513 methodology used to calculate proportionate fair-share mitigation



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1514 under this section shall be as provided for in subsection (12),
1515 or a vehicle and people miles traveled methodology or an
1516 alternative methodology identified by the local government as a
1517 part of its comprehensive plan and that ensures that development
1518 impacts on transportation facilities are mitigated.

1519 (a) By December 1, 2006, each local government shall adopt
1520 by ordinance a methodology for assessing proportionate fair-share
1521 mitigation options. By December 1, 2005, the Department of
1522 Transportation shall develop a model transportation concurrency
1523 management ordinance that has ~~with~~ methodologies for assessing
1524 proportionate fair-share mitigation options.

1525 (b)~~1.~~ In its transportation concurrency management system,
1526 a local government shall, ~~by December 1, 2006,~~ include
1527 methodologies to be applied in calculating ~~that will be applied~~
1528 ~~to calculate~~ proportionate fair-share mitigation.

1529 1. A developer may choose to satisfy all transportation
1530 concurrency requirements by contributing or paying proportionate
1531 fair-share mitigation if transportation facilities or facility
1532 segments identified as mitigation for traffic impacts are
1533 specifically identified for funding in the 5-year schedule of
1534 capital improvements in the capital improvements element of the
1535 local plan or the long-term concurrency management system or if
1536 such contributions or payments to such facilities or segments are
1537 reflected in the 5-year schedule of capital improvements in the
1538 next regularly scheduled update of the capital improvements
1539 element. Updates to the 5-year capital improvements element which
1540 reflect proportionate fair-share contributions may not be found
1541 not in compliance based on ss. 163.3164(32) and 163.3177(3) if
1542 additional contributions, payments or funding sources are
1543 reasonably anticipated ~~during a period not to exceed 10 years to~~



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1544 fully mitigate impacts on the transportation facilities within 10
1545 years.

1546 2. Proportionate fair-share mitigation shall be applied as
1547 a credit against impact fees to the extent that all or a portion
1548 of the proportionate fair-share mitigation is used to address the
1549 same capital infrastructure improvements contemplated by the
1550 local government's impact fee ordinance.

1551 (c) Proportionate fair-share mitigation includes, without
1552 limitation, separately or collectively, private funds,
1553 contributions of land, and construction and contribution of
1554 facilities and may include public funds as determined by the
1555 local government. Proportionate fair-share mitigation may be
1556 directed toward one or more specific transportation improvements
1557 reasonably related to the mobility demands created by the
1558 development and such improvements may address one or more modes
1559 of travel. The fair market value of the proportionate fair-share
1560 mitigation may ~~shall~~ not differ based on the form of mitigation.
1561 A local government may not require a development to pay more than
1562 its proportionate fair-share contribution regardless of the
1563 method of mitigation. Proportionate fair-share mitigation shall
1564 be limited to ensure that a development meeting the requirements
1565 of this section mitigates its impact on the transportation system
1566 but is not responsible for the additional cost of reducing or
1567 eliminating backlogs.

1568 (d) This subsection does not require a local government to
1569 approve a development that is not otherwise qualified for
1570 approval pursuant to the applicable local comprehensive plan and
1571 land development regulations.



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1572 (e) Mitigation for development impacts to facilities on the
1573 Strategic Intermodal System made pursuant to this subsection
1574 requires the concurrence of the Department of Transportation.

1575 (f) If the funds in an adopted 5-year capital improvements
1576 element are insufficient to fully fund construction of a
1577 transportation improvement required by the local government's
1578 concurrency management system, a local government and a developer
1579 may ~~still~~ enter into a binding proportionate-share agreement
1580 authorizing the developer to construct that amount of development
1581 on which the proportionate share is calculated if the
1582 proportionate-share amount in the ~~such~~ agreement is sufficient to
1583 pay for one or more improvements which will, in the opinion of
1584 the governmental entity or entities maintaining the
1585 transportation facilities, significantly benefit the impacted
1586 transportation system. The improvements funded by the
1587 proportionate-share component must be adopted into the 5-year
1588 capital improvements schedule of the comprehensive plan at the
1589 next annual capital improvements element update. The funding of
1590 any improvements that significantly benefit the impacted
1591 transportation system satisfies concurrency requirements as a
1592 mitigation of the development's impact upon the overall
1593 transportation system even if there remains a failure of
1594 concurrency on other impacted facilities.

1595 (g) Except as provided in subparagraph (b)1., this section
1596 does ~~may~~ not prohibit the state land planning agency ~~Department~~
1597 ~~of Community Affairs~~ from finding other portions of the capital
1598 improvements element amendments not in compliance as provided in
1599 this chapter.



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1600 (h) ~~The provisions of~~ This subsection does ~~do not~~ apply to
1601 a development of regional impact satisfying the requirements of
1602 subsection (12).

1603 (17) TRANSPORTATION CONCURRENCY INCENTIVES.--The
1604 Legislature finds that allowing private-sector entities to
1605 finance, construct, and improve public transportation facilities
1606 can provide significant benefits to the public by facilitating
1607 transportation without the need for additional public tax
1608 revenues. In order to encourage the more efficient and proactive
1609 provision of transportation improvements by the private sector,
1610 if a developer or property owner voluntarily contributes right-
1611 of-way and physically constructs or expands a state
1612 transportation facility or segment, and such construction or
1613 expansion:

1614 (a) Improves traffic flow, capacity, or safety, the
1615 voluntary contribution may be applied as a credit for that
1616 property owner or developer against any future transportation
1617 concurrency requirements pursuant to chapter if the
1618 transportation improvement is identified in the 5-year work plan
1619 of the Department of Transportation, and such contributions and
1620 credits are set forth in a legally binding agreement executed by
1621 the property owner or developer, the local government of the
1622 jurisdiction in which the facility is located, and the Department
1623 of Transportation.

1624 (b) Is identified in the capital improvement schedule,
1625 meets the requirements in this section, and is set forth in a
1626 legally binding agreement between the property owner or developer
1627 and the applicable local government, the contribution to the
1628 local government collector and the arterial system may be applied



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1629 as credit against any future transportation concurrency
1630 requirements under this chapter.

1631 (18) TRANSPORTATION MOBILITY FEE.--The Legislature finds
1632 that the existing transportation concurrency system has not
1633 adequately addressed the state's transportation needs in an
1634 effective, predictable, and equitable manner and is not producing
1635 a sustainable transportation system for the state. The current
1636 system is complex, lacks uniformity among jurisdictions, is too
1637 focused on roadways to the detriment of desired land use patterns
1638 and transportation alternatives, and frequently prevents the
1639 attainment of important growth management goals. The state,
1640 therefore, should consider a different transportation concurrency
1641 approach that uses a mobility fee based on vehicle and people
1642 miles traveled. Therefore, the Legislature directs the state land
1643 planning agency to study and develop a methodology for a mobility
1644 fee system as follows:

1645 (a) The state land planning agency, in consultation with
1646 the Department of Transportation, shall convene a study group
1647 that includes representatives from the Department of
1648 Transportation, regional planning councils, local governments,
1649 the development community, land use and transportation
1650 professionals, and the Legislature to develop a uniform mobility
1651 fee methodology for statewide application to replace the existing
1652 transportation concurrency management system. The methodology
1653 shall be based on the amount, distribution, and timing of the
1654 vehicle and people miles traveled, professionally accepted
1655 standards and practices in the fields of land use and
1656 transportation planning, and the requirements of constitutional
1657 and statutory law. The mobility fee shall be designed to provide
1658 for mobility needs, ensure that development provides mitigation



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1659 | for its impacts on the transportation system, and promote
1660 | compact, mixed-use, and energy efficient development. The
1661 | mobility fee shall be used to fund improvements to the
1662 | transportation system.

1663 | (b) By February 15, 2009, the state land planning agency
1664 | shall provide a report to the Legislature with recommendations on
1665 | an appropriate uniform mobility fee methodology and whether a
1666 | mobility fee system should be applied statewide or to more
1667 | limited geographic areas, for a schedule to amend comprehensive
1668 | plans and land development rules to incorporate the mobility fee,
1669 | for a system for collecting and allocating mobility fees among
1670 | state and local transportation facilities, and whether and how
1671 | mobility fees should replace, revise, or supplement
1672 | transportation impact fees.

1673 | (19)-(17)- A local government and the developer of affordable
1674 | workforce housing units developed in accordance with s.
1675 | 380.06(19) or s. 380.0651(3) may identify an employment center or
1676 | centers in close proximity to the affordable workforce housing
1677 | units. If at least 50 percent of the units are occupied by an
1678 | employee or employees of an identified employment center or
1679 | centers, all of the affordable workforce housing units are exempt
1680 | from transportation concurrency requirements, and the local
1681 | government may not reduce any transportation trip-generation
1682 | entitlements of an approved development-of-regional-impact
1683 | development order. As used in this subsection, the term "close
1684 | proximity" means 5 miles from the nearest point of the
1685 | development of regional impact to the nearest point of the
1686 | employment center, and the term "employment center" means a place
1687 | of employment that employs at least 25 or more full-time
1688 | employees.



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1689
1690 Section 7. Subsection (1) of section 163.3181, Florida
1691 Statutes, is amended to read:

1692 163.3181 Public participation in the comprehensive planning
1693 process; intent; alternative dispute resolution.--

1694 (1) It is the intent of the Legislature that the public
1695 participate in the comprehensive planning process to the fullest
1696 extent possible. Towards this end, local planning agencies and
1697 local governmental units are directed to adopt procedures
1698 designed to provide effective public participation in the
1699 comprehensive planning process and to provide real property
1700 owners with notice of all official actions which will regulate
1701 the use of their property. Each local government shall adopt by
1702 ordinance requirements for the holding of a community or
1703 neighborhood meeting prior to the filing of applications for
1704 future land use map amendments consistent with the provisions of
1705 s. 163.3184(3). The provisions and procedures required in this
1706 act are set out as the minimum requirements towards this end.

1707 Section 8. Subsection (3), paragraph (a) of subsection (7),
1708 paragraphs (b) and (c) of subsection (15), and subsections (17),
1709 (18), and (19) of section 163.3184, Florida Statutes, are amended
1710 to read:

1711 163.3184 Process for adoption of comprehensive plan or plan
1712 amendment.--

1713 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
1714 AMENDMENT.--

1715 (a) Before the filing of an application for an amendment to
1716 the future land use map, the applicant shall conduct a noticed
1717 community or neighborhood meeting to present, discuss, and
1718 solicit public comment on the proposed map amendment. The meeting



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1719 shall be noticed and conducted by the applicant in accordance
1720 with the local government's adopted regulations for such meetings
1721 and shall be held at least 30 calendar days before the filing of
1722 the application for the amendment. The application shall contain
1723 a written certification or verification that the meeting has been
1724 held and that the required notice was given. At least 15 calendar
1725 days before the local governing body holds an adoption hearing on
1726 a map amendment, the applicant shall conduct a second noticed
1727 community or neighborhood meeting to present and discuss the map
1728 amendment application as filed, including any changes made to the
1729 proposed amendment following the first community or neighborhood
1730 meeting and any additional proposed changes. Prior to the
1731 adoption hearing, the applicant shall file with the local
1732 government a written certification or verification that the
1733 second meeting has been held and noticed in accordance with the
1734 local government's adopted regulations for such meetings. This
1735 section shall be applicable to every application for a map
1736 amendment filed after January 1, 2009.

