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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
	.	
	.	

1 The Committee on Transportation (Villalobos) recommended the
2 following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

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

9 70.51 Land use and environmental dispute resolution.--

10 (26) A special magistrate's recommendation under this
11 section constitutes data in support of, and a support document
12 for, a comprehensive plan or comprehensive plan amendment, but is
13 not, in and of itself, dispositive of a determination of
14 compliance with chapter 163. ~~Any comprehensive plan amendment
15 necessary to carry out the approved recommendation of a special
16 magistrate under this section is exempt from the twice-a-year~~



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17 | ~~limit on plan amendments and may be adopted by the local~~
18 | ~~government amendments in s. 163.3184(16)(d).~~

19 | Section 2. Section 125.379, Florida Statutes, is
20 | transferred, renumbered as section 163.32431, Florida Statutes,
21 | and amended to read:

22 | 163.32431 ~~125.379~~ Disposition of county property for
23 | affordable housing.--

24 | (1) By July 1, 2007, and every 3 years thereafter, each
25 | county shall prepare an inventory list of all real property
26 | within its jurisdiction to which the county holds fee simple
27 | title that is appropriate for use as affordable housing. The
28 | inventory list must include the address and legal description of
29 | each ~~such~~ real property and specify whether the property is
30 | vacant or improved. The governing body of the county must review
31 | the inventory list at a public hearing and may revise it at the
32 | conclusion of the public hearing. The governing body of the
33 | county shall adopt a resolution that includes an inventory list
34 | of the ~~such~~ property following the public hearing.

35 | (2) The properties identified as appropriate for use as
36 | affordable housing on the inventory list adopted by the county
37 | may be offered for sale and the proceeds used to purchase land
38 | for the development of affordable housing or to increase the
39 | local government fund earmarked for affordable housing, or may be
40 | sold with a restriction that requires the development of the
41 | property as permanent affordable housing, or may be donated to a
42 | nonprofit housing organization for the construction of permanent
43 | affordable housing. Alternatively, the county may otherwise make
44 | the property available for use for the production and
45 | preservation of permanent affordable housing. For purposes of



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46 | this section, the term "affordable" has the same meaning as in s.
47 | 420.0004(3).

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

53 | Section 3. Subsection (1) of section 163.3174, Florida
54 | Statutes, is amended to read:

55 | 163.3174 Local planning agency.--

56 | (1) The governing body of each local government,
57 | individually or in combination as provided in s. 163.3171, shall
58 | designate and by ordinance establish a "local planning agency,"
59 | unless the agency is otherwise established by law.
60 | Notwithstanding any special act to the contrary, all local
61 | planning agencies or equivalent agencies that first review
62 | rezoning and comprehensive plan amendments in each municipality
63 | and county shall include a representative of the school district
64 | appointed by the school board as a nonvoting member ~~of the local~~
65 | ~~planning agency or equivalent agency~~ to attend those meetings at
66 | which the agency considers comprehensive plan amendments and
67 | rezonings that would, if approved, increase residential density
68 | on the property that is the subject of the application. However,
69 | this subsection does not prevent the ~~governing body of the~~ local
70 | government from granting voting status to the school board
71 | member. Members of the local governing body may not serve on
72 | ~~designate itself as~~ the local planning agency pursuant to this
73 | subsection, except in a municipality having a population of 5,000
74 | or fewer with the addition of a nonvoting school board
75 | ~~representative~~. The local governing body shall notify the state



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76 land planning agency of the establishment of its local planning
77 agency. All local planning agencies shall provide opportunities
78 for involvement by applicable community college boards, which may
79 be accomplished by formal representation, membership on technical
80 advisory committees, or other appropriate means. The local
81 planning agency shall prepare the comprehensive plan or plan
82 amendment after hearings to be held after public notice and shall
83 make recommendations to the local governing body regarding the
84 adoption or amendment of the plan. The local planning agency may
85 be a local planning commission, the planning department of the
86 local government, or other instrumentality, including a
87 countywide planning entity established by special act or a
88 council of local government officials created pursuant to s.
89 163.02, provided the composition of the council is fairly
90 representative of all the governing bodies in the county or
91 planning area; however:

92 (a) If a joint planning entity was ~~is~~ in existence on July
93 1, 1975 ~~the effective date of this act which authorizes the~~
94 ~~governing bodies to adopt and enforce a land use plan effective~~
95 ~~throughout the joint planning area~~, that entity shall be the
96 agency for those local governments until such time as the
97 authority of the joint planning entity is modified by law.

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

101 Section 4. Paragraph (b) of subsection (3), paragraph (a)
102 of subsection (4), paragraphs (a), (c), (f), (g), and (h) of
103 subsection (6), paragraph (i) of subsection (10), paragraph (i)
104 of subsection (12), and subsections (13) and (14) of section
105 163.3177, Florida Statutes, are amended to read:



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106 163.3177 Required and optional elements of comprehensive
107 plan; studies and surveys.--

108 (3)

109 (b)1. The capital improvements element must be reviewed on
110 an annual basis and modified as necessary in accordance with s.
111 163.3187 or s. 163.3189 in order to maintain a financially
112 feasible 5-year schedule of capital improvements. Corrections and
113 modifications concerning costs; revenue sources; or acceptance of
114 facilities pursuant to dedications which are consistent with the
115 plan may be accomplished by ordinance and shall not be deemed to
116 be amendments to the local comprehensive plan. A copy of the
117 ordinance shall be transmitted to the state land planning agency.
118 An amendment to the comprehensive plan is required to update the
119 schedule on an annual basis or to eliminate, defer, or delay the
120 construction for any facility listed in the 5-year schedule. All
121 public facilities must be consistent with the capital
122 improvements element. Amendments to implement this section must
123 be adopted and transmitted no later than December 1, 2009 ~~2008~~.
124 Thereafter, a local government may not amend its future land use
125 map, except for plan amendments to meet new requirements under
126 this part and emergency amendments pursuant to s. 163.3187(1)(a),
127 after December 1, 2009 ~~2008~~, and every year thereafter, unless
128 and until the local government has adopted the annual update and
129 it has been transmitted to the state land planning agency.

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



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135 (4) (a) Coordination of the local comprehensive plan with
136 the comprehensive plans of adjacent municipalities, the county,
137 adjacent counties, or the region; with the appropriate water
138 management district's regional water supply plans approved
139 pursuant to s. 373.0361; with adopted rules pertaining to
140 designated areas of critical state concern; and with the state
141 comprehensive plan shall be a major objective of the local
142 comprehensive planning process. To that end, in the preparation
143 of a comprehensive plan or element thereof, and in the
144 comprehensive plan or element as adopted, the governing body
145 shall include a specific policy statement indicating the
146 relationship of the proposed development of the area to the
147 comprehensive plans of adjacent municipalities, the county,
148 adjacent counties, or the region and to the state comprehensive
149 plan, as the case may require and as such adopted plans or plans
150 in preparation may exist.

151 (6) In addition to the requirements of subsections (1)-(5)
152 and (12), the comprehensive plan shall include the following
153 elements:

154 (a) A future land use plan element designating proposed
155 future general distribution, location, and extent of the uses of
156 land for residential uses, commercial uses, industry,
157 agriculture, recreation, conservation, education, public
158 buildings and grounds, other public facilities, and other
159 categories of the public and private uses of land. Counties are
160 encouraged to designate rural land stewardship areas, pursuant to
161 ~~the provisions of~~ paragraph (11) (d), as overlays on the future
162 land use map.

163 1. Each future land use category must be defined in terms
164 of uses included, and must include standards for ~~to be followed~~



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165 ~~in~~ the control and distribution of population densities and
166 building and structure intensities. The proposed distribution,
167 location, and extent of the various categories of land use shall
168 be shown on a land use map or map series which shall be
169 supplemented by goals, policies, and measurable objectives.

170 2. The future land use plan shall be based upon surveys,
171 studies, and data regarding the area, including the amount of
172 land required to accommodate anticipated growth; the projected
173 population of the area; the character of undeveloped land; the
174 availability of water supplies, public facilities, and services;
175 the need for redevelopment, including the renewal of blighted
176 areas and the elimination of nonconforming uses which are
177 inconsistent with the character of the community; the
178 compatibility of uses on lands adjacent to or closely proximate
179 to military installations; the discouragement of urban sprawl;
180 energy-efficient land use patterns that reduce vehicle miles
181 traveled; and, in rural communities, the need for job creation,
182 capital investment, and economic development that will strengthen
183 and diversify the community's economy.

184 3. The future land use plan may designate areas for future
185 planned development use involving combinations of types of uses
186 for which special regulations may be necessary to ensure
187 development in accord with the principles and standards of the
188 comprehensive plan and this act.

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

192 5. Counties are encouraged to adopt a rural sub-element as
193 a part of the future land use plan. The sub-element shall apply
194 to all lands classified in the future land use plan as



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195 predominantly agricultural, rural, open, open-rural, or a
196 substantively equivalent land use. The rural sub-element shall
197 include goals, objectives, and policies that enhance rural
198 economies, promote the viability of agriculture, provide for
199 appropriate economic development, discourage urban sprawl, and
200 ensure the protection of natural resources. The rural sub-element
201 shall generally identify anticipated areas of rural,
202 agricultural, and conservation and areas that may be considered
203 for conversion to urban land use and appropriate sites for
204 affordable housing. The rural sub-element shall also generally
205 identify areas that may be considered for rural land stewardship
206 areas, sector planning, or new communities or towns in accordance
207 with subsection (11) and s. 163.3245(2). ~~In addition,~~ For rural
208 communities, the amount of land designated for future planned
209 industrial use shall be based upon surveys and studies that
210 reflect the need for job creation, capital investment, and the
211 necessity to strengthen and diversify the local economies, and
212 ~~may shall~~ not be limited solely by the projected population of
213 the rural community.

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

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

219 8. For coastal counties, the future land use element must
220 include, without limitation, regulatory incentives and criteria
221 that encourage the preservation of recreational and commercial
222 working waterfronts as defined in s. 342.07.

223 9. The future land use element must clearly identify the
224 land use categories in which public schools are an allowable use.



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225 When delineating such ~~the~~ land use categories ~~in which public~~
226 ~~schools are an allowable use~~, a local government shall include in
227 the categories sufficient land proximate to residential
228 development to meet the projected needs for schools in
229 coordination with public school boards and may establish
230 differing criteria for schools of different type or size. Each
231 local government shall include lands contiguous to existing
232 school sites, to the maximum extent possible, within the land use
233 categories in which public schools are an allowable use. ~~The~~
234 ~~failure by a local government to comply with these school siting~~
235 ~~requirements will result in the prohibition of~~ The local
236 government may not ~~government's ability to~~ amend the local
237 comprehensive plan, except for plan amendments described in s.
238 163.3187(1)(b), until the school siting requirements are met.
239 ~~Amendments proposed by a local government for purposes of~~
240 ~~identifying the land use categories in which public schools are~~
241 ~~an allowable use are exempt from the limitation on the frequency~~
242 ~~of plan amendments contained in s. 163.3187.~~ The future land use
243 element shall include criteria that encourage the location of
244 schools proximate to urban residential areas to the extent
245 possible and shall require that the local government seek to
246 collocate public facilities, such as parks, libraries, and
247 community centers, with schools to the extent possible and to
248 encourage the use of elementary schools as focal points for
249 neighborhoods. For schools serving predominantly rural counties,
250 defined as a county having ~~with~~ a population of 100,000 or fewer,
251 an agricultural land use category shall be eligible for the
252 location of public school facilities if the local comprehensive
253 plan contains school siting criteria and the location is
254 consistent with such criteria. Local governments required to



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255 | update or amend their comprehensive plan to include criteria and
256 | address compatibility of adjacent or closely proximate lands with
257 | existing military installations in their future land use plan
258 | element shall transmit the update or amendment to the department
259 | by June 30, 2006.

260 | (c) A general sanitary sewer, solid waste, drainage,
261 | potable water, and natural groundwater aquifer recharge element
262 | correlated to principles and guidelines for future land use,
263 | indicating ways to provide for future potable water, drainage,
264 | sanitary sewer, solid waste, and aquifer recharge protection
265 | requirements for the area. The element may be a detailed
266 | engineering plan including a topographic map depicting areas of
267 | prime groundwater recharge. The element shall describe the
268 | problems and needs and the general facilities that will be
269 | required for solution of the problems and needs. The element
270 | shall also include a topographic map depicting any areas adopted
271 | by a regional water management district as prime groundwater
272 | recharge areas for the Floridan or Biscayne aquifers. These areas
273 | shall be given special consideration when the local government is
274 | engaged in zoning or considering future land use for said
275 | designated areas. For areas served by septic tanks, soil surveys
276 | shall be provided which indicate the suitability of soils for
277 | septic tanks. Within 18 months after the governing board approves
278 | an updated regional water supply plan, the element must
279 | incorporate the alternative water supply project or projects
280 | selected by the local government from those identified in the
281 | regional water supply plan pursuant to s. 373.0361(2) (a) or
282 | proposed by the local government under s. 373.0361(7) (b). If a
283 | local government is located within two water management
284 | districts, the local government shall adopt its comprehensive



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285 | plan amendment within 18 months after the later updated regional
286 | water supply plan. The element must identify such alternative
287 | water supply projects and traditional water supply projects and
288 | conservation and reuse necessary to meet the water needs
289 | identified in s. 373.0361(2)(a) within the local government's
290 | jurisdiction and include a work plan, covering at least a 10 year
291 | planning period, for building public, private, and regional water
292 | supply facilities, including development of alternative water
293 | supplies, which are identified in the element as necessary to
294 | serve existing and new development. The work plan shall be
295 | updated, at a minimum, every 5 years within 18 months after the
296 | governing board of a water management district approves an
297 | updated regional water supply plan. ~~Amendments to incorporate the~~
298 | ~~work plan do not count toward the limitation on the frequency of~~
299 | ~~adoption of amendments to the comprehensive plan.~~ Local
300 | governments, public and private utilities, regional water supply
301 | authorities, special districts, and water management districts
302 | are encouraged to cooperatively plan for the development of
303 | multijurisdictional water supply facilities that are sufficient
304 | to meet projected demands for established planning periods,
305 | including the development of alternative water sources to
306 | supplement traditional sources of groundwater and surface water
307 | supplies.

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

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

312 | b. The elimination of substandard dwelling conditions.

313 | c. The structural and aesthetic improvement of existing
314 | housing.



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315 d. The provision of adequate sites for future housing,
316 including affordable workforce housing as defined in s.
317 380.0651(3)(j), housing for low-income, very low-income, and
318 moderate-income families, mobile homes, senior affordable
319 housing, and group home facilities and foster care facilities,
320 with supporting infrastructure and public facilities. This
321 includes compliance with the applicable public lands provision
322 under s. 163.32431 or s. 163.32432.

323 e. Provision for relocation housing and identification of
324 historically significant and other housing for purposes of
325 conservation, rehabilitation, or replacement.

326 f. The formulation of housing implementation programs.

327 g. The creation or preservation of affordable housing to
328 minimize the need for additional local services and avoid the
329 concentration of affordable housing units only in specific areas
330 of the jurisdiction.

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

342 ~~(II)i.~~ As a precondition to receiving any state affordable
343 housing funding or allocation for any project or program within
344 the jurisdiction of a county that is subject to sub-sub-



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345 subparagraph (I), a county must, by July 1 of each year, provide
346 certification that the county has complied with the requirements
347 of sub-sub-subparagraph (I). Failure by a local government to
348 comply with the requirement in sub-subparagraph h. will result in
349 the local government being ineligible to receive any state
350 housing assistance grants until the requirement of sub-
351 subparagraph h. is met.

352 2. The goals, objectives, and policies of the housing
353 element must be based on the data and analysis prepared on
354 housing needs, including the affordable housing needs assessment.
355 State and federal housing plans prepared on behalf of the local
356 government must be consistent with the goals, objectives, and
357 policies of the housing element. Local governments are encouraged
358 to use ~~utilize~~ job training, job creation, and economic solutions
359 to address a portion of their affordable housing concerns.

360 3.2. To assist local governments in housing data collection
361 and analysis and assure uniform and consistent information
362 regarding the state's housing needs, the state land planning
363 agency shall conduct an affordable housing needs assessment for
364 all local jurisdictions on a schedule that coordinates the
365 implementation of the needs assessment with the evaluation and
366 appraisal reports required by s. 163.3191. Each local government
367 shall use ~~utilize~~ the data and analysis from the needs assessment
368 as one basis for the housing element of its local comprehensive
369 plan. The agency shall allow a local government ~~the option~~ to
370 perform its own needs assessment, if it uses the methodology
371 established by the agency by rule.

372 (g)1. For those units of local government identified in s.
373 380.24, a coastal management element, appropriately related to
374 the particular requirements of paragraphs (d) and (e) and meeting



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375 the requirements of s. 163.3178(2) and (3). The coastal
376 management element shall set forth the policies that shall guide
377 the local government's decisions and program implementation with
378 respect to the following objectives:

379 a. Maintenance, restoration, and enhancement of the overall
380 quality of the coastal zone environment, including, but not
381 limited to, its amenities and aesthetic values.

382 b. Continued existence of viable populations of all species
383 of wildlife and marine life.

384 c. The orderly and balanced utilization and preservation,
385 consistent with sound conservation principles, of all living and
386 nonliving coastal zone resources.

387 d. Avoidance of irreversible and irretrievable loss of
388 coastal zone resources.

389 e. Ecological planning principles and assumptions to be
390 used in the determination of suitability and extent of permitted
391 development.