1737 (b) Each local governing body shall transmit the complete
1738 proposed comprehensive plan or plan amendment to the state land
1739 planning agency, the appropriate regional planning council and
1740 water management district, the Department of Environmental
1741 Protection, the Department of State, and the Department of
1742 Transportation, and, in the case of municipal plans, to the
1743 appropriate county, and, in the case of county plans, to the Fish
1744 and Wildlife Conservation Commission and the Department of
1745 Agriculture and Consumer Services, immediately following a public
1746 hearing pursuant to subsection (15) as specified in the state
1747 land planning agency's procedural rules. The local governing body
1748 shall also transmit a copy of the complete proposed comprehensive



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1749 | plan or plan amendment to any other unit of local government or
1750 | government agency in the state that has filed a written request
1751 | with the governing body for the plan or plan amendment. The local
1752 | government may request a review by the state land planning agency
1753 | pursuant to subsection (6) at the time of the transmittal of an
1754 | amendment.

1755 | (c)~~(b)~~ A local governing body shall not transmit portions
1756 | of a plan or plan amendment unless it has previously provided to
1757 | all state agencies designated by the state land planning agency a
1758 | complete copy of its adopted comprehensive plan pursuant to
1759 | subsection (7) and as specified in the agency's procedural rules.
1760 | In the case of comprehensive plan amendments, the local governing
1761 | body shall transmit to the state land planning agency, the
1762 | appropriate regional planning council and water management
1763 | district, the Department of Environmental Protection, the
1764 | Department of State, and the Department of Transportation, and,
1765 | in the case of municipal plans, to the appropriate county and, in
1766 | the case of county plans, to the Fish and Wildlife Conservation
1767 | Commission and the Department of Agriculture and Consumer
1768 | Services the materials specified in the state land planning
1769 | agency's procedural rules and, in cases in which the plan
1770 | amendment is a result of an evaluation and appraisal report
1771 | adopted pursuant to s. 163.3191, a copy of the evaluation and
1772 | appraisal report. Local governing bodies shall consolidate all
1773 | proposed plan amendments into a single submission for each of the
1774 | two plan amendment adoption dates during the calendar year
1775 | pursuant to s. 163.3187.

1776 | (d)~~(e)~~ A local government may adopt a proposed plan
1777 | amendment previously transmitted pursuant to this subsection,



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1778 unless review is requested or otherwise initiated pursuant to
1779 subsection (6).

1780 ~~(e)~~ (e) In cases in which a local government transmits
1781 multiple individual amendments that can be clearly and legally
1782 separated and distinguished for the purpose of determining
1783 whether to review the proposed amendment, and the state land
1784 planning agency elects to review several or a portion of the
1785 amendments and the local government chooses to immediately adopt
1786 the remaining amendments not reviewed, the amendments immediately
1787 adopted and any reviewed amendments that the local government
1788 subsequently adopts together constitute one amendment cycle in
1789 accordance with s. 163.3187(1).

1790 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
1791 OR AMENDMENTS AND TRANSMITTAL.--

1792 (a) The local government shall review the written comments
1793 submitted to it by the state land planning agency, and any other
1794 person, agency, or government. Any comments, recommendations, or
1795 objections and any reply to them are ~~shall be~~ public documents, a
1796 part of the permanent record in the matter, and admissible in any
1797 proceeding in which the comprehensive plan or plan amendment may
1798 be at issue. The local government, upon receipt of written
1799 comments from the state land planning agency, shall have 120 days
1800 to adopt, or adopt with changes, the proposed comprehensive plan
1801 or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan~~
1802 ~~amendments other than those proposed pursuant to s. 163.3191, the~~
1803 ~~local government shall have 60 days to adopt the amendment, adopt~~
1804 ~~the amendment with changes, or determine that it will not adopt~~
1805 ~~the amendment.~~ The adoption of the proposed plan or plan
1806 amendment or the determination not to adopt a plan amendment,
1807 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~



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1808 shall be made in the course of a public hearing pursuant to
1809 subsection (15). If a local government fails to adopt the
1810 comprehensive plan or plan amendment within the timeframe set
1811 forth in this subsection, the plan or plan amendment shall be
1812 deemed abandoned and may not be considered until the next
1813 available amendment cycle pursuant to ss. 163.3184 and 163.3187
1814 unless the state land planning agency grants a request for an
1815 extension of up to 60 days based on good and sufficient cause as
1816 determined by the agency. The local government shall transmit the
1817 complete adopted comprehensive plan or plan amendment, including
1818 the names and addresses of persons compiled pursuant to paragraph
1819 (15)(c), to the state land planning agency as specified in the
1820 agency's procedural rules within 10 working days after adoption.
1821 The local governing body shall also transmit a copy of the
1822 adopted comprehensive plan or plan amendment to the regional
1823 planning agency and to any other unit of local government or
1824 governmental agency in the state that has filed a written request
1825 with the governing body for a copy of the plan or plan amendment.

1826 (15) PUBLIC HEARINGS.--

1827 (b) The local governing body shall hold at least two
1828 advertised public hearings on the proposed comprehensive plan or
1829 plan amendment as follows:

1830 1. The first public hearing shall be held at the
1831 transmittal stage pursuant to subsection (3). It shall be held on
1832 a weekday at least 7 days after the day that the first
1833 advertisement is published.

1834 2. The second public hearing shall be held at the adoption
1835 stage pursuant to subsection (7). It shall be held on a weekday
1836 at least 5 days after the day that the second advertisement is
1837 published. Any proposed substantial or material change to the



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1838 plan or amendment to be considered by the local government must
1839 be filed with the local government and made available to the
1840 public at least 5 business days before the hearing, including
1841 through the local government's website if one is maintained, as
1842 part of the adoption package. However, the local government may
1843 consider and take action on any change to the plan or amendment
1844 if the applicant and affected parties at the public hearing do
1845 not oppose the change. As part of the adoption package, the local
1846 government shall certify in writing to the state land planning
1847 agency that it has complied with this subsection.

1848 (c) The local government shall provide a sign-in form at
1849 the transmittal hearing and at the adoption hearing for persons
1850 to provide their names, ~~and~~ mailing and electronic addresses. The
1851 sign-in form must advise that any person providing the requested
1852 information will receive a courtesy informational statement
1853 concerning publications of the state land planning agency's
1854 notice of intent. The local government shall add to the sign-in
1855 form the name and address of any person who submits written
1856 comments concerning the proposed plan or plan amendment during
1857 the time period between the commencement of the transmittal
1858 hearing and the end of the adoption hearing. It is the
1859 responsibility of the person completing the form or providing
1860 written comments to accurately, completely, and legibly provide
1861 all information needed in order to receive the courtesy
1862 informational statement.

1863 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~
1864 ~~AMENDMENTS. A local government that has adopted a community~~
1865 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~
1866 ~~may adopt a plan amendment related to map amendments solely to~~
1867 ~~property within an urban service boundary in the manner described~~



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1868 ~~in subsections (1), (2), (7), (14), (15), and (16) and s.~~
1869 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
1870 ~~regional agency review is eliminated. The department may not~~
1871 ~~issue an objections, recommendations, and comments report on~~
1872 ~~proposed plan amendments or a notice of intent on adopted plan~~
1873 ~~amendments; however, affected persons, as defined by paragraph~~
1874 ~~(1)(a), may file a petition for administrative review pursuant to~~
1875 ~~the requirements of s. 163.3187(3)(a) to challenge the compliance~~
1876 ~~of an adopted plan amendment. This subsection does not apply to~~
1877 ~~any amendment within an area of critical state concern, to any~~
1878 ~~amendment that increases residential densities allowable in high-~~
1879 ~~hazard coastal areas as defined in s. 163.3178(2)(h), or to a~~
1880 ~~text change to the goals, policies, or objectives of the local~~
1881 ~~government's comprehensive plan. Amendments submitted under this~~
1882 ~~subsection are exempt from the limitation on the frequency of~~
1883 ~~plan amendments in s. 163.3187.~~

1884 ~~(17)(18)~~ URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A
1885 municipality that has a designated urban infill and redevelopment
1886 area under s. 163.2517 may adopt a plan amendment related to map
1887 amendments solely to property within a designated urban infill
1888 and redevelopment area in the manner described in subsections
1889 (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(d)1.d.
1890 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
1891 ~~regional agency review is eliminated. The department may not~~
1892 ~~issue an objections, recommendations, and comments report on~~
1893 ~~proposed plan amendments or a notice of intent on adopted plan~~
1894 ~~amendments; however, affected persons, as defined in subsection~~
1895 ~~(1) by paragraph (1)(a), may file a petition for administrative~~
1896 ~~review pursuant to ~~the requirements of~~ s. 163.3187(3)(a) to~~
1897 ~~challenge the compliance of an adopted plan amendment. This~~



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1898 subsection does not apply to any amendment within an area of
1899 critical state concern, to any amendment that increases
1900 residential densities allowable in high-hazard coastal areas as
1901 defined in s. 163.3178(2)(h), or to a text change to the goals,
1902 policies, or objectives of the local government's comprehensive
1903 plan. Amendments submitted under this subsection are exempt from
1904 the limitation on the frequency of plan amendments in s.
1905 163.3187.

1906 (18)~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any
1907 local government that identifies in its comprehensive plan the
1908 types of housing developments and conditions for which it will
1909 consider plan amendments that are consistent with the local
1910 housing incentive strategies identified in s. 420.9076 and
1911 authorized by the local government may expedite consideration of
1912 such plan amendments. At least 30 days before ~~prior to~~ adopting a
1913 plan amendment pursuant to this subsection, the local government
1914 shall notify the state land planning agency of its intent to
1915 adopt such an amendment, and the notice shall include the local
1916 government's evaluation of site suitability and availability of
1917 facilities and services. A plan amendment considered under this
1918 subsection shall require only a single public hearing before the
1919 local governing body, which shall be a plan amendment adoption
1920 hearing as described in subsection (7). The public notice of the
1921 hearing required under subparagraph (15)(b)2. must include a
1922 statement that the local government intends to use the expedited
1923 adoption process authorized under this subsection. The state land
1924 planning agency shall issue its notice of intent required under
1925 subsection (8) within 30 days after determining that the
1926 amendment package is complete. Any further proceedings are ~~shall~~
1927 ~~be~~ governed by subsections (9)-(16).



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1928 Section 9. Section 163.3187, Florida Statutes, is amended
1929 to read:

1930 163.3187 Amendment of adopted comprehensive plan.--

1931 (1) Comprehensive plan amendments may be adopted by simple
1932 majority vote of the governing body of the local government
1933 except:

1934 (a) A super majority vote of the members of the governing
1935 body of the local government present at the hearing is required
1936 to adopt a future land use map amendment that the local planning
1937 agency has recommended not be adopted; and

1938 (b) A super majority vote of the members of the governing
1939 body of the local government present at the hearing is required
1940 to adopt any text amendment except for special area text policies
1941 associated with a future land use map amendment, text amendments
1942 to the schedule of capital improvements, and text amendments that
1943 implement recommendations in an evaluation and appraisal report,
1944 or implement a new statutory requirement.