392 f. Proposed management and regulatory techniques.

393 g. Limitation of public expenditures that subsidize
394 development in high-hazard coastal areas.

395 h. Protection of human life against the effects of natural
396 disasters.

397 i. The orderly development, maintenance, and use of ports
398 identified in s. 403.021(9) to facilitate deepwater commercial
399 navigation and other related activities.

400 j. Preservation, including sensitive adaptive use of
401 historic and archaeological resources.

402 2. As part of this element, a local government that has a
403 coastal management element in its comprehensive plan is
404 encouraged to adopt recreational surface water use policies that



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405 include applicable criteria for and consider such factors as
406 natural resources, manatee protection needs, protection of
407 working waterfronts and public access to the water, and
408 recreation and economic demands. Criteria for manatee protection
409 in the recreational surface water use policies should reflect
410 applicable guidance outlined in the Boat Facility Siting Guide
411 prepared by the Fish and Wildlife Conservation Commission. ~~If the~~
412 ~~local government elects to adopt recreational surface water use~~
413 ~~policies by comprehensive plan amendment, such comprehensive plan~~
414 ~~amendment is exempt from the provisions of s. 163.3187(1).~~ Local
415 governments that wish to adopt recreational surface water use
416 policies may be eligible for assistance with the development of
417 such policies through the Florida Coastal Management Program. The
418 Office of Program Policy Analysis and Government Accountability
419 shall submit a report on the adoption of recreational surface
420 water use policies under this subparagraph to the President of
421 the Senate, the Speaker of the House of Representatives, and the
422 majority and minority leaders of the Senate and the House of
423 Representatives no later than December 1, 2010.

424 (h)1. An intergovernmental coordination element showing
425 relationships and stating principles and guidelines to be used in
426 the accomplishment of coordination of the adopted comprehensive
427 plan with the plans of school boards, regional water supply
428 authorities, and other units of local government providing
429 services but not having regulatory authority over the use of
430 land, with the comprehensive plans of adjacent municipalities,
431 the county, adjacent counties, or the region, with the state
432 comprehensive plan and with the applicable regional water supply
433 plan approved pursuant to s. 373.0361, as the case may require
434 and as such adopted plans or plans in preparation may exist. This



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435 element of the local comprehensive plan shall demonstrate
436 consideration of the particular effects of the local plan, when
437 adopted, upon the development of adjacent municipalities, the
438 county, adjacent counties, or the region, or upon the state
439 comprehensive plan, as the case may require.

440 a. The intergovernmental coordination element shall provide
441 for procedures to identify and implement joint planning areas,
442 especially for the purpose of annexation, municipal
443 incorporation, and joint infrastructure service areas.

444 b. The intergovernmental coordination element shall provide
445 for recognition of campus master plans prepared pursuant to s.
446 1013.30.

447 c. The intergovernmental coordination element may provide
448 for a voluntary dispute resolution process as established
449 pursuant to s. 186.509 for bringing to closure in a timely manner
450 intergovernmental disputes. A local government may develop and
451 use an alternative local dispute resolution process for this
452 purpose.

453 2. The intergovernmental coordination element shall further
454 state principles and guidelines to be used in the accomplishment
455 of coordination of the adopted comprehensive plan with the plans
456 of school boards and other units of local government providing
457 facilities and services but not having regulatory authority over
458 the use of land. In addition, the intergovernmental coordination
459 element shall describe joint processes for collaborative planning
460 and decisionmaking on population projections and public school
461 siting, the location and extension of public facilities subject
462 to concurrency, and siting facilities with countywide
463 significance, including locally unwanted land uses whose nature
464 and identity are established in an agreement. Within 1 year of



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465 adopting their intergovernmental coordination elements, each
466 county, all the municipalities within that county, the district
467 school board, and any unit of local government service providers
468 in that county shall establish by interlocal or other formal
469 agreement executed by all affected entities, the joint processes
470 described in this subparagraph consistent with their adopted
471 intergovernmental coordination elements.

472 3. To foster coordination between special districts and
473 local general-purpose governments as local general-purpose
474 governments implement local comprehensive plans, each independent
475 special district must submit a public facilities report to the
476 appropriate local government as required by s. 189.415.

477 4.a. Local governments must execute an interlocal agreement
478 with the district school board, the county, and nonexempt
479 municipalities pursuant to s. 163.31777. The local government
480 shall amend the intergovernmental coordination element to provide
481 that coordination between the local government and school board
482 is pursuant to the agreement and shall state the obligations of
483 the local government under the agreement.

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

486 5. The state land planning agency shall establish a
487 schedule for phased completion and transmittal of plan amendments
488 to implement subparagraphs 1., 2., and 3. from all jurisdictions
489 so as to accomplish their adoption by December 31, 1999. A local
490 government may complete and transmit its plan amendments to carry
491 out these provisions prior to the scheduled date established by
492 the state land planning agency. ~~The plan amendments are exempt~~
493 ~~from the provisions of s. 163.3187(1).~~



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

498 a. Identifies all existing or proposed interlocal service
499 delivery agreements regarding the following: education; sanitary
500 sewer; public safety; solid waste; drainage; potable water; parks
501 and recreation; and transportation facilities.

502 b. Identifies any deficits or duplication in the provision
503 of services within its jurisdiction, whether capital or
504 operational. Upon request, the Department of Community Affairs
505 shall provide technical assistance to the local governments in
506 identifying deficits or duplication.

507 7. Within 6 months after submission of the report, the
508 Department of Community Affairs shall, through the appropriate
509 regional planning council, coordinate a meeting of all local
510 governments within the regional planning area to discuss the
511 reports and potential strategies to remedy any identified
512 deficiencies or duplications.

513 8. Each local government shall update its intergovernmental
514 coordination element based upon the findings in the report
515 submitted pursuant to subparagraph 6. The report may be used as
516 supporting data and analysis for the intergovernmental
517 coordination element.

518 (10) The Legislature recognizes the importance and
519 significance of chapter 9J-5, Florida Administrative Code, the
520 Minimum Criteria for Review of Local Government Comprehensive
521 Plans and Determination of Compliance of the Department of
522 Community Affairs that will be used to determine compliance of
523 local comprehensive plans. The Legislature reserved unto itself



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524 the right to review chapter 9J-5, Florida Administrative Code,
525 and to reject, modify, or take no action relative to this rule.
526 Therefore, pursuant to subsection (9), the Legislature hereby has
527 reviewed chapter 9J-5, Florida Administrative Code, and expresses
528 the following legislative intent:

529 (i) The Legislature recognizes that due to varying local
530 conditions, local governments have different planning needs that
531 cannot be addressed by one uniform set of minimum planning
532 criteria. Therefore, the state land planning agency may amend
533 chapter 9J-5, Florida Administrative Code, to establish different
534 minimum criteria that are applicable to local governments based
535 on the following factors:

- 536 1. Current and projected population.
537 2. Size of the local jurisdiction.
538 3. Amount and nature of undeveloped land.
539 4. The scale of public services provided by the local
540 government.

541
542 The state land planning agency ~~department~~ shall take into account
543 the factors delineated in rule 9J-5.002(2), Florida
544 Administrative Code, as it provides assistance to local
545 governments and applies the rule in specific situations with
546 regard to the detail of the data and analysis required.

547 (12) A public school facilities element adopted to
548 implement a school concurrency program shall meet the
549 requirements of this subsection. Each county and each
550 municipality within the county, unless exempt or subject to a
551 waiver, must adopt a public school facilities element that is
552 consistent with those adopted by the other local governments



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553 within the county and enter the interlocal agreement pursuant to
554 s. 163.31777.

555 (i) The state land planning agency shall establish a phased
556 schedule for adoption of the public school facilities element and
557 the required updates to the public schools interlocal agreement
558 pursuant to s. 163.31777. The schedule shall provide for each
559 county and local government within the county to adopt the
560 element and update to the agreement no later than December 1,
561 2009 ~~2008~~. Plan amendments to adopt a public school facilities
562 element are exempt from the provisions of s. 163.3187(1).

563 (13) (a) The Legislature recognizes and finds that:

564 1. There are a number of agricultural industrial facilities
565 in the state that process, produce, or aid in the production or
566 distribution of a variety of agriculturally based products, such
567 as fruits, vegetables, timber, and other crops, as well as
568 juices, paper, and building materials. These agricultural
569 industrial facilities may have a significant amount of existing
570 associated infrastructure that is used for the processing,
571 production, or distribution of agricultural products.

572 2. Such rural agricultural industrial facilities often are
573 located within or near communities in which the economy is
574 largely dependent upon agriculture and agriculturally based
575 products. These facilities significantly enhance the economy of
576 such communities. However, these agriculturally based communities
577 often are socioeconomically challenged and many such communities
578 have been designated as rural areas of critical economic concern.
579 If these existing agricultural industrial facilities are lost and
580 or not replaced with other job-creating enterprises, these
581 agriculturally based communities may lose a substantial amount of
582 their economies.