1945 (2) Amendments to comprehensive plans adopted pursuant to
1946 this part may not be made ~~not~~ more than once ~~two times~~ during any
1947 calendar year, except:

1948 (a) A local government may adopt the following
1949 comprehensive plan amendments once per calendar year in addition
1950 to the once-per-year adoption referenced immediately above:

1951 1. Future land use map amendments and special area policies
1952 associated with those map amendments for land within areas
1953 designated in the comprehensive plan for downtown revitalization
1954 pursuant to s. 163.3164(25), urban redevelopment pursuant to s.
1955 163.3164(26), urban infill development pursuant to s.
1956 163.3164(27), urban infill and redevelopment pursuant to s.



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1957 | 163.2517, or an urban service area pursuant to s.

1958 | 163.3180(5)(b)5.

1959 | 2. Any local government comprehensive plan amendment
1960 | establishing or implementing a rural land stewardship area
1961 | pursuant to s.163.3177(11)(d) or a sector plan pursuant to s.
1962 | 163.3245.

1963 | (b)(a) In the case of an emergency, comprehensive plan
1964 | amendments may be made more often than once ~~twice~~ during the
1965 | calendar year if the additional plan amendment receives the
1966 | approval of all of the members of the governing body. "Emergency"
1967 | means any occurrence or threat ~~thereof~~ whether accidental or
1968 | natural, caused by humankind, in war or peace, which results or
1969 | may result in substantial injury or harm to the population or
1970 | substantial damage to or loss of property or public funds.

1971 | (c)(b) ~~Any~~ Local government comprehensive plan amendments
1972 | directly related to a proposed development of regional impact,
1973 | including changes that are ~~which have been determined to be~~
1974 | substantial deviations or are ~~and including~~ Florida Quality
1975 | Developments designations pursuant to s. 380.061, may be
1976 | initiated by a local planning agency and considered by the local
1977 | governing body at the same time as the application for
1978 | development approval using the procedures provided for local plan
1979 | amendment in this section and applicable local ordinances,
1980 | without regard to statutory or local ordinance limits on the
1981 | frequency of consideration of amendments to the local
1982 | comprehensive plan. Nothing in this subsection shall be deemed to
1983 | require favorable consideration of a plan amendment solely
1984 | because it is related to a development of regional impact.

1985 | (d)(e) ~~Any~~ Local government comprehensive plan amendments
1986 | directly related to proposed small scale development activities



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1987 | may be approved without regard to statutory limits on the
1988 | frequency of consideration of amendments to the local
1989 | comprehensive plan. A small scale development amendment may be
1990 | adopted only under the following conditions:

1991 | 1. The proposed amendment involves a use of 10 acres or
1992 | less ~~fewer~~ and:

1993 | a. The cumulative annual effect of the acreage for all
1994 | small scale development amendments adopted by the local
1995 | government does ~~shall~~ not exceed:

1996 | (I) A maximum of 120 acres in a local government that
1997 | contains areas specifically designated in the local comprehensive
1998 | plan for urban infill, urban redevelopment, or downtown
1999 | revitalization as defined in s. 163.3164, urban infill and
2000 | redevelopment areas designated under s. 163.2517, transportation
2001 | concurrency exception areas approved pursuant to s. 163.3180(5),
2002 | or regional activity centers and urban central business districts
2003 | approved pursuant to s. 380.06(2)(e); however, amendments under
2004 | this paragraph may be applied to no more than 60 acres annually
2005 | of property outside the designated areas listed in this sub-sub-
2006 | subparagraph. ~~Amendments adopted pursuant to paragraph (k) shall~~
2007 | ~~not be counted toward the acreage limitations for small scale~~
2008 | ~~amendments under this paragraph.~~

2009 | (II) A maximum of 80 acres in a local government that does
2010 | not contain any of the designated areas set forth in sub-sub-
2011 | subparagraph (I).

2012 | (III) A maximum of 120 acres in a county established
2013 | pursuant to s. 9, Art. VIII of the State Constitution.

2014 | b. The proposed amendment does not involve the same
2015 | property granted a change within the prior 12 months.



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2016 c. The proposed amendment does not involve the same owner's
2017 property within 200 feet of property granted a change within the
2018 prior 12 months.

2019 d. The proposed amendment does not involve a text change to
2020 the goals, policies, and objectives of the local government's
2021 comprehensive plan, but only proposes a land use change to the
2022 future land use map for a site-specific small scale development
2023 activity.

2024 e. The property that is the subject of the proposed
2025 amendment is not located within an area of critical state
2026 concern, unless the project subject to the proposed amendment
2027 involves the construction of affordable housing units meeting the
2028 criteria of s. 420.0004(3), and is located within an area of
2029 critical state concern designated by s. 380.0552 or by the
2030 Administration Commission pursuant to s. 380.05(1). Such
2031 amendment is not subject to the density limitations of sub-
2032 subparagraph f., and shall be reviewed by the state land planning
2033 agency for consistency with the principles for guiding
2034 development applicable to the area of critical state concern
2035 where the amendment is located and is ~~shall~~ not ~~become~~ effective
2036 until a final order is issued under s. 380.05(6).

2037 f. If the proposed amendment involves a residential land
2038 use, the residential land use has a density of 10 units or less
2039 per acre or the proposed future land use category allows a
2040 maximum residential density of the same or less than the maximum
2041 residential density allowable under the existing future land use
2042 category, except that this limitation does not apply to small
2043 scale amendments involving the construction of affordable housing
2044 units meeting the criteria of s. 420.0004(3) on property which
2045 will be the subject of a land use restriction agreement, or small



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2046 scale amendments described in sub-sub-subparagraph a.(I) that are
2047 designated in the local comprehensive plan for urban infill,
2048 urban redevelopment, or downtown revitalization as defined in s.
2049 163.3164, urban infill and redevelopment areas designated under
2050 s. 163.2517, transportation concurrency exception areas approved
2051 pursuant to s. 163.3180(5), or regional activity centers and
2052 urban central business districts approved pursuant to s.
2053 380.06(2)(e).

2054 2.a. A local government that proposes to consider a plan
2055 amendment pursuant to this paragraph is not required to comply
2056 with the procedures and public notice requirements of s.
2057 163.3184(15)(c) ~~for such plan amendments~~ if the local government
2058 complies with ~~the provisions in~~ s. 125.66(4)(a) for a county or
2059 in s. 166.041(3)(c) for a municipality. If a request for a plan
2060 amendment under this paragraph is initiated by other than the
2061 local government, public notice is required.

2062 b. The local government shall send copies of the notice and
2063 amendment to the state land planning agency, the regional
2064 planning council, and any other person or entity requesting a
2065 copy. This information shall also include a statement identifying
2066 any property subject to the amendment that is located within a
2067 coastal high-hazard area as identified in the local comprehensive
2068 plan.

2069 3. Small scale development amendments adopted pursuant to
2070 this paragraph require only one public hearing before the
2071 governing board, which shall be an adoption hearing as described
2072 in s. 163.3184(7), and are not subject to the requirements of s.
2073 163.3184(3)-(6) unless the local government elects to have them
2074 subject to those requirements.



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2075 | 4. If the small scale development amendment involves a site
2076 | within an area that is designated by the Governor as a rural area
2077 | of critical economic concern under s. 288.0656(7) for the
2078 | duration of such designation, the 10-acre limit listed in
2079 | subparagraph 1. shall be increased by 100 percent to 20 acres.
2080 | The local government approving the small scale plan amendment
2081 | shall certify to the Office of Tourism, Trade, and Economic
2082 | Development that the plan amendment furthers the economic
2083 | objectives set forth in the executive order issued under s.
2084 | 288.0656(7), and the property subject to the plan amendment shall
2085 | undergo public review to ensure that all concurrency requirements
2086 | and federal, state, and local environmental permit requirements
2087 | are met.

2088 | ~~(e)-(d)~~ Any comprehensive plan amendment required by a
2089 | compliance agreement pursuant to s. 163.3184(16) may be approved
2090 | without regard to statutory limits on the frequency of adoption
2091 | of amendments to the comprehensive plan.

2092 | ~~(e) A comprehensive plan amendment for location of a state~~
2093 | ~~correctional facility. Such an amendment may be made at any time~~
2094 | ~~and does not count toward the limitation on the frequency of plan~~
2095 | ~~amendments.~~

2096 | (f) Any comprehensive plan amendment that changes the
2097 | schedule in the capital improvements element, and any amendments
2098 | directly related to the schedule, may be made once in a calendar
2099 | year on a date different from the one time ~~two times~~ provided in
2100 | this subsection if ~~when~~ necessary to coincide with the adoption
2101 | of the local government's budget and capital improvements
2102 | program.

2103 | ~~(g) Any local government comprehensive plan amendments~~
2104 | ~~directly related to proposed redevelopment of brownfield areas~~



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2105 ~~designated under s. 376.80 may be approved without regard to~~
2106 ~~statutory limits on the frequency of consideration of amendments~~
2107 ~~to the local comprehensive plan.~~

2108 ~~(h)~~ Any comprehensive plan amendments for port
2109 transportation facilities and projects that are eligible for
2110 funding by the Florida Seaport Transportation and Economic
2111 Development Council pursuant to s. 311.07.

2112 ~~(i)~~ ~~A comprehensive plan amendment for the purpose of~~
2113 ~~designating an urban infill and redevelopment area under s.~~
2114 ~~163.2517 may be approved without regard to the statutory limits~~
2115 ~~on the frequency of amendments to the comprehensive plan.~~

2116 ~~(h)~~ ~~(j)~~ Any comprehensive plan amendment to establish public
2117 school concurrency pursuant to s. 163.3180(13), including, but
2118 not limited to, adoption of a public school facilities element
2119 pursuant to s. 163.3177(12) and adoption of amendments to the
2120 capital improvements element and intergovernmental coordination
2121 element. In order to ensure the consistency of local government
2122 public school facilities elements within a county, such elements
2123 must ~~shall~~ be prepared and adopted on a similar time schedule.

2124 ~~(i)~~ A local government comprehensive plan amendment adopted
2125 pursuant to a final order issued by the Administration Commission
2126 or Florida Land and Water Adjudicatory Commission.

2127 ~~(j)~~ A future land use map amendment of up to 20 acres
2128 within an area designated by the Governor as a rural area of
2129 critical economic concern under s. 288.0656(7) for the duration
2130 of such designation. Before the adoption of such an amendment,
2131 the local government shall obtain from the Office of Tourism,
2132 Trade, and Economic Development written certification that the
2133 plan amendment furthers the economic objectives set forth in the
2134 executive order issued under s. 288.0656(7). The property subject



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2135 to the plan amendment is subject to all concurrency requirements
2136 and federal, state, and local environmental permit requirements.

2137 (k) A future land use map amendment and any associated
2138 special area policies that are for affordable housing and qualify
2139 for expedited review under s. 163.32461.