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583 3. The state has a compelling interest in preserving the
584 viability of agriculture and protecting rural agricultural
585 communities and the state from the economic upheaval that could
586 result from short-term or long-term adverse changes in the
587 agricultural economy. To protect such communities and promote
588 viable agriculture for the long term, it is essential to
589 encourage and permit diversification of exiting rural
590 agricultural industrial facilities by providing for jobs that are
591 not solely dependent upon but are compatible with and complement
592 existing agricultural operations and to encourage the creation
593 and expansion of industries that use agricultural products in
594 innovative or new ways. However, the expansion and
595 diversification of these existing facilities must be accomplished
596 in a manner that does not promote urban sprawl into surrounding
597 agricultural and rural areas.

598 (b) As used in this subsection, the term "rural
599 agricultural industrial center" means a developed parcel of land
600 in an unincorporated area on which there exists an operating
601 agricultural industrial facility or facilities that employ at
602 least 200 full-time employees in the aggregate and that are used
603 for processing and preparing for transport a farm product, as
604 defined in s. 163.3162, or any biomass material that could be
605 used, directly or indirectly, for the production of fuel,
606 renewable energy, bioenergy, or alternative fuel as defined by
607 state law. The center may also include land contiguous to the
608 facility site which is not used for the cultivation of crops, but
609 on which other existing activities essential to the operation of
610 such facility or facilities are located or conducted. The parcel
611 of land must be located within or in reasonable proximity to a
612 rural area of critical economic concern.



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613 (c) A landowner within a rural agricultural industrial
614 center may apply for an amendment to the local government
615 comprehensive plan for the purpose of designating and expanding
616 the exiting agricultural industrial uses or facilities located in
617 the center or expanding the existing center to include industrial
618 uses or facilities that are not dependent upon but are compatible
619 with agriculture and the existing uses and facilities. An
620 application for a comprehensive plan amendment under this
621 paragraph:

622 1. May not increase the physical area of the original
623 existing agricultural industrial center by more than 50 percent
624 or 200 acres, whichever is greater;

625 2. Must propose a project that would create, upon
626 completion, at least 50 new full-time jobs;

627 3. Must demonstrate that infrastructure capacity exists or
628 will be provided by the landowner to support the expanded center
629 at level-of-service standards adopted in the local government
630 comprehensive plan;

631 4. Must contain goals, objectives, and policies that will
632 prevent urban sprawl in the areas surrounding the expanded
633 center, or demonstrate that the local government comprehensive
634 plan contains such provisions; and

635 5. Must contain goals, objectives, and policies that will
636 ensure that any adverse environmental impacts of the expanded
637 center will be adequately addressed and mitigated, or demonstrate
638 that the local government comprehensive plan contains such
639 provisions.

640
641 An amendment that meets the requirements of this subsection is
642 presumed to be consistent with rule 9J-5.006(5), Florida



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643 Administrative Code. This presumption may be rebutted by a
644 preponderance of the evidence.

645 (d) This subsection does not apply to an optional sector
646 plan adopted pursuant to s. 163.3245 or to a rural land
647 stewardship area designated pursuant to subsection (11). Local
648 governments are encouraged to develop a community vision that
649 provides for sustainable growth, recognizes its fiscal
650 constraints, and protects its natural resources. At the request
651 of a local government, the applicable regional planning council
652 shall provide assistance in the development of a community
653 vision.

654 ~~(a) As part of the process of developing a community vision~~
655 ~~under this section, the local government must hold two public~~
656 ~~meetings with at least one of those meetings before the local~~
657 ~~planning agency. Before those public meetings, the local~~
658 ~~government must hold at least one public workshop with~~
659 ~~stakeholder groups such as neighborhood associations, community~~
660 ~~organizations, businesses, private property owners, housing and~~
661 ~~development interests, and environmental organizations.~~

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

- 665 ~~1. Future growth in the area using population forecasts~~
666 ~~from the Bureau of Economic and Business Research;~~
667 ~~2. Priorities for economic development;~~
668 ~~3. Preservation of open space, environmentally sensitive~~
669 ~~lands, and agricultural lands;~~
670 ~~4. Appropriate areas and standards for mixed-use~~
671 ~~development;~~



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672 ~~5. Appropriate areas and standards for high-density~~
673 ~~commercial and residential development;~~
674 ~~6. Appropriate areas and standards for economic development~~
675 ~~opportunities and employment centers;~~
676 ~~7. Provisions for adequate workforce housing;~~
677 ~~8. An efficient, interconnected multimodal transportation~~
678 ~~system; and~~
679 ~~9. Opportunities to create land use patterns that~~
680 ~~accommodate the issues listed in subparagraphs 1.-8.~~
681 ~~(c) As part of the workshops and public meetings, the local~~
682 ~~government must discuss strategies for addressing the topics~~
683 ~~discussed under paragraph (b), including:~~
684 ~~1. Strategies to preserve open space and environmentally~~
685 ~~sensitive lands, and to encourage a healthy agricultural economy,~~
686 ~~including innovative planning and development strategies, such as~~
687 ~~the transfer of development rights;~~
688 ~~2. Incentives for mixed-use development, including~~
689 ~~increased height and intensity standards for buildings that~~
690 ~~provide residential use in combination with office or commercial~~
691 ~~space;~~
692 ~~3. Incentives for workforce housing;~~
693 ~~4. Designation of an urban service boundary pursuant to~~
694 ~~subsection (2); and~~
695 ~~5. Strategies to provide mobility within the community and~~
696 ~~to protect the Strategic Intermodal System, including the~~
697 ~~development of a transportation corridor management plan under s.~~
698 ~~337.273.~~
699 ~~(d) The community vision must reflect the community's~~
700 ~~shared concept for growth and development of the community,~~
701 ~~including visual representations depicting the desired land use~~



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702 ~~patterns and character of the community during a 10-year planning~~
703 ~~timeframe. The community vision must also take into consideration~~
704 ~~economic viability of the vision and private property interests.~~

705 ~~(e) After the workshops and public meetings required under~~
706 ~~paragraph (a) are held, the local government may amend its~~
707 ~~comprehensive plan to include the community vision as a component~~
708 ~~in the plan. This plan amendment must be transmitted and adopted~~
709 ~~pursuant to the procedures in ss. 163.3184 and 163.3189 at public~~
710 ~~hearings of the governing body other than those identified in~~
711 ~~paragraph (a).~~

712 ~~(f) Amendments submitted under this subsection are exempt~~
713 ~~from the limitation on the frequency of plan amendments in s.~~
714 ~~163.3187.~~

715 ~~(g) A local government that has developed a community~~
716 ~~vision or completed a visioning process after July 1, 2000, and~~
717 ~~before July 1, 2005, which substantially accomplishes the goals~~
718 ~~set forth in this subsection and the appropriate goals, policies,~~
719 ~~or objectives have been adopted as part of the comprehensive plan~~
720 ~~or reflected in subsequently adopted land development regulations~~
721 ~~and the plan amendment incorporating the community vision as a~~
722 ~~component has been found in compliance is eligible for the~~
723 ~~incentives in s. 163.3184(17).~~

724 ~~(14) Local governments are also encouraged to designate an~~
725 ~~urban service boundary. This area must be appropriate for~~
726 ~~compact, contiguous urban development within a 10-year planning~~
727 ~~timeframe. The urban service area boundary must be identified on~~
728 ~~the future land use map or map series. The local government shall~~
729 ~~demonstrate that the land included within the urban service~~
730 ~~boundary is served or is planned to be served with adequate~~
731 ~~public facilities and services based on the local government's~~



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732 ~~adopted level-of-service standards by adopting a 10-year~~
733 ~~facilities plan in the capital improvements element which is~~
734 ~~financially feasible. The local government shall demonstrate that~~
735 ~~the amount of land within the urban service boundary does not~~
736 ~~exceed the amount of land needed to accommodate the projected~~
737 ~~population growth at densities consistent with the adopted~~
738 ~~comprehensive plan within the 10-year planning timeframe.~~

739 ~~(a) As part of the process of establishing an urban service~~
740 ~~boundary, the local government must hold two public meetings with~~
741 ~~at least one of those meetings before the local planning agency.~~
742 ~~Before those public meetings, the local government must hold at~~
743 ~~least one public workshop with stakeholder groups such as~~
744 ~~neighborhood associations, community organizations, businesses,~~
745 ~~private property owners, housing and development interests, and~~
746 ~~environmental organizations.~~

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

753 ~~2. This subsection does not prohibit new development~~
754 ~~outside an urban service boundary. However, a local government~~
755 ~~that establishes an urban service boundary under this subsection~~
756 ~~is encouraged to require a full-cost accounting analysis for any~~
757 ~~new development outside the boundary and to consider the results~~
758 ~~of that analysis when adopting a plan amendment for property~~
759 ~~outside the established urban service boundary.~~



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760 ~~(c) Amendments submitted under this subsection are exempt~~
761 ~~from the limitation on the frequency of plan amendments in s.~~
762 ~~163.3187.~~

763 ~~(d) A local government that has adopted an urban service~~
764 ~~boundary before July 1, 2005, which substantially accomplishes~~
765 ~~the goals set forth in this subsection is not required to comply~~
766 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
767 ~~to be eligible for the incentives under s. 163.3184(17). In order~~
768 ~~to satisfy the provisions of this paragraph, the local government~~
769 ~~must secure a determination from the state land planning agency~~
770 ~~that the urban service boundary adopted before July 1, 2005,~~
771 ~~substantially complies with the criteria of this subsection,~~
772 ~~based on data and analysis submitted by the local government to~~
773 ~~support this determination. The determination by the state land~~
774 ~~planning agency is not subject to administrative challenge.~~

775 Section 5. Subsections (3), (4), (5), and (6) of section
776 163.31771, Florida Statutes, are amended to read:

777 163.31771 Accessory dwelling units.--

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

783 (4) If the local government amends its comprehensive plan
784 pursuant to ~~adopts an ordinance under~~ this section, an
785 application for a building permit to construct an accessory
786 dwelling unit must include an affidavit from the applicant which
787 attests that the unit will be rented at an affordable rate to an
788 extremely-low-income, very-low-income, low-income, or moderate-
789 income person or persons.



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790 (5) Each accessory dwelling unit allowed by the
791 comprehensive plan an ordinance adopted under this section shall
792 apply toward satisfying the affordable housing component of the
793 housing element in the local government's comprehensive plan
794 under s. 163.3177(6)(f), and if such unit is subject to a
795 recorded land use restriction agreement restricting its use to
796 affordable housing, the unit may not be treated as a new unit for
797 purposes of transportation concurrency or impact fees. Accessory
798 dwelling units may not be located on land within a coastal high-
799 hazard area, an area of critical state concern, or on lands
800 identified as environmentally sensitive in the local
801 comprehensive plan.

802 ~~(6) The Department of Community Affairs shall evaluate the~~
803 ~~effectiveness of using accessory dwelling units to address a~~
804 ~~local government's shortage of affordable housing and report to~~
805 ~~the Legislature by January 1, 2007. The report must specify the~~
806 ~~number of ordinances adopted by a local government under this~~
807 ~~section and the number of accessory dwelling units that were~~
808 ~~created under these ordinances.~~

809 Section 6. Paragraph (h) of subsection (2) and subsection
810 (9) of section 163.3178, Florida Statutes, are amended to read:

811 163.3178 Coastal management.--

812 (2) Each coastal management element required by s.
813 163.3177(6)(g) shall be based on studies, surveys, and data; be
814 consistent with coastal resource plans prepared and adopted
815 pursuant to general or special law; and contain:

816 (h) Designation of coastal high-hazard areas and the
817 criteria for mitigation for a comprehensive plan amendment in a
818 coastal high-hazard area as provided ~~defined~~ in subsection (9).
819 The coastal high-hazard area is the area seaward of ~~below~~ the



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820 elevation of the category 1 storm surge line as established by a
821 Sea, Lake, and Overland Surges from Hurricanes (SLOSH)
822 computerized storm surge model. Except as demonstrated by site-
823 specific, reliable data and analysis, the coastal high-hazard
824 area includes all lands within the area from the mean low-water
825 line to the inland extent of the category 1 storm surge area.
826 Such area is depicted by, but not limited to, the areas
827 illustrated in the most current SLOSH Storm Surge Atlas.
828 Application of mitigation and the application of development and
829 redevelopment policies, pursuant to s. 380.27(2), and any rules
830 adopted thereunder, shall be at the discretion of the local
831 government.

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

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

- 839 1. The area subject to the amendment is not:
840 a. Within a designated area of critical state concern;
841 b. Inclusive of areas within the FEMA velocity zones;
842 c. Subject to coastal erosion;
843 d. Seaward of the coastal construction control line; or
844 e. Subject to repetitive damage from coastal storms and
845 floods.

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



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848 a. Hazard mitigation strategies that reduce, replace, or
849 eliminate unsafe structures and properties subject to repetitive
850 losses from coastal storms or floods.

851 b. Measures that reduce exposure to hazards including:

852 (I) Relocation;

853 (II) Structural modifications of threatened infrastructure;

854 (III) Provisions for operational or capacity improvements

855 to maintain hurricane evacuation clearance times within

856 established limits; and

857 (IV) Prohibiting public expenditures for capital

858 improvements that subsidize increased densities and intensities

859 of development within the coastal high-hazard area.

860 c. A postdisaster redevelopment plan.

861 3.a. The adopted level of service for out-of-county
862 hurricane evacuation clearance time is maintained for a category
863 5 storm event as measured on the Saffir-Simpson scale if the
864 adopted out-of-county hurricane evacuation clearance time does
865 not exceed 16 hours and is based upon the time necessary to reach
866 shelter space;

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

872 ~~c.3.~~ Appropriate mitigation is provided to ensure that the
873 requirements of sub-subparagraph a. or sub-subparagraph b. are
874 achieved. ~~will satisfy the provisions of subparagraph 1. or~~
875 ~~subparagraph 2.~~ Appropriate mitigation shall include, without
876 limitation, payment of money, contribution of land, and
877 construction of hurricane shelters and transportation facilities.



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878 Required mitigation may ~~shall~~ not exceed the amount required for
879 a developer to accommodate impacts reasonably attributable to
880 development. A local government and a developer shall enter into
881 a binding agreement to establish ~~memorialize~~ the mitigation plan.
882 The executed agreement must be submitted along with the adopted
883 plan amendment.

884 (b) For those local governments that have not established a
885 level of service for out-of-county hurricane evacuation by July
886 1, 2008, but elect to comply with ~~rule 9J-5.012(3)(b)6. and 7.,~~
887 ~~Florida Administrative Code,~~ by following the process in
888 paragraph (a), the level of service may not exceed ~~shall be no~~
889 ~~greater than~~ 16 hours for a category 5 storm event as measured on
890 the Saffir-Simpson scale based upon the time necessary to reach
891 shelter space.

892 (c) This subsection applies ~~shall become effective~~
893 ~~immediately and shall apply~~ to all local governments. By No later
894 ~~than~~ July 1, 2009 ~~2008~~, local governments shall amend their
895 future land use map and coastal management element to include the
896 ~~new~~ definition of coastal high-hazard area provided in paragraph
897 (2)(h) and to depict the coastal high-hazard area on the future
898 land use map.

899 Section 7. Section 163.3180, Florida Statutes, is amended
900 to read:

901 163.3180 Concurrency.--

902 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

903 (a) Public facility types.--Sanitary sewer, solid waste,
904 drainage, potable water, parks and recreation, schools, and
905 transportation facilities, including mass transit, where
906 applicable, are the only public facilities and services subject
907 to the concurrency requirement on a statewide basis. Additional



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908 public facilities and services may not be made subject to
909 concurrency on a statewide basis without appropriate study and
910 approval by the Legislature; however, any local government may
911 extend the concurrency requirement ~~so that it applies to~~ apply to
912 additional public facilities within its jurisdiction.

913 (b) Transportation methodologies.--Local governments shall
914 use professionally accepted techniques for measuring level of
915 service for automobiles, bicycles, pedestrians, transit, and
916 trucks. These techniques may be used to evaluate increased
917 accessibility by multiple modes and reductions in vehicle miles
918 of travel in an area or zone. The state land planning agency and
919 the Department of Transportation shall develop methodologies to
920 assist local governments in implementing this multimodal level-
921 of-service analysis and. ~~The Department of Community Affairs and~~
922 ~~the Department of Transportation~~ shall provide technical
923 assistance to local governments in applying the ~~these~~
924 methodologies.

925 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

926 (a) Sanitary sewer, solid waste, drainage, adequate water
927 supply, and potable water facilities.--Consistent with public
928 health and safety, sanitary sewer, solid waste, drainage,
929 adequate water supplies, and potable water facilities shall be in
930 place and available to serve new development no later than the
931 issuance by the local government of a certificate of occupancy or
932 its functional equivalent. Prior to approval of a building permit
933 or its functional equivalent, the local government shall consult
934 with the applicable water supplier to determine whether adequate
935 water supplies to serve the new development will be available by
936 ~~no later than~~ the anticipated date of issuance ~~by the local~~
937 ~~government~~ of the a certificate of occupancy or its functional



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938 equivalent. A local government may meet the concurrency
939 requirement for sanitary sewer through the use of onsite sewage
940 treatment and disposal systems approved by the Department of
941 Health to serve new development.