2140 ~~(k) A local comprehensive plan amendment directly related~~
2141 ~~to providing transportation improvements to enhance life safety~~
2142 ~~on Controlled Access Major Arterial Highways identified in the~~
2143 ~~Florida Intrastate Highway System, in counties as defined in s.~~
2144 ~~125.011, where such roadways have a high incidence of traffic~~
2145 ~~accidents resulting in serious injury or death. Any such~~
2146 ~~amendment shall not include any amendment modifying the~~
2147 ~~designation on a comprehensive development plan land use map nor~~
2148 ~~any amendment modifying the allowable densities or intensities of~~
2149 ~~any land.~~

2150 ~~(l) A comprehensive plan amendment to adopt a public~~
2151 ~~educational facilities element pursuant to s. 163.3177(12) and~~
2152 ~~future land use map amendments for school siting may be approved~~
2153 ~~notwithstanding statutory limits on the frequency of adopting~~
2154 ~~plan amendments.~~

2155 ~~(m) A comprehensive plan amendment that addresses criteria~~
2156 ~~or compatibility of land uses adjacent to or in close proximity~~
2157 ~~to military installations in a local government's future land use~~
2158 ~~element does not count toward the limitation on the frequency of~~
2159 ~~the plan amendments.~~

2160 ~~(n) Any local government comprehensive plan amendment~~
2161 ~~establishing or implementing a rural land stewardship area~~
2162 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

2163 ~~(o) A comprehensive plan amendment that is submitted by an~~
2164 ~~area designated by the Governor as a rural area of critical~~



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2165 ~~economic concern under s. 288.0656(7) and that meets the economic~~
2166 ~~development objectives may be approved without regard to the~~
2167 ~~statutory limits on the frequency of adoption of amendments to~~
2168 ~~the comprehensive plan.~~

2169 ~~(p) Any local government comprehensive plan amendment that~~
2170 ~~is consistent with the local housing incentive strategies~~
2171 ~~identified in s. 420.9076 and authorized by the local government.~~

2172 (3)~~(2)~~ Comprehensive plans may only be amended in such a
2173 way as to preserve the internal consistency of the plan pursuant
2174 to s. 163.3177(2). Corrections, updates, or modifications of
2175 current costs which were set out as part of the comprehensive
2176 plan shall not, for the purposes of this act, be deemed to be
2177 amendments.

2178 (4)~~(3)~~(a) The state land planning agency shall not review
2179 or issue a notice of intent for small scale development
2180 amendments which satisfy the requirements of paragraph (2) (d)
2181 ~~(1)~~(e). Any affected person may file a petition with the Division
2182 of Administrative Hearings pursuant to ss. 120.569 and 120.57 to
2183 request a hearing to challenge the compliance of a small scale
2184 development amendment with this act within 30 days following the
2185 local government's adoption of the amendment, shall serve a copy
2186 of the petition on the local government, and shall furnish a copy
2187 to the state land planning agency. An administrative law judge
2188 shall hold a hearing in the affected jurisdiction not less than
2189 30 days nor more than 60 days following the filing of a petition
2190 and the assignment of an administrative law judge. The parties to
2191 a hearing held pursuant to this subsection are ~~shall be~~ the
2192 petitioner, the local government, and any intervenor. In the
2193 proceeding, the local government's determination that the small
2194 scale development amendment is in compliance is presumed to be



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2195 correct. The local government's determination shall be sustained
2196 unless it is shown by a preponderance of the evidence that the
2197 amendment is not in compliance with the requirements of this act.
2198 In any proceeding initiated pursuant to this subsection, the
2199 state land planning agency may intervene.

2200 (b)1. If the administrative law judge recommends that the
2201 small scale development amendment be found not in compliance, the
2202 administrative law judge shall submit the recommended order to
2203 the Administration Commission for final agency action. If the
2204 administrative law judge recommends that the small scale
2205 development amendment be found in compliance, the administrative
2206 law judge shall submit the recommended order to the state land
2207 planning agency.

2208 2. If the state land planning agency determines that the
2209 plan amendment is not in compliance, the agency shall submit,
2210 within 30 days following its receipt, the recommended order to
2211 the Administration Commission for final agency action. If the
2212 state land planning agency determines that the plan amendment is
2213 in compliance, the agency shall enter a final order within 30
2214 days following its receipt of the recommended order.

2215 (c) Small scale development amendments are ~~shall~~ not ~~become~~
2216 effective until 31 days after adoption. If challenged within 30
2217 days after adoption, small scale development amendments are ~~shall~~
2218 not ~~become~~ effective until the state land planning agency or the
2219 Administration Commission, respectively, issues a final order
2220 determining that the adopted small scale development amendment is
2221 in compliance. However, such an amendment is not effective until
2222 the state land planning agency has certified to the local
2223 government that the amendment qualifies as a small scale
2224 development amendment under this subsection. The state land



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2225 planning agency must provide this certification or the reason why
2226 the amendment does not qualify to the local government in writing
2227 within 30 days after receipt of the amendment from the local
2228 government pursuant to s. 163.3187(1)(d)2.b.

2229 ~~(5)-(4)~~ Each governing body shall transmit to the state land
2230 planning agency a current copy of its comprehensive plan not
2231 later than December 1, 1985. Each governing body shall also
2232 transmit copies of any amendments it adopts to its comprehensive
2233 plan so as to continually update the plans on file with the state
2234 land planning agency.

2235 ~~(6)-(5)~~ Nothing in this part is intended to prohibit or
2236 limit the authority of local governments to require that a person
2237 requesting an amendment pay some or all of the cost of public
2238 notice.

2239 ~~(7)-(6)~~(a) A ~~No~~ local government may not amend its
2240 comprehensive plan after the date established by the state land
2241 planning agency for adoption of its evaluation and appraisal
2242 report unless it has submitted its report or addendum to the
2243 state land planning agency as prescribed by s. 163.3191, except
2244 for plan amendments described in paragraph (2)(c) ~~(1)(b)~~ or
2245 paragraph (2)(g) ~~(1)(h)~~.

2246 (b) A local government may amend its comprehensive plan
2247 after it has submitted its adopted evaluation and appraisal
2248 report and for a period of 1 year after the initial determination
2249 of sufficiency regardless of whether the report has been
2250 determined to be insufficient.

2251 (c) A local government may not amend its comprehensive
2252 plan, except for plan amendments described in paragraph (2)(c)
2253 ~~(1)(b)~~, if the 1-year period after the initial sufficiency



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2254 determination of the report has expired and the report has not
2255 been determined to be sufficient.

2256 (d) When the state land planning agency has determined that
2257 the report has sufficiently addressed all pertinent provisions of
2258 s. 163.3191, the local government may amend its comprehensive
2259 plan without the limitations imposed by paragraph (a) or
2260 paragraph (c).

2261 (e) Any plan amendment which a local government attempts to
2262 adopt in violation of paragraph (a) or paragraph (c) is invalid,
2263 but such invalidity may be overcome if the local government
2264 readopts the amendment and transmits the amendment to the state
2265 land planning agency pursuant to s. 163.3184(7) after the report
2266 is determined to be sufficient.

2267 Section 10. Section 163.3245, Florida Statutes, is amended
2268 to read:

2269 163.3245 Optional sector plans.--

2270 (1) In recognition of the benefits of large-scale
2271 ~~conceptual long-range planning for the buildout of an area, and~~
2272 ~~detailed planning for specific areas, as a demonstration project,~~
2273 ~~the requirements of s. 380.06 may be addressed as identified by~~
2274 ~~this section for up to five~~ local governments or combinations of
2275 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
2276 plans ~~plan~~ an optional sector plan in accordance with this
2277 section. This section is intended to further the intent of s.
2278 163.3177(11), ~~which~~ supports innovative and flexible planning and
2279 development strategies, ~~and~~ the purposes of this part, ~~and~~ part I
2280 of chapter 380, and to avoid duplication of effort in terms of
2281 the level of data and analysis required for a development of
2282 regional impact, ~~while~~ ensuring the adequate mitigation of
2283 impacts to applicable regional resources and facilities,



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2284 including those within the jurisdiction of other local
2285 governments, as would otherwise be provided. Optional sector
2286 plans are intended for substantial geographic areas which include
2287 ~~including~~ at least 10,000 contiguous ~~5,000~~ acres of one or more
2288 local governmental jurisdictions and ~~are~~ to emphasize urban form
2289 and protection of regionally significant resources and
2290 facilities. ~~The state land planning agency may approve optional~~
2291 ~~sector plans of less than 5,000 acres based on local~~
2292 ~~circumstances if it is determined that the plan would further the~~
2293 ~~purposes of this part and part I of chapter 380. Preparation of~~
2294 ~~an optional sector plan is authorized by agreement between the~~
2295 ~~state land planning agency and the applicable local governments~~
2296 ~~under s. 163.3171(4). An optional sector plan may be adopted~~
2297 ~~through one or more comprehensive plan amendments under s.~~
2298 ~~163.3184. However, an optional sector plan may not be authorized~~
2299 ~~in an area of critical state concern.~~

2300 (2) ~~The state land planning agency may enter into an~~
2301 ~~agreement to authorize preparation of an optional sector plan~~
2302 ~~upon the request of one or more local governments based on~~
2303 ~~consideration of problems and opportunities presented by existing~~
2304 ~~development trends; the effectiveness of current comprehensive~~
2305 ~~plan provisions; the potential to further the state comprehensive~~
2306 ~~plan, applicable strategic regional policy plans, this part, and~~
2307 ~~part I of chapter 380; and those factors identified by s.~~
2308 ~~163.3177(10)(i). The applicable regional planning council shall~~
2309 ~~conduct a scoping meeting with affected local governments and~~
2310 ~~those agencies identified in s. 163.3184(4) before the local~~
2311 ~~government may consider the sector plan amendments for~~
2312 ~~transmittal execution of the agreement authorized by this~~
2313 ~~section.~~ The purpose of this meeting is to assist the state land



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2314 | planning agency and the local government in identifying the
2315 | ~~identification of~~ the relevant planning issues to be addressed
2316 | and the data and resources available to assist in the preparation
2317 | of the ~~subsequent~~ plan amendments. The regional planning council
2318 | shall make written recommendations to the state land planning
2319 | agency and affected local governments relating to ~~, including~~
2320 | ~~whether a sustainable sector plan would be appropriate. The~~
2321 | ~~agreement must define~~ the geographic area to be subject to the
2322 | sector plan, the planning issues that will be emphasized,
2323 | requirements for intergovernmental coordination to address
2324 | extrajurisdictional impacts, supporting application materials
2325 | including data and analysis, and procedures for public
2326 | participation. ~~An agreement may address previously adopted sector~~
2327 | ~~plans that are consistent with the standards in this section.~~
2328 | ~~Before executing an agreement under this subsection, the local~~
2329 | ~~government shall hold a duly noticed public workshop to review~~
2330 | ~~and explain to the public the optional sector planning process~~
2331 | ~~and the terms and conditions of the proposed agreement. The local~~
2332 | ~~government shall hold a duly noticed public hearing to execute~~
2333 | ~~the agreement.~~ All meetings between the state land planning
2334 | agency ~~department~~ and the local government must be open to the
2335 | public.

2336 | (3) Optional sector planning encompasses two levels:
2337 | adoption under s. 163.3184 of a conceptual long-term overlay plan
2338 | as part of buildout overlay to the comprehensive plan, ~~having no~~
2339 | ~~immediate effect on the issuance of development orders or the~~
2340 | ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
2341 | detailed specific area plans that implement the conceptual long-
2342 | term overlay plan ~~buildout overlay~~ and authorize issuance of
2343 | development orders, and within which s. 380.06 is waived. Upon



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2344 adoption of a conceptual long-term overlay plan, the underlying
2345 future land use designations may be used only if consistent with
2346 the plan and its implementing goals, objectives, and policies.
2347 ~~Until such time as a detailed specific area plan is adopted, the~~
2348 ~~underlying future land use designations apply.~~

2349 (a) In addition to the other requirements of this chapter,
2350 a conceptual long-term overlay plan adopted pursuant to s.
2351 163.3184 buildout overlay must include maps and text supported by
2352 data and analysis that address the following:

2353 1. A long-range conceptual overlay plan framework map that,
2354 at a minimum, identifies the maximum and minimum amounts,
2355 densities, intensities, and types of allowable development and
2356 generally depicts anticipated areas of urban, agricultural,
2357 rural, and conservation land use.

2358 2. A general identification of regionally significant
2359 public facilities ~~consistent with chapter 9J-2, Florida~~
2360 ~~Administrative Code~~, irrespective of local governmental
2361 jurisdiction, necessary to support buildout of the anticipated
2362 future land uses, and policies setting forth the procedures to be
2363 used to address and mitigate these impacts as part of the
2364 adoption of detailed specific area plans.

2365 3. A general identification of regionally significant
2366 natural resources and policies ensuring the protection and
2367 conservation of these resources ~~consistent with chapter 9J-2,~~
2368 ~~Florida Administrative Code.~~

2369 4. Principles and guidelines that address the urban form
2370 and interrelationships of anticipated future land uses, and a
2371 ~~discussion, at the applicant's option, of the extent, if any, to~~
2372 ~~which the plan will address~~ restoring key ecosystems, achieving a
2373 more clean, healthy environment, limiting urban sprawl within the



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2374 sector plan and surrounding area, providing affordable and
2375 workforce housing, promoting energy efficient land use patterns,
2376 protecting wildlife and natural areas, advancing the efficient
2377 use of land and other resources, and creating quality communities
2378 and jobs.

2379 5. Identification of general procedures to ensure
2380 intergovernmental coordination to address extrajurisdictional
2381 impacts from the long-range conceptual overlay framework map.

2382 (b) In addition to the other requirements of this chapter,
2383 including those in paragraph (a), the detailed specific area
2384 plans must include:

2385 1. An area of adequate size to accommodate a level of
2386 development which achieves a functional relationship between a
2387 ~~full~~ range of land uses within the area and encompasses ~~to~~
2388 ~~encompass~~ at least 1,000 acres. ~~The state land planning agency~~
2389 ~~may approve detailed specific area plans of less than 1,000 acres~~
2390 ~~based on local circumstances if it is determined that the plan~~
2391 ~~furtheres the purposes of this part and part I of chapter 380.~~

2392 2. Detailed identification and analysis of the minimum and
2393 maximum amounts, densities, intensities, distribution, extent,
2394 and location of future land uses.

2395 3. Detailed identification of regionally significant public
2396 facilities, including public facilities outside the jurisdiction
2397 of the host local government, anticipated impacts of future land
2398 uses on those facilities, and required improvements consistent
2399 with the policies accompanying the plan and, for transportation,
2400 with rule 9J-2.045 ~~chapter 9J-2~~, Florida Administrative Code.

2401 4. Public facilities necessary for the short term,
2402 including developer contributions in a financially feasible 5-



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2403 year capital improvement schedule of the affected local
2404 government.

2405 5. Detailed analysis and identification of specific
2406 measures to assure the protection of regionally significant
2407 natural resources and other important resources both within and
2408 outside the host jurisdiction, ~~including those regionally~~
2409 ~~significant resources identified in chapter 9J-2, Florida~~
2410 ~~Administrative Code.~~

2411 6. Principles and guidelines that address the urban form
2412 and interrelationships of anticipated future land uses ~~and a~~
2413 ~~discussion, at the applicant's option, of the extent, if any, to~~
2414 ~~which the plan will address~~ restoring key ecosystems, achieving a
2415 more clean, healthy environment, limiting urban sprawl, providing
2416 affordable and workforce housing, promoting energy efficient land
2417 use patterns, protecting wildlife and natural areas, advancing
2418 the efficient use of land and other resources, and creating
2419 quality communities and jobs.

2420 7. Identification of specific procedures to ensure
2421 intergovernmental coordination that addresses ~~to address~~
2422 extrajurisdictional impacts of the detailed specific area plan.

2423 (c) This subsection does ~~may not be construed to~~ prevent
2424 preparation and approval of the optional sector plan and detailed
2425 specific area plan concurrently or in the same submission.

2426 (4) ~~The host local government shall submit a monitoring~~
2427 ~~report to the state land planning agency and applicable regional~~
2428 ~~planning council on an annual basis after adoption of a detailed~~
2429 ~~specific area plan. The annual monitoring report must provide~~
2430 ~~summarized information on development orders issued, development~~
2431 ~~that has occurred, public facility improvements made, and public~~
2432 ~~facility improvements anticipated over the upcoming 5 years.~~



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2433 ~~(5) If~~ When a plan amendment adopting a detailed specific
2434 area plan has become effective under ss. 163.3184 and
2435 163.3189(2), the provisions of s. 380.06 do not apply to
2436 development within the geographic area of the detailed specific
2437 area plan. However, any development-of-regional-impact
2438 development order that is vested from the detailed specific area
2439 plan may be enforced under s. 380.11.

2440 (a) The local government adopting the detailed specific
2441 area plan is primarily responsible for monitoring and enforcing
2442 the detailed specific area plan. Local governments may ~~shall~~ not
2443 issue any permits or approvals or provide any extensions of
2444 services to development that are not consistent with the detailed
2445 sector area plan.

2446 (b) If the state land planning agency has reason to believe
2447 that a violation of any detailed specific area plan, or of any
2448 agreement entered into under this section, has occurred or is
2449 about to occur, it may institute an administrative or judicial
2450 proceeding to prevent, abate, or control the conditions or
2451 activity creating the violation, using the procedures in s.
2452 380.11.

2453 ~~(c) In instituting an administrative or judicial proceeding~~
2454 ~~involving an optional sector plan or detailed specific area plan,~~
2455 ~~including a proceeding pursuant to paragraph (b), the complaining~~
2456 ~~party shall comply with the requirements of s. 163.3215(4), (5),~~
2457 ~~(6), and (7).~~

2458 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
2459 ~~the department shall provide a status report to the Legislative~~
2460 ~~Committee on Intergovernmental Relations regarding each optional~~
2461 ~~sector plan authorized under this section.~~



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2462 (5)~~(7)~~ This section does ~~may not be construed to~~ abrogate
2463 the rights of any person under this chapter.

2464 Section 11. Section 163.3246, Florida Statutes, is amended
2465 to read:

2466 163.3246 Local Government Comprehensive Planning
2467 Certification Program.--

2468 (1) The Legislature finds that ~~There is created~~ the Local
2469 Government Comprehensive Planning Certification Program has had a
2470 low level of interest from and participation by local
2471 governments. New approaches, such as the Alternative State Review
2472 Process Pilot Program, provide a more effective approach to
2473 expediting and streamlining comprehensive plan amendment review.
2474 Therefore, the Local Government Comprehensive Planning
2475 Certification Program is discontinued and no additional local
2476 governments may be certified. The municipalities of Freeport,
2477 Lakeland, Miramar, and Orlando may continue to adopt amendments
2478 in accordance with this section and their certification agreement
2479 or certification notice. ~~to be administered by the Department of~~
2480 ~~Community Affairs. The purpose of the program is to create a~~
2481 ~~certification process for local governments who identify a~~
2482 ~~geographic area for certification within which they commit to~~
2483 ~~directing growth and who, because of a demonstrated record of~~
2484 ~~effectively adopting, implementing, and enforcing its~~
2485 ~~comprehensive plan, the level of technical planning experience~~
2486 ~~exhibited by the local government, and a commitment to implement~~
2487 ~~exemplary planning practices, require less state and regional~~
2488 ~~oversight of the comprehensive plan amendment process. The~~
2489 ~~purpose of the certification area is to designate areas that are~~
2490 ~~contiguous, compact, and appropriate for urban growth and~~
2491 ~~development within a 10-year planning timeframe. Municipalities~~



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2492 ~~and counties are encouraged to jointly establish the~~
2493 ~~certification area, and subsequently enter into joint~~
2494 ~~certification agreement with the department.~~

2495 ~~(2) In order to be eligible for certification under the~~
2496 ~~program, the local government must:~~

2497 ~~(a) Demonstrate a record of effectively adopting,~~
2498 ~~implementing, and enforcing its comprehensive plan;~~

2499 ~~(b) Demonstrate technical, financial, and administrative~~
2500 ~~expertise to implement the provisions of this part without state~~
2501 ~~oversight;~~

2502 ~~(c) Obtain comments from the state and regional review~~
2503 ~~agencies regarding the appropriateness of the proposed~~
2504 ~~certification;~~

2505 ~~(d) Hold at least one public hearing soliciting public~~
2506 ~~input concerning the local government's proposal for~~
2507 ~~certification; and~~

2508 ~~(e) Demonstrate that it has adopted programs in its local~~
2509 ~~comprehensive plan and land development regulations which:~~

2510 ~~1. Promote infill development and redevelopment, including~~
2511 ~~prioritized and timely permitting processes in which applications~~
2512 ~~for local development permits within the certification area are~~
2513 ~~acted upon expeditiously for proposed development that is~~
2514 ~~consistent with the local comprehensive plan.~~

2515 ~~2. Promote the development of housing for low-income and~~
2516 ~~very-low-income households or specialized housing to assist~~
2517 ~~elderly and disabled persons to remain at home or in independent~~
2518 ~~living arrangements.~~

2519 ~~3. Achieve effective intergovernmental coordination and~~
2520 ~~address the extrajurisdictional effects of development within the~~
2521 ~~certified area.~~



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2522 ~~4. Promote economic diversity and growth while encouraging~~
2523 ~~the retention of rural character, where rural areas exist, and~~
2524 ~~the protection and restoration of the environment.~~

2525 ~~5. Provide and maintain public urban and rural open space~~
2526 ~~and recreational opportunities.~~

2527 ~~6. Manage transportation and land uses to support public~~
2528 ~~transit and promote opportunities for pedestrian and nonmotorized~~
2529 ~~transportation.~~

2530 ~~7. Use design principles to foster individual community~~
2531 ~~identity, create a sense of place, and promote pedestrian-~~
2532 ~~oriented safe neighborhoods and town centers.~~

2533 ~~8. Redevelop blighted areas.~~

2534 ~~9. Adopt a local mitigation strategy and have programs to~~
2535 ~~improve disaster preparedness and the ability to protect lives~~
2536 ~~and property, especially in coastal high-hazard areas.~~

2537 ~~10. Encourage clustered, mixed use development that~~
2538 ~~incorporates greenspace and residential development within~~
2539 ~~walking distance of commercial development.~~

2540 ~~11. Encourage urban infill at appropriate densities and~~
2541 ~~intensities and separate urban and rural uses and discourage~~
2542 ~~urban sprawl while preserving public open space and planning for~~
2543 ~~buffer type land uses and rural development consistent with their~~
2544 ~~respective character along and outside the certification area.~~

2545 ~~12. Assure protection of key natural areas and agricultural~~
2546 ~~lands that are identified using state and local inventories of~~
2547 ~~natural areas. Key natural areas include, but are not limited to:~~

2548 ~~a. Wildlife corridors.~~

2549 ~~b. Lands with high native biological diversity, important~~
2550 ~~areas for threatened and endangered species, species of special~~
2551 ~~concern, migratory bird habitat, and intact natural communities.~~



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2552 ~~e. Significant surface waters and springs, aquatic~~
2553 ~~preserves, wetlands, and outstanding Florida waters.~~

2554 ~~d. Water resources suitable for preservation of natural~~
2555 ~~systems and for water resource development.~~

2556 ~~e. Representative and rare native Florida natural systems.~~

2557 ~~13. Ensure the cost efficient provision of public~~
2558 ~~infrastructure and services.~~

2559 ~~(3) Portions of local governments located within areas of~~
2560 ~~critical state concern cannot be included in a certification~~
2561 ~~area.~~

2562 ~~(4) A local government or group of local governments~~
2563 ~~seeking certification of all or part of a jurisdiction or~~
2564 ~~jurisdictions must submit an application to the department which~~
2565 ~~demonstrates that the area sought to be certified meets the~~
2566 ~~criteria of subsections (2) and (5). The application shall~~
2567 ~~include copies of the applicable local government comprehensive~~
2568 ~~plan, land development regulations, interlocal agreements, and~~
2569 ~~other relevant information supporting the eligibility criteria~~
2570 ~~for designation. Upon receipt of a complete application, the~~
2571 ~~department must provide the local government with an initial~~
2572 ~~response to the application within 90 days after receipt of the~~
2573 ~~application.~~

2574 ~~(5) If the local government meets the eligibility criteria~~
2575 ~~of subsection (2), the department shall certify all or part of a~~
2576 ~~local government by written agreement, which shall be considered~~
2577 ~~final agency action subject to challenge under s. 120.569.~~

2578 (1) The agreement or notice must include the following
2579 components:

2580 (a) The basis for certification.