942 (b) Parks and recreation facilities.--Consistent with the
943 public welfare, and except as otherwise provided in this section,
944 parks and recreation facilities to serve new development shall be
945 in place or under actual construction within ~~no later than~~ 1 year
946 after issuance by the local government of a certificate of
947 occupancy or its functional equivalent. However, the acreage for
948 such facilities must ~~shall~~ be dedicated or be acquired by the
949 local government prior to issuance ~~by the local government~~ of the
950 ~~a~~ certificate of occupancy or its functional equivalent, or funds
951 in the amount of the developer's fair share shall be committed no
952 later than the local government's approval to commence
953 construction.

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

960 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental
961 entities that are not responsible for providing, financing,
962 operating, or regulating public facilities needed to serve
963 development may not establish binding level-of-service standards
964 on governmental entities that do bear those responsibilities.
965 This subsection does not limit the authority of any agency to
966 recommend or make objections, recommendations, comments, or
967 determinations during reviews conducted under s. 163.3184.



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

969 (a) State and other public facilities.--The concurrency
970 requirement as implemented in local comprehensive plans applies
971 to state and other public facilities and development to the same
972 extent that it applies to all other facilities and development,
973 as provided by law.

974 (b) Public transit facilities.--The concurrency requirement
975 as implemented in local comprehensive plans does not apply to
976 public transit facilities. For the purposes of this paragraph,
977 public transit facilities include transit stations and terminals;
978 transit station parking; park-and-ride lots; intermodal public
979 transit connection or transfer facilities; fixed bus, guideway,
980 and rail stations; and airport passenger terminals and
981 concourses, air cargo facilities, and hangars for the maintenance
982 or storage of aircraft. As used in this paragraph, the terms
983 "terminals" and "transit facilities" do not include seaports or
984 commercial or residential development constructed in conjunction
985 with a public transit facility.

986 (c) Infill and redevelopment areas.--The concurrency
987 requirement, except as it relates to transportation facilities
988 and public schools, as implemented in local government
989 comprehensive plans, may be waived by a local government for
990 urban infill and redevelopment areas designated pursuant to s.
991 163.2517 if such a waiver does not endanger public health or
992 safety as defined by the local government in its local government
993 comprehensive plan. The waiver must ~~shall~~ be adopted as a plan
994 amendment using ~~pursuant to~~ the process ~~set forth~~ in s.
995 163.3187(3) (a). A local government may grant a concurrency
996 exception pursuant to subsection (5) for transportation



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997 facilities located within ~~these~~ urban infill and redevelopment
998 areas.

999 (5) TRANSPORTATION CONCURRENCY EXCEPTION AREAS.--

1000 (a) Countervailing planning and public policy goals.--The
1001 Legislature finds that under limited circumstances ~~dealing with~~
1002 ~~transportation facilities,~~ countervailing planning and public
1003 policy goals may come into conflict with the requirement that
1004 adequate public transportation facilities and services be
1005 available concurrent with the impacts of such development. The
1006 Legislature further finds that ~~often~~ the unintended result of the
1007 concurrency requirement for transportation facilities is often
1008 the discouragement of urban infill development and redevelopment.
1009 Such unintended results directly conflict with the goals and
1010 policies of the state comprehensive plan and the intent of this
1011 part. The Legislature also finds that in urban centers
1012 transportation cannot be effectively managed and mobility cannot
1013 be improved solely through the expansion of roadway capacity,
1014 that the expansion of roadway capacity is not always physically
1015 or financially possible, and that a range of transportation
1016 alternatives are essential to satisfy mobility needs, reduce
1017 congestion, and achieve healthy, vibrant centers. Therefore,
1018 transportation concurrency exception areas must achieve the goals
1019 and objectives of this part ~~exceptions from the concurrency~~
1020 ~~requirement for transportation facilities may be granted as~~
1021 ~~provided by this subsection.~~

1022 (b) Geographic applicability.--

1023 1. Within municipalities, transportation concurrency
1024 exception areas are established for geographic areas identified
1025 in the adopted portion of the comprehensive plan as of July 1,
1026 2008, for:



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1027 a. Urban infill development;
1028 b. Urban redevelopment;
1029 c. Downtown revitalization; or
1030 d. Urban infill and redevelopment under s. 163.2517.
1031 2. In other portions of the state, including municipalities
1032 and unincorporated areas of counties, a local government may
1033 adopt a comprehensive plan amendment establishing a
1034 transportation concurrency exception area ~~grant an exception from~~
1035 ~~the concurrency requirement for transportation facilities if the~~
1036 ~~proposed development is otherwise consistent with the adopted~~
1037 ~~local government comprehensive plan and is a project that~~
1038 ~~promotes public transportation or is located~~ within an area
1039 designated in the comprehensive plan for:
1040 a.1. Urban infill development;
1041 b.2. Urban redevelopment;
1042 c.3. Downtown revitalization;
1043 d.4. Urban infill and redevelopment under s. 163.2517; or
1044 e.5. An urban service area specifically designated as a
1045 transportation concurrency exception area which includes lands
1046 appropriate for compact, contiguous urban development, which does
1047 not exceed the amount of land needed to accommodate the projected
1048 population growth at densities consistent with the adopted
1049 comprehensive plan within the 10-year planning period, and which
1050 is served or is planned to be served with public facilities and
1051 services as provided by the capital improvements element.
1052 (c) Projects having special part-time demands.--The
1053 Legislature also finds that developments located within urban
1054 infill, urban redevelopment, existing urban service, or downtown
1055 revitalization areas or areas designated as urban infill and
1056 redevelopment areas under s. 163.2517 which pose only special



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1057 part-time demands on the transportation system should be excepted
1058 from the concurrency requirement for transportation facilities. A
1059 special part-time demand is one that does not have more than 200
1060 scheduled events during any calendar year and does not affect the
1061 100 highest traffic volume hours.

1062 (d) Long-term strategies within transportation concurrency
1063 exception areas.--Except for transportation concurrency exception
1064 areas established pursuant to subparagraph (b)1., the following
1065 requirements apply: ~~A local government shall establish guidelines~~
1066 ~~in the comprehensive plan for granting the exceptions authorized~~
1067 ~~in paragraphs (b) and (c) and subsections (7) and (15) which must~~
1068 ~~be consistent with and support a comprehensive strategy adopted~~
1069 ~~in the plan to promote the purpose of the exceptions.~~

1070 1.(e) The local government shall adopt into the plan and
1071 implement long-term strategies to support and fund mobility
1072 within the designated exception area, including alternative modes
1073 of transportation. The plan amendment must ~~also~~ demonstrate how
1074 strategies will support the purpose of the exception and how
1075 mobility within the designated exception area will be provided.

1076 2. In addition, The strategies must address urban design;
1077 appropriate land use mixes, including intensity and density; and
1078 network connectivity plans needed to promote urban infill,
1079 redevelopment, or downtown revitalization. The comprehensive plan
1080 amendment designating the ~~eoneurrency~~ exception area must be
1081 accompanied by data and analysis justifying the size of the area.

1082 (e)-(f) Strategic Intermodal System.--Prior to the
1083 designation of a concurrency exception area pursuant to
1084 subparagraph (b)2., the state land planning agency and the
1085 Department of Transportation shall be consulted by the local
1086 government to assess the impact that the proposed exception area



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1087 is expected to have on the adopted level-of-service standards
1088 established for Strategic Intermodal System facilities,~~as~~
1089 ~~defined in s. 339.64,~~ and roadway facilities funded in accordance
1090 with s. 339.2819 and to provide for mitigation of the impacts.
1091 Further, as a part of the comprehensive plan amendment
1092 establishing the exception area, the local government shall
1093 provide for mitigation of impacts,~~in consultation with the state~~
1094 ~~land planning agency and the Department of Transportation,~~
1095 ~~develop a plan to mitigate any impacts to the Strategic~~
1096 ~~Intermodal System, including, if appropriate, access management,~~
1097 parallel reliever roads, transportation demand management, and
1098 other measures ~~the development of a long-term concurrency~~
1099 ~~management system pursuant to subsection (9) and s.~~
1100 ~~163.3177(3)(d). The exceptions may be available only within the~~
1101 ~~specific geographic area of the jurisdiction designated in the~~
1102 ~~plan. Pursuant to s. 163.3184, any affected person may challenge~~
1103 ~~a plan amendment establishing these guidelines and the areas~~
1104 ~~within which an exception could be granted.~~

1105 ~~(g) Transportation concurrency exception areas existing~~
1106 ~~prior to July 1, 2005, must, at a minimum, meet the provisions of~~
1107 ~~this section by July 1, 2006, or at the time of the comprehensive~~
1108 ~~plan update pursuant to the evaluation and appraisal report,~~
1109 ~~whichever occurs last.~~

1110 (6) DE MINIMIS IMPACT.--The Legislature finds that a de
1111 minimis impact is consistent with this part. A de minimis impact
1112 is an impact that does ~~would~~ not affect more than 1 percent of
1113 the maximum volume at the adopted level of service of the
1114 affected transportation facility as determined by the local
1115 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
1116 existing roadway volumes and the projected volumes from approved