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2581 (b) The boundary of the certification area, which
2582 encompasses areas that are contiguous, compact, appropriate for
2583 urban growth and development, and in which public infrastructure
2584 exists ~~is existing~~ or is planned within a 10-year planning
2585 timeframe. The certification area must ~~is required to~~ include
2586 sufficient land to accommodate projected population growth,
2587 housing demand, including choice in housing types and
2588 affordability, job growth and employment, appropriate densities
2589 and intensities of use to be achieved in new development and
2590 redevelopment, existing or planned infrastructure, including
2591 transportation and central water and sewer facilities. The
2592 certification area must be adopted as part of the local
2593 government's comprehensive plan.

2594 (c) A demonstration that the capital improvements plan
2595 governing the certified area is updated annually.

2596 (d) A visioning plan or a schedule for the development of a
2597 visioning plan.

2598 (e) A description of baseline conditions related to the
2599 evaluation criteria in paragraph (g) in the certified area.

2600 (f) A work program setting forth specific planning
2601 strategies and projects that will be undertaken to achieve
2602 improvement in the baseline conditions as measured by the
2603 criteria identified in paragraph (g).

2604 (g) Criteria to evaluate the effectiveness of the
2605 certification process in achieving the community-development
2606 goals for the certification area including:

2607 1. Measuring the compactness of growth, expressed as the
2608 ratio between population growth and land consumed;

2609 2. Increasing residential density and intensities of use;



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- 2610 3. Measuring and reducing vehicle miles traveled and
2611 increasing the interconnectedness of the street system,
2612 pedestrian access, and mass transit;
- 2613 4. Measuring the balance between the location of jobs and
2614 housing;
- 2615 5. Improving the housing mix within the certification area,
2616 including the provision of mixed-use neighborhoods, affordable
2617 housing, and the creation of an affordable housing program if
2618 ~~such~~ a program is not already in place;
- 2619 6. Promoting mixed-use developments as an alternative to
2620 single-purpose centers;
- 2621 7. Promoting clustered development having dedicated open
2622 space;
- 2623 8. Linking commercial, educational, and recreational uses
2624 directly to residential growth;
- 2625 9. Reducing per capita water and energy consumption;
- 2626 10. Prioritizing environmental features to be protected and
2627 adopting measures or programs to protect identified features;
- 2628 11. Reducing hurricane shelter deficits and evacuation
2629 times and implementing the adopted mitigation strategies; and
- 2630 12. Improving coordination between the local government and
2631 school board.
- 2632 (h) A commitment to change any land development regulations
2633 that restrict compact development and adopt alternative design
2634 codes that encourage desirable densities and intensities of use
2635 and patterns of compact development identified in the agreement.
- 2636 (i) A plan for increasing public participation in
2637 comprehensive planning and land use decisionmaking which includes
2638 outreach to neighborhood and civic associations through community
2639 planning initiatives.



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2640 (j) A demonstration that the intergovernmental coordination
2641 element of the local government's comprehensive plan includes
2642 joint processes for coordination between the school board and
2643 local government pursuant to s. 163.3177(6)(h)2. and other
2644 requirements of law.

2645 (k) A method of addressing the extrajurisdictional effects
2646 of development within the certified area, which is integrated by
2647 amendment into the intergovernmental coordination element of the
2648 local government comprehensive plan.

2649 (l) A requirement for the annual reporting to the state
2650 land planning agency ~~department~~ of plan amendments adopted during
2651 the year, and the progress of the local government in meeting the
2652 terms and conditions of the certification agreement. Prior to the
2653 deadline for the annual report, the local government must hold a
2654 public hearing soliciting public input on the progress of the
2655 local government in satisfying the terms of the certification
2656 agreement.

2657 (m) An expiration date that is within ~~no later than~~ 10
2658 years after execution of the agreement or notice.

2659 ~~(6) The department may enter up to eight new certification~~
2660 ~~agreements each fiscal year. The department shall adopt~~
2661 ~~procedural rules governing the application and review of local~~
2662 ~~government requests for certification. Such procedural rules may~~
2663 ~~establish a phased schedule for review of local government~~
2664 ~~requests for certification.~~

2665 (3)(7) The state land planning agency ~~department~~ shall
2666 revoke the local government's certification if it determines that
2667 the local government is not substantially complying with the
2668 terms of the agreement or notice.



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2669 | ~~(4)(8)~~ An affected person, as defined in s. 163.3184(1) ~~by~~
2670 | ~~s. 163.3184(1)(a)~~, may petition for an administrative hearing
2671 | alleging that a local government is not substantially complying
2672 | with the terms of the agreement or notice, using the procedures
2673 | and timeframes for notice and conditions precedent described in
2674 | s. 163.3213. Such ~~a~~ petition must be filed within 30 days after
2675 | the annual public hearing required by paragraph (2)(1) ~~(5)(1)~~.

2676 | ~~(5)(9)~~(a) Upon certification all comprehensive plan
2677 | amendments associated with the area certified must be adopted and
2678 | reviewed in the manner described in ss. 163.3184(1), (2), (7),
2679 | (14), (15), and (16) and 163.3187, such that state and regional
2680 | agency review is eliminated. The state land planning agency
2681 | ~~department~~ may not issue any objections, recommendations, and
2682 | comments report on proposed plan amendments or a notice of intent
2683 | on adopted plan amendments; however, affected persons, as defined
2684 | in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may file a petition for
2685 | administrative review pursuant to ~~the requirements of~~ s.
2686 | 163.3187(3)(a) to challenge the compliance of an adopted plan
2687 | amendment.

2688 | (b) Plan amendments that change the boundaries of the
2689 | certification area; propose a rural land stewardship area
2690 | pursuant to s. 163.3177(11)(d); propose an optional sector plan
2691 | pursuant to s. 163.3245; propose a school facilities element;
2692 | update a comprehensive plan based on an evaluation and appraisal
2693 | report; impact lands outside the certification boundary;
2694 | implement new statutory requirements that require specific
2695 | comprehensive plan amendments; or increase hurricane evacuation
2696 | times or the need for shelter capacity on lands within the
2697 | coastal high-hazard area shall be reviewed pursuant to ss.
2698 | 163.3184 and 163.3187.



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2699 ~~(10) Notwithstanding subsections (2), (4), (5), (6), and~~
2700 ~~(7), any municipality designated as a rural area of critical~~
2701 ~~economic concern pursuant to s. 288.0656 which is located within~~
2702 ~~a county eligible to levy the Small County Surtax under s.~~
2703 ~~212.055(3) shall be considered certified during the effectiveness~~
2704 ~~of the designation of rural area of critical economic concern.~~
2705 ~~The state land planning agency shall provide a written notice of~~
2706 ~~certification to the local government of the certified area,~~
2707 ~~which shall be considered final agency action subject to~~
2708 ~~challenge under s. 120.569. The notice of certification shall~~
2709 ~~include the following components:~~

2710 ~~(a) The boundary of the certification area.~~

2711 ~~(b) A requirement that the local government submit either~~
2712 ~~an annual or biennial monitoring report to the state land~~
2713 ~~planning agency according to the schedule provided in the written~~
2714 ~~notice. The monitoring report shall, at a minimum, include the~~
2715 ~~number of amendments to the comprehensive plan adopted by the~~
2716 ~~local government, the number of plan amendments challenged by an~~
2717 ~~affected person, and the disposition of those challenges.~~

2718 ~~(11) If the local government of an area described in~~
2719 ~~subsection (10) does not request that the state land planning~~
2720 ~~agency review the developments of regional impact that are~~
2721 ~~proposed within the certified area, an application for approval~~
2722 ~~of a development order within the certified area shall be exempt~~
2723 ~~from review under s. 380.06, subject to the following:~~

2724 ~~(a) Concurrent with filing an application for development~~
2725 ~~approval with the local government, a developer proposing a~~
2726 ~~project that would have been subject to review pursuant to s.~~
2727 ~~380.06 shall notify in writing the regional planning council with~~
2728 ~~jurisdiction.~~



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2729 ~~(b) The regional planning council shall coordinate with the~~
2730 ~~developer and the local government to ensure that all concurrency~~
2731 ~~requirements as well as federal, state, and local environmental~~
2732 ~~permit requirements are met.~~

2733 ~~(6)-(12)~~ A local government's certification shall be
2734 reviewed by the local government and the state land planning
2735 agency department as part of the evaluation and appraisal process
2736 pursuant to s. 163.3191. Within 1 year after the deadline for the
2737 local government to update its comprehensive plan based on the
2738 evaluation and appraisal report, the state land planning agency
2739 department shall renew or revoke the certification. The local
2740 government's failure to adopt a timely evaluation and appraisal
2741 report, ~~failure to~~ adopt an evaluation and appraisal report found
2742 to be sufficient, or ~~failure to~~ timely adopt amendments based on
2743 an evaluation and appraisal report found to be in compliance by
2744 the state land planning agency department shall be cause for
2745 revoking the certification agreement or notice. The state land
2746 planning agency's department's decision to renew or revoke is
2747 ~~shall be~~ considered agency action subject to challenge under s.
2748 120.569.

2749 ~~(13) The department shall, by July 1 of each odd-numbered~~
2750 ~~year, submit to the Governor, the President of the Senate, and~~
2751 ~~the Speaker of the House of Representatives a report listing~~
2752 ~~certified local governments, evaluating the effectiveness of the~~
2753 ~~certification, and including any recommendations for legislative~~
2754 ~~actions.~~

2755 ~~(14) The Office of Program Policy Analysis and Government~~
2756 ~~Accountability shall prepare a report evaluating the~~
2757 ~~certification program, which shall be submitted to the Governor,~~



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2758 ~~the President of the Senate, and the Speaker of the House of~~
2759 ~~Representatives by December 1, 2007.~~

2760 Section 12. Section 163.32461, Florida Statutes, is created
2761 to read:

2762 163.32461 Affordable housing growth strategies.--

2763 (1) LEGISLATIVE INTENT.--The Legislature recognizes the
2764 acute need to increase the availability of affordable housing in
2765 the state consistent this section, the state comprehensive plan,
2766 and the State Housing Strategy Act. The Legislature also
2767 recognizes that construction costs increase as the result of
2768 regulatory delays in approving the development of affordable
2769 housing. The Legislature further recognizes that the state's
2770 growth management laws can be amended in a manner that encourages
2771 the development of affordable housing. Therefore, it is the
2772 intent of the Legislature that state review of comprehensive plan
2773 amendments and local government review of development proposals
2774 that provide for affordable housing be streamlined and expedited.

2775 (2) DEFINITIONS.--For purposes of this section, the term:

2776 (a) "Density bonus" means an increase in the number of on-
2777 site, market-rate units that provide an incentive for the
2778 construction of affordable housing.

2779 (b) "Development" has the same meaning as in s. 380.04.

2780 (c) "Long-term affordable housing unit" means housing that
2781 is affordable to individuals or families whose total annual
2782 household income does not exceed 120 percent of the area median
2783 income adjusted for household size or, if located in a county in
2784 which the median purchase price for an existing single-family
2785 home exceeds the statewide median purchase price for such home,
2786 does not exceed 140 percent of the area median income adjusted
2787 for family size. The unit shall be subject to a rental, deed, or



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2788 other restriction to ensure that it meets the income limits
2789 provided in this paragraph for at least 30 years.

2790 (3) EXPEDITED REVIEW IN COUNTIES HAVING A POPULATION
2791 GREATER THAN 75,000.--In counties having a population greater
2792 than 75,000 and municipalities within those counties, a future
2793 land use map amendment for a proposed residential development or
2794 mixed-use development requiring that at least 15 percent of the
2795 residential units are long-term affordable housing units is
2796 subject to the alternative state review process in s.
2797 163.32465(3)-(6). Any special area plan policies or map notations
2798 directly related to the map amendment may be adopted at the same
2799 time and in the same manner as the map amendment.

2800 (4) OPTIONAL EXPEDITED REVIEW IN COUNTIES HAVING A
2801 POPULATION OF FEWER THAN 75,000.--In a county having a population
2802 of fewer than 75,000, a future land use map amendment for a
2803 proposed residential development or mixed-use development is
2804 subject to the alternative state review process in s.
2805 163.32465(3)-(6) if:

2806 (a) The development is located in an area identified as
2807 appropriate for affordable housing in an adopted rural sub-
2808 element that meets the requirements of s. 163.3177(6) (a); and

2809 (b) The amendment requires that at least 15 percent of the
2810 residential units are long-term affordable housing units. Any
2811 special area plan policies or map notations directly related to
2812 the map amendment may be adopted at the same time and in the same
2813 manner as the map amendment. The state land planning agency shall
2814 provide funding, contingent upon a legislative appropriation, to
2815 counties that undertake the process of preparing a rural sub-
2816 element that satisfies the requirements of s. 163.3177(6) (a).

2817 (5) UNIFIED APPLICATION AND EXPEDITED REVIEW.--



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2818 (a) Each local government shall by July 1, 2009, establish
2819 a process for the unified and expedited review of an application
2820 for development approval for a residential development or mixed-
2821 use development in which at least 15 percent of the residential
2822 units are long-term affordable housing units. The process shall
2823 combine plan amendment and rezoning approval at the local level
2824 and shall include, at a minimum:

2825 1. A unified application. Each local government shall
2826 provide for a unified application for all comprehensive plan
2827 amendments and rezonings related to a residential development or
2828 mixed-use development in which at least 15 percent of the
2829 residential units are long-term affordable housing units. Local
2830 governments are encouraged to adopt requirements for a
2831 preapplication conference with an applicant to coordinate the
2832 completion and submission of the application. Local governments
2833 are also encouraged to assign the coordination for review of a
2834 unified application to one employee.

2835 2. Procedures for expedited review. Each local government
2836 shall adopt procedures that require an expedited review of a
2837 unified application. At a minimum, these procedures must ensure
2838 that:

2839 a. Within 10 days after receiving a unified application,
2840 the local government provides written notification to an
2841 applicant stating the application is complete or requests in
2842 writing any specific information needed to complete the
2843 application.

2844 b. The local planning agency holds its hearing on a unified
2845 application and the governing body of the local government holds
2846 its first public hearing on whether to transmit the comprehensive
2847 plan amendment portion of a unified application under s.



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2848 163.32465(4) (a) within 45 days after the application is
2849 determined to be complete.

2850 c. For plan amendments that have been transmitted to the
2851 state land planning agency under sub-subparagraph b., the
2852 governing body of a local government shall hold its second public
2853 hearing on whether to adopt the comprehensive plan amendment
2854 simultaneously with a hearing on any necessary rezoning ordinance
2855 within 30 days after the expiration of the 30-day period allowed
2856 for receipt of agency comments under s. 163.32465(4) (b).

2857 (b) This subsection does not apply to development within a
2858 rural land-stewardship area, coastal high-hazard area, an area of
2859 critical state concern, or on lands identified as environmentally
2860 sensitive in the local comprehensive plan.

2861 (6) EXPEDITED SUBDIVISIONS, SITE PLANS, AND BUILDING
2862 PERMITS.--Each local government shall adopt procedures to ensure
2863 that applications for subdivision, site plan approval, and
2864 building permits for a development in which 15 percent of the
2865 units are long-term affordable housing units are approved,
2866 approved with conditions, or denied within a specified number of
2867 days that is 50 percent of the average number of days the local
2868 government normally takes to process such application.

2869 (7) REQUIRED DENSITY BONUSES FOR DONATED LAND.--Each local
2870 government shall amend its comprehensive plan by July 1, 2009, to
2871 provide a 15-percent density bonus if the land is donated for the
2872 development of affordable housing. The comprehensive plan shall
2873 establish a minimum number of acres that must be donated in order
2874 to receive the bonus.

2875 (a) The density bonus:



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2876 1. Must be a 15 percent increase above the allowable number
2877 of residential units and shall apply to land identified by the
2878 developer and approved by the local government;

2879 2. May be used only on land within an area designated as an
2880 urban service area in the local comprehensive plan; and

2881 3. May not be used on land within a coastal high-hazard
2882 area or an area of critical state concern or on lands identified
2883 as environmentally sensitive in the local comprehensive plan.

2884 (b) The land donated for affordable housing does not have
2885 to be collocated with the land receiving the density bonus, but
2886 both parcels must be located within the local government's
2887 jurisdiction for the density bonus to apply. The donated land
2888 must be suitable for development as housing and must be conveyed
2889 to the local government in fee simple. The local government may
2890 transfer all or a portion of the donated land to a nonprofit
2891 organization, such as a community land trust, housing authority,
2892 or community redevelopment agency to be used for the development
2893 and preservation of permanently affordable housing in a project
2894 in which at least 30 percent of the residential units are
2895 affordable.

2896 (8) REQUIRED DENSITY BONUSES.--Each local government shall
2897 amend its comprehensive plan by July 1, 2009, to provide a 15-
2898 percent density bonus above the allowable number of residential
2899 units for a residential development or a mixed-use development
2900 that is located within 2 miles of an existing employment center
2901 or an employment center that has received site plan approval. At
2902 least 15 percent of any residential units allowed under the
2903 density bonus must be long-term affordable housing units.

2904 (a) The density bonus:



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2905 1. May be used only on land within an area designated as an
2906 urban service area in the local comprehensive plan; and

2907 2. May not be used on land within a coastal high-hazard area
2908 or an area of critical state concern or on lands identified as
2909 environmentally sensitive in the local comprehensive plan.

2910 (b) For purposes of this subsection, the term "employment
2911 center" means a place of employment, or multiple places of
2912 employment that are contiguously located, which employ 100 or
2913 more full-time employees and is located within an urban service
2914 area, approved sector plan, or area designated as a rural area of
2915 critical economic concern under s. 288.0656.

2916 (9) CALCULATION OF AFFORDABLE UNITS.--When calculating the
2917 number of long-term affordable housing units under this section,
2918 a fraction of 0.5 or more shall be rounded up to the next whole
2919 number and a fraction of less than 0.5 shall be rounded down to
2920 the next lower whole number.

2921 (10) PENALTY.-- As a precondition to receiving any state
2922 affordable housing funding or allocation for any project or
2923 program within the local government's jurisdiction, a local
2924 government must, by July 1 of each year, provide certification
2925 that the local government is in compliance with this section.

2926 Section 13. Paragraphs (a) and (b) of subsection (1),
2927 subsections (2) and (3), paragraph (b) of subsection (4),
2928 paragraph (a) of subsection (5), paragraph (g) of subsection (6),
2929 and subsection (8) of section 163.32465, Florida Statutes, are
2930 amended to read:

2931 163.32465 State review of local comprehensive plans in
2932 urban areas.--

2933 (1) LEGISLATIVE FINDINGS.--



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2934 (a) The Legislature finds that local governments in this
2935 state have a wide diversity of resources, conditions, abilities,
2936 and needs. The Legislature also finds that the needs and
2937 resources of urban areas are different from those of rural areas
2938 and that different planning and growth management approaches,
2939 strategies, and techniques are required in urban areas. The state
2940 role in overseeing growth management should reflect this
2941 diversity and should vary based on local government conditions,
2942 capabilities, needs, and the extent and type of development.
2943 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced
2944 state oversight of local comprehensive planning is justified for
2945 some local governments in urban areas and for certain types of
2946 development.

2947 (b) The Legislature finds and declares that ~~this~~ state's
2948 urban areas require a reduced level of state oversight because of
2949 their high degree of urbanization and the planning capabilities
2950 and resources of many of their local governments. An alternative
2951 state review process that is adequate to protect issues of
2952 regional or statewide importance should be created for
2953 appropriate local governments in these areas and for certain
2954 types of development. Further, the Legislature finds that
2955 development, including urban infill and redevelopment, should be
2956 encouraged in these urban areas. The Legislature finds that an
2957 alternative process for amending local comprehensive plans in
2958 these areas should be established with an objective of
2959 streamlining the process and recognizing local responsibility and
2960 accountability.

2961 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
2962 PROGRAM.--Pinellas and Broward Counties, and the municipalities
2963 within these counties, and Jacksonville, Miami, Tampa, and



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2964 Hialeah shall follow the ~~an~~ alternative state review process
2965 provided in this section. Municipalities within the pilot
2966 counties may elect, by super majority vote of the governing body,
2967 not to participate in the pilot program. The alternative state
2968 review process shall also apply to:

2969 (a) Future land use map amendments and associated special
2970 area policies within areas designated in a comprehensive plan for
2971 downtown revitalization pursuant to s. 163.3164(25), urban
2972 redevelopment pursuant to s. 163.3164(26), urban infill
2973 development pursuant to s. 163.3164(27), urban infill and
2974 redevelopment pursuant to s. 163.2517, or an urban service area
2975 pursuant to s. 163.3180(5)(b)5;

2976 (b) Affordable housing amendments that qualify under s.
2977 163.32461; and

2978 (c) Future land use map amendments within an area
2979 designated by the Governor as a rural area of critical economic
2980 concern under s. 288.0656(7) for the duration of such
2981 designation. Before the adoption of such an amendment, the local
2982 government must obtain written certification from the Office of
2983 Tourism, Trade, and Economic Development that the plan amendment
2984 furtheres the economic objectives set forth in the executive order
2985 issued under s. 288.0656(7).