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1117 projects on a transportation facility exceeds ~~would exceed~~ 110
1118 percent of the maximum volume at the adopted level of service of
1119 the affected transportation facility; ~~provided~~ however, the ~~that~~
1120 ~~an~~ impact of a single family home on an existing lot is ~~will~~
1121 ~~constitute~~ a de minimis impact on all roadways regardless of the
1122 level of the deficiency of the roadway. Further, an ~~no~~ impact is
1123 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted
1124 level-of-service standard of any affected designated hurricane
1125 evacuation routes. Each local government shall maintain
1126 sufficient records to ensure that the 110-percent criterion is
1127 not exceeded. ~~Each local government shall submit annually, with~~
1128 ~~its updated capital improvements element, a summary of the de~~
1129 ~~minimis records. If the state land planning agency determines~~
1130 ~~that the 110-percent criterion has been exceeded, the state land~~
1131 ~~planning agency shall notify the local government of the~~
1132 ~~exceedance and that no further de minimis exceptions for the~~
1133 ~~applicable roadway may be granted until such time as the volume~~
1134 ~~is reduced below the 110 percent. The local government shall~~
1135 ~~provide proof of this reduction to the state land planning agency~~
1136 ~~before issuing further de minimis exceptions.~~

1137 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote
1138 infill development and redevelopment, one or more transportation
1139 concurrency management areas may be designated in a local
1140 government comprehensive plan. A transportation concurrency
1141 management area must be a compact geographic area that has ~~with~~
1142 an existing network of roads where multiple, viable alternative
1143 travel paths or modes are available for common trips. A local
1144 government may establish an areawide level-of-service standard
1145 for ~~such~~ a transportation concurrency management area based upon
1146 an analysis that provides for a justification for the areawide



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1147 level of service, how urban infill development or redevelopment
1148 will be promoted, and how mobility will be accomplished within
1149 the transportation concurrency management area. Prior to the
1150 designation of a concurrency management area, the local
1151 government shall consult with the state land planning agency and
1152 the Department of Transportation shall be consulted by the local
1153 government to assess the effect ~~impact~~ that the proposed
1154 concurrency management area is expected to have on the adopted
1155 level-of-service standards established for Strategic Intermodal
1156 System facilities, ~~as defined in s. 339.64,~~ and roadway
1157 facilities funded in accordance with s. 339.2819. Further, the
1158 local government shall, in cooperation with the state land
1159 planning agency and the Department of Transportation, develop a
1160 plan to mitigate any impacts to the Strategic Intermodal System,
1161 including, if appropriate, the development of a long-term
1162 concurrency management system pursuant to subsection (9) and s.
1163 163.3177(3) (d). ~~Transportation concurrency management areas~~
1164 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
1165 ~~provisions of this section by July 1, 2006, or at the time of the~~
1166 ~~comprehensive plan update pursuant to the evaluation and~~
1167 ~~appraisal report, whichever occurs last.~~ The state land planning
1168 agency shall amend chapter 9J-5, Florida Administrative Code, to
1169 be consistent with this subsection.

1170 (8) URBAN REDEVELOPMENT.--When assessing the transportation
1171 impacts of proposed urban redevelopment within an established
1172 existing urban service area, 150 ~~110~~ percent of the actual
1173 transportation impact caused by the previously existing
1174 development must be reserved for the redevelopment, even if the
1175 previously existing development has a lesser or nonexistent
1176 impact pursuant to the calculations of the local government.



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1177 Redevelopment requiring less than 150 ~~110~~ percent of the
1178 previously existing capacity may ~~shall~~ not be prohibited due to
1179 the reduction of transportation levels of service below the
1180 adopted standards. This does not preclude the appropriate
1181 assessment of fees or accounting for the impacts within the
1182 concurrency management system and capital improvements program of
1183 the affected local government. This paragraph does not affect
1184 local government requirements for appropriate development
1185 permits.

1186 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

1187 (a) Each local government may adopt, as a part of its plan,
1188 long-term transportation and school concurrency management
1189 systems that have ~~with~~ a planning period of up to 10 years for
1190 specially designated districts or areas where significant
1191 backlogs exist. The plan may include interim level-of-service
1192 standards on certain facilities and shall rely on the local
1193 government's schedule of capital improvements for up to 10 years
1194 as a basis for issuing development orders that authorize
1195 commencement of construction in these designated districts or
1196 areas. The concurrency management system must be designed to
1197 correct existing deficiencies and set priorities for addressing
1198 backlogged facilities and be coordinated with the appropriate
1199 metropolitan planning organization. The concurrency management
1200 system must be financially feasible and consistent with other
1201 portions of the adopted local plan, including the future land use
1202 map.

1203 (b) If a local government has a transportation or school
1204 facility backlog for existing development which cannot be
1205 adequately addressed in a 10-year plan, the state land planning
1206 agency may allow it to develop a plan and long-term schedule of



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1207 capital improvements covering up to 15 years for good and
1208 sufficient cause, based on a general comparison between the ~~that~~
1209 local government and all other similarly situated local
1210 jurisdictions, using the following factors:

- 1211 1. The extent of the backlog.
- 1212 2. For roads, whether the backlog is on local or state
1213 roads.
- 1214 3. The cost of eliminating the backlog.
- 1215 4. The local government's tax and other revenue-raising
1216 efforts.

1217 (c) The local government may issue approvals to commence
1218 construction notwithstanding this section, consistent with and in
1219 areas that are subject to a long-term concurrency management
1220 system.

1221 (d) If the local government adopts a long-term concurrency
1222 management system, it must evaluate the system periodically. At a
1223 minimum, the local government must assess its progress toward
1224 improving levels of service within the long-term concurrency
1225 management district or area in the evaluation and appraisal
1226 report and determine any changes that are necessary to accelerate
1227 progress in meeting acceptable levels of service.

1228 (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With
1229 regard to roadway facilities on the Strategic Intermodal System
1230 designated in accordance with s. ss. 339.61, 339.62, 339.63, and
1231 ~~339.64~~, the Florida Intrastate Highway System ~~as defined in s.~~
1232 ~~338.001~~, and roadway facilities funded in accordance with s.
1233 339.2819, local governments shall adopt the level-of-service
1234 standard established by the Department of Transportation by rule.
1235 For all other roads on the State Highway System, local
1236 governments shall establish an adequate level-of-service standard



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1237 that need not be consistent with any level-of-service standard
1238 established by the Department of Transportation. In establishing
1239 adequate level-of-service standards for any arterial roads, or
1240 collector roads as appropriate, which traverse multiple
1241 jurisdictions, local governments shall consider compatibility
1242 with the roadway facility's adopted level-of-service standards in
1243 adjacent jurisdictions. Each local government within a county
1244 shall use a professionally accepted methodology for measuring
1245 impacts on transportation facilities for the purposes of
1246 implementing its concurrency management system. Counties are
1247 encouraged to coordinate with adjacent counties, and local
1248 governments within a county are encouraged to coordinate, for the
1249 purpose of using common methodologies for measuring impacts on
1250 transportation facilities for the purpose of implementing their
1251 concurrency management systems.

1252 (11) LIMITATION OF LIABILITY.--In order to limit the
1253 liability of local governments, a local government may allow a
1254 landowner to proceed with development of a specific parcel of
1255 land notwithstanding a failure of the development to satisfy
1256 transportation concurrency, if ~~when~~ all the following factors ~~are~~
1257 ~~shown to~~ exist:

1258 (a) The local government that has ~~with~~ jurisdiction over
1259 the property has adopted a local comprehensive plan that is in
1260 compliance.

1261 (b) The proposed development is ~~would be~~ consistent with
1262 the future land use designation for the specific property and
1263 with pertinent portions of the adopted local plan, as determined
1264 by the local government.

1265 (c) The local plan includes a financially feasible capital
1266 improvements element that provides for transportation facilities



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1267 adequate to serve the proposed development, and the local
1268 government has not implemented that element.

1269 (d) The local government has provided a means for assessing
1270 ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the
1271 cost of providing the transportation facilities necessary to
1272 serve the proposed development.

1273 (e) The landowner has made a binding commitment to the
1274 local government to pay the fair share of the cost of providing
1275 the transportation facilities to serve the proposed development.