2986 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
2987 UNDER THE PILOT PROGRAM.--

2988 (a) Plan amendments adopted by the pilot program
2989 jurisdictions shall follow the alternate, expedited process in
2990 subsections (4) and (5), except as set forth in paragraphs (b)-
2991 (f) ~~(b)-(e)~~ of this subsection.

2992 (b) Amendments that qualify as small-scale development
2993 amendments may continue to be adopted by the pilot program



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2994 | jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(e)~~ and
2995 | (3).

2996 | (c) Plan amendments that propose a rural land stewardship
2997 | area pursuant to s. 163.3177(11)(d); propose an optional sector
2998 | plan; update a comprehensive plan based on an evaluation and
2999 | appraisal report; implement ~~new~~ statutory requirements not
3000 | previously incorporated into a comprehensive plan; or new plans
3001 | for newly incorporated municipalities are subject to state review
3002 | as set forth in s. 163.3184.

3003 | (d) Pilot program jurisdictions are ~~shall be~~ subject to the
3004 | frequency, voting, and timing requirements for plan amendments
3005 | set forth in ss. 163.3187 and 163.3191, except as ~~where~~ otherwise
3006 | stated in this section.

3007 | (e) The mediation and expedited hearing provisions in s.
3008 | 163.3189(3) apply to all plan amendments adopted by the pilot
3009 | program jurisdictions.

3010 | (f) All amendments adopted under this section must comply
3011 | with ss. 163.3184(3)(a) and 163.3184(15)(b)2.

3012 | (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
3013 | PILOT PROGRAM.--

3014 | (b) The agencies and local governments specified in
3015 | paragraph (a) may provide comments regarding the amendment or
3016 | amendments to the local government. The regional planning council
3017 | review and comment shall be limited to effects on regional
3018 | resources or facilities identified in the strategic regional
3019 | policy plan and extrajurisdictional impacts that would be
3020 | inconsistent with the comprehensive plan of the affected local
3021 | government. A regional planning council may ~~shall~~ not review and
3022 | comment on a proposed comprehensive plan amendment prepared by
3023 | such council unless the plan amendment has been changed by the



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3024 | local government subsequent to the preparation of the plan
3025 | amendment by the regional planning council. County comments on
3026 | municipal comprehensive plan amendments shall be primarily in the
3027 | context of the relationship and effect of the proposed plan
3028 | amendments on the county plan. Municipal comments on county plan
3029 | amendments shall be primarily in the context of the relationship
3030 | and effect of the amendments on the municipal plan. State agency
3031 | comments may include technical guidance on issues of agency
3032 | jurisdiction as it relates to the requirements of this part. Such
3033 | comments must ~~shall~~ clearly identify issues that, if not
3034 | resolved, may result in an agency challenge to the plan
3035 | amendment. For the purposes of this pilot program, agencies are
3036 | encouraged to focus potential challenges on issues of regional or
3037 | statewide importance. Agencies and local governments must
3038 | transmit their comments to the affected local government, if
3039 | issued, within 30 days after ~~such that they are received by the~~
3040 | ~~local government not later than thirty days from the date on~~
3041 | ~~which~~ the state land planning agency notifies the affected local
3042 | government that the plan amendment package is complete ~~agency or~~
3043 | ~~government received the amendment or amendments.~~ Any comments
3044 | from the agencies and local governments must also be transmitted
3045 | to the state land planning agency.

3046 | (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
3047 | AREAS.--

3048 | (a) The local government shall hold its second public
3049 | hearing, which shall be a hearing on whether to adopt one or more
3050 | comprehensive plan amendments, on a weekday at least 5 days after
3051 | the day the second advertisement is published pursuant to ~~the~~
3052 | ~~requirements of~~ chapter 125 or chapter 166. Adoption of
3053 | comprehensive plan amendments must be by ordinance ~~and requires~~



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3054 ~~an affirmative vote of a majority of the members of the governing~~
3055 ~~body present at the second hearing. The hearing must be conducted~~
3056 ~~and the amendment adopted within 120 days after receipt of the~~
3057 ~~agency comments pursuant to s. 163.3246(4)(b). If a local~~
3058 ~~government fails to adopt the plan amendment within the timeframe~~
3059 ~~set forth in this subsection, the plan amendment is deemed~~
3060 ~~abandoned and the plan amendment may not be considered until the~~
3061 ~~next available amendment cycle pursuant to s. 163.3187.~~

3062 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
3063 PROGRAM.--

3064 (g) An amendment adopted under the expedited provisions of
3065 this section shall not become effective until completion of the
3066 time period available to the state land planning agency for
3067 administrative challenge under s. 163.32465(6)(a) ~~31 days after~~
3068 ~~adoption~~. If timely challenged, an amendment shall not become
3069 effective until the state land planning agency or the
3070 Administration Commission enters a final order determining that
3071 the adopted amendment is to be in compliance.

3072 (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state land
3073 planning agency may adopt procedural ~~Agencies shall not~~
3074 ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
3075 ~~program~~.

3076 Section 14. Section 166.0451, Florida Statutes, is
3077 renumbered as section 163.32432, Florida Statutes, and amended to
3078 read:

3079 163.32432 ~~166.0451~~ Disposition of municipal property for
3080 affordable housing.--

3081 (1) By July 1, 2007, and every 3 years thereafter, each
3082 municipality shall prepare an inventory list of all real property
3083 within its jurisdiction to which the municipality holds fee



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3084 simple title that is appropriate for use as affordable housing.
3085 The inventory list must include the address and legal description
3086 of each ~~such~~ property and specify whether the property is vacant
3087 or improved. The governing body of the municipality must review
3088 the inventory list at a public hearing and may revise it at the
3089 conclusion of the public hearing. Following the public hearing,
3090 the governing body of the municipality shall adopt a resolution
3091 that includes an inventory list of such property.

3092 (2) The properties identified as appropriate for use as
3093 affordable housing on the inventory list adopted by the
3094 municipality may be offered for sale and the proceeds may be used
3095 to purchase land for the development of affordable housing or to
3096 increase the local government fund earmarked for affordable
3097 housing, or may be sold with a restriction that requires the
3098 development of the property as permanent affordable housing, or
3099 may be donated to a nonprofit housing organization for the
3100 construction of permanent affordable housing. Alternatively, the
3101 municipality may otherwise make the property available for use
3102 for the production and preservation of permanent affordable
3103 housing. For purposes of this section, the term "affordable" has
3104 the same meaning as in s. 420.0004(3).

3105 (3) As a precondition to receiving any state affordable
3106 housing funding or allocation for any project or program within
3107 the municipality's jurisdiction, a municipality must, by July 1
3108 of each year, provide certification that the inventory and any
3109 update required by this section is complete.

3110 Section 15. Paragraph (c) of subsection (18) of section
3111 1002.33, Florida Statutes, is amended to read:

3112 1002.33 Charter schools.--

3113 (18) FACILITIES.--



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3114 (c) Any facility, or portion thereof, used to house a
3115 charter school whose charter has been approved by the sponsor and
3116 the governing board, pursuant to subsection (7), is ~~shall be~~
3117 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
3118 community service, museum, performing arts, theatre, cinema,
3119 church, community college, college, and university facilities may
3120 provide space to charter schools within their facilities if such
3121 use is consistent with the local comprehensive plan under their
3122 preexisting zoning and land use designations.

3123 Section 16. Subsection (7) of section 163.32465, Florida
3124 Statutes, is amended to read:

3125 163.32465 State review of local comprehensive plans in
3126 urban areas.--

3127 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
3128 GOVERNMENTS.--Local governments and specific areas that are ~~have~~
3129 ~~been~~ designated for alternate review process pursuant to ss.
3130 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this
3131 section.

3132 Section 17. Subsection (5) and paragraph (d) of subsection
3133 (12) of section 288.975, Florida Statutes, are amended to read:

3134 288.975 Military base reuse plans.--

3135 (5) At the discretion of the host local government, the
3136 provisions of this act may be complied with through the adoption
3137 of the military base reuse plan as a separate component of the
3138 local government comprehensive plan or through simultaneous
3139 amendments to all pertinent portions of the local government
3140 comprehensive plan. Once adopted and approved in accordance with
3141 this section, the military base reuse plan shall be considered to
3142 be part of the host local government's comprehensive plan and
3143 shall be thereafter implemented, amended, and reviewed in



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3144 accordance with ~~the provisions of part II of chapter 163. Local~~
3145 ~~government comprehensive plan amendments necessary to initially~~
3146 ~~adopt the military base reuse plan shall be exempt from the~~
3147 ~~limitation on the frequency of plan amendments contained in s.~~
3148 ~~163.3187(2).~~

3149 (12) Following receipt of a petition, the petitioning party
3150 or parties and the host local government shall seek resolution of
3151 the issues in dispute. The issues in dispute shall be resolved as
3152 follows:

3153 (d) Within 45 days after receiving the report from the
3154 state land planning agency, the Administration Commission shall
3155 take action to resolve the issues in dispute. In deciding upon a
3156 proper resolution, the Administration Commission shall consider
3157 the nature of the issues in dispute, any requests for a formal
3158 administrative hearing pursuant to chapter 120, the compliance of
3159 the parties with this section, the extent of the conflict between
3160 the parties, the comparative hardships and the public interest
3161 involved. If the Administration Commission incorporates in its
3162 final order a term or condition that requires any local
3163 government to amend its local government comprehensive plan, the
3164 local government shall amend its plan within 60 days after the
3165 issuance of the order. ~~Such amendment or amendments shall be~~
3166 ~~exempt from the limitation of the frequency of plan amendments~~
3167 ~~contained in s. 163.3187(2), and~~ A public hearing on such
3168 amendment or amendments pursuant to s. 163.3184(15)(b)1. is ~~shall~~
3169 ~~not be~~ required. The final order of the Administration Commission
3170 is subject to appeal pursuant to s. 120.68. If the order of the
3171 Administration Commission is appealed, the time for the local
3172 government to amend its plan is ~~shall be~~ tolled during the



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3173 | pendency of any local, state, or federal administrative or
3174 | judicial proceeding relating to the military base reuse plan.

3175 | Section 18. Paragraph (1) of subsection (24) of section
3176 | 380.06, Florida Statutes, is amended to read:

3177 | 380.06 Developments of regional impact.--

3178 | (24) STATUTORY EXEMPTIONS.--

3179 | (1) Any proposed development within an urban service
3180 | boundary established as part of a local comprehensive plan under
3181 | s. 163.3177 ~~s. 163.3177(14)~~ is exempt from ~~the provisions of~~
3182 | this section if the local government having jurisdiction over the
3183 | area where the development is proposed has adopted the urban
3184 | service boundary, has entered into a binding agreement with
3185 | jurisdictions that would be impacted and with the Department of
3186 | Transportation regarding the mitigation of impacts on state and
3187 | regional transportation facilities, and has adopted a
3188 | proportionate share methodology pursuant to s. 163.3180(16).

3189 |
3190 | If a use is exempt from review as a development of regional
3191 | impact under paragraphs (a)-(t), but will be part of a larger
3192 | project that is subject to review as a development of regional
3193 | impact, the impact of the exempt use must be included in the
3194 | review of the larger project.

3195 | Section 19. Sections 339.282 and 420.615, Florida Statutes,
3196 | are repealed.

3197 | Section 20. This act shall take effect July 1, 2008.