1276 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--

1277 (a) A development of regional impact may satisfy the
1278 transportation concurrency requirements of the local
1279 comprehensive plan, the local government's concurrency management
1280 system, and s. 380.06 by payment of a proportionate-share
1281 contribution for local and regionally significant traffic
1282 impacts, if:

1283 1.(a) The development of regional impact which, based on
1284 its location or mix of land uses, is designed to encourage
1285 pedestrian or other nonautomotive modes of transportation;

1286 2.(b) The proportionate-share contribution for local and
1287 regionally significant traffic impacts is sufficient to pay for
1288 one or more required mobility improvements that will benefit the
1289 network of a regionally significant transportation facilities if
1290 impacts on the Strategic Intermodal System, the Florida
1291 Intrastate Highway System, and other regionally significant
1292 roadways outside the jurisdiction of the local government are
1293 mitigated based on the prioritization of needed improvements
1294 recommended by the regional planning council facility;



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1295 ~~3.(e)~~ The owner and developer of the development of
1296 regional impact pays or assures payment of the proportionate-
1297 share contribution; and

1298 ~~4.(d)~~ ~~If~~ The regionally significant transportation facility
1299 to be constructed or improved is under the maintenance authority
1300 of a governmental entity, as defined by s. 334.03 ~~334.03(12)~~,
1301 other than the local government that has ~~with~~ jurisdiction over
1302 the development of regional impact, the developer must ~~is~~
1303 ~~required to~~ enter into a binding and legally enforceable
1304 commitment to transfer funds to the governmental entity having
1305 maintenance authority or to otherwise assure construction or
1306 improvement of the facility.

1307 (b) The proportionate-share contribution may be applied to
1308 any transportation facility to satisfy the provisions of this
1309 subsection and the local comprehensive plan. ~~, but,~~ For the
1310 purposes of this subsection, the amount of the proportionate-
1311 share contribution shall be calculated based upon the cumulative
1312 number of trips from the proposed development expected to reach
1313 roadways during the peak hour from the complete buildout of a
1314 stage or phase being approved, divided by the change in the peak
1315 hour maximum service volume of roadways resulting from
1316 construction of an improvement necessary to maintain the adopted
1317 level of service, multiplied by the construction cost, at the
1318 time of developer payment, of the improvement necessary to
1319 maintain the adopted level of service. If the number of trips
1320 used in this calculation includes trips from an earlier phase of
1321 development, the determination of mitigation of the cumulative
1322 project impacts for the subsequent phase of development shall
1323 include a credit for any mitigation required by the development
1324 order and provided by the developer for the earlier phase,



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1325 calculated at present value. For purposes of this subsection, the
1326 term:

1327 1. "Present value" means the fair market value of right-of-
1328 way at the time of contribution or the actual dollar value of the
1329 construction improvements at the date of completion.

1330 2. ~~For purposes of this subsection,~~ "Construction cost"
1331 includes all associated costs of the improvement. Proportionate-
1332 share mitigation shall be limited to ensure that a development of
1333 regional impact meeting the requirements of this subsection
1334 mitigates its impact on the transportation system but is not
1335 responsible for the additional cost of reducing or eliminating
1336 backlogs.

1337 3. "Backlogged transportation facility" means a facility on
1338 which the adopted level-of-service standard is exceeded by the
1339 existing level of service plus committed trips. A developer may
1340 not be required to fund or construct proportionate share
1341 mitigation that is more extensive, due to being on a backlogged
1342 transportation facility, than is necessary based solely on the
1343 impact of the development project being considered.

1344
1345 This subsection also applies to Florida Quality Developments
1346 pursuant to s. 380.061 and to detailed specific area plans
1347 implementing optional sector plans pursuant to s. 163.3245.

1348 (13) SCHOOL CONCURRENCY.--School concurrency shall be
1349 established on a districtwide basis and ~~shall~~ include all public
1350 schools in the district and all portions of the district, whether
1351 located in a municipality or an unincorporated area unless exempt
1352 from the public school facilities element pursuant to s.
1353 163.3177(12). The application of school concurrency to
1354 development shall be based upon the adopted comprehensive plan,



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1355 as amended. All local governments within a county, except as
1356 provided in paragraph (f), shall adopt and transmit to the state
1357 land planning agency the necessary plan amendments, along with
1358 the interlocal agreement, for a compliance review pursuant to s.
1359 163.3184(7) and (8). The minimum requirements for school
1360 concurrency are the following:

1361 (a) Public school facilities element.--A local government
1362 shall adopt and transmit to the state land planning agency a plan
1363 or plan amendment which includes a public school facilities
1364 element which is consistent with the requirements of s.
1365 163.3177(12) and which is determined to be in compliance as
1366 defined in s. 163.3184(1)(b). All local government public school
1367 facilities plan elements within a county must be consistent with
1368 each other as well as the requirements of this part.

1369 (b) Level-of-service standards.--The Legislature recognizes
1370 that an essential requirement for a concurrency management system
1371 is the level of service at which a public facility is expected to
1372 operate.

1373 1. Local governments and school boards imposing school
1374 concurrency shall exercise authority in conjunction with each
1375 other to establish jointly adequate level-of-service standards,
1376 as defined in chapter 9J-5, Florida Administrative Code,
1377 necessary to implement the adopted local government comprehensive
1378 plan, based on data and analysis.

1379 2. Public school level-of-service standards shall be
1380 included and adopted into the capital improvements element of the
1381 local comprehensive plan and shall apply districtwide to all
1382 schools of the same type. Types of schools may include
1383 elementary, middle, and high schools as well as special purpose
1384 facilities such as magnet schools.



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1385 3. Local governments and school boards may use ~~shall have~~
1386 ~~the option to utilize~~ tiered level-of-service standards to allow
1387 time to achieve an adequate and desirable level of service as
1388 circumstances warrant.

1389 4. A school district that includes relocatables in its
1390 inventory of student stations shall include relocatables in its
1391 calculation of capacity for purposes of determining whether
1392 levels of service have been achieved.

1393 (c) Service areas.--The Legislature recognizes that an
1394 essential requirement for a concurrency system is a designation
1395 of the area within which the level of service will be measured
1396 when an application for a residential development permit is
1397 reviewed for school concurrency purposes. This delineation is
1398 also important for ~~purposes of~~ determining whether the local
1399 government has a financially feasible public school capital
1400 facilities program for ~~that will provide~~ schools which will
1401 achieve and maintain the adopted level-of-service standards.

1402 1. In order to balance competing interests, preserve the
1403 constitutional concept of uniformity, and avoid disruption of
1404 existing educational and growth management processes, local
1405 governments are encouraged to initially apply school concurrency
1406 to development only on a districtwide basis so that a concurrency
1407 determination for a specific development is ~~will be~~ based upon
1408 the availability of school capacity districtwide. To ensure that
1409 development is coordinated with schools having available
1410 capacity, within 5 years after adoption of school concurrency,
1411 local governments shall apply school concurrency on a less than
1412 districtwide basis, ~~such as using school attendance zones or~~
1413 ~~concurrency service areas,~~ as provided in subparagraph 2.



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1414 2. For local governments applying school concurrency on a
1415 less than districtwide basis, such as utilizing school attendance
1416 zones or larger school concurrency service areas, local
1417 governments and school boards shall have the burden of
1418 demonstrating ~~to demonstrate~~ that the utilization of school
1419 capacity is maximized to the greatest extent possible in the
1420 comprehensive plan and amendment, taking into account
1421 transportation costs and court-approved desegregation plans, as
1422 well as other factors. In addition, in order to achieve
1423 concurrency within the service area boundaries selected by local
1424 governments and school boards, the service area boundaries,
1425 together with the standards for establishing those boundaries,
1426 shall be identified and included as supporting data and analysis
1427 for the comprehensive plan.

1428 3. Where school capacity is available on a districtwide
1429 basis but school concurrency is applied on a less than
1430 districtwide basis in the form of concurrency service areas, if
1431 the adopted level-of-service standard cannot be met in a
1432 particular service area as applied to an application for a
1433 development permit and if the needed capacity for the particular
1434 service area is available in one or more contiguous service
1435 areas, as adopted by the local government, ~~then~~ the local
1436 government may not deny an application for site plan or final
1437 subdivision approval or the functional equivalent for a
1438 development or phase of a development on the basis of school
1439 concurrency, and if issued, development impacts shall be shifted
1440 to contiguous service areas with schools having available
1441 capacity.

1442 (d) Financial feasibility.--The Legislature recognizes that
1443 financial feasibility is an important issue because the premise



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1444 of concurrency is that ~~the~~ public facilities will be provided in
1445 order to achieve and maintain the adopted level-of-service
1446 standard. This part and chapter 9J-5, Florida Administrative
1447 Code, contain specific standards for determining ~~to determine~~ the
1448 financial feasibility of capital programs. These standards were
1449 adopted to make concurrency more predictable and local
1450 governments more accountable.

1451 1. A comprehensive plan amendment seeking to impose school
1452 concurrency must ~~shall~~ contain appropriate amendments to the
1453 capital improvements element of the comprehensive plan,
1454 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-
1455 5.016, Florida Administrative Code. The capital improvements
1456 element must ~~shall~~ set forth a financially feasible public school
1457 capital facilities program, established in conjunction with the
1458 school board, that demonstrates that the adopted level-of-service
1459 standards will be achieved and maintained.

1460 2. Such amendments to the capital improvements element must
1461 ~~shall~~ demonstrate that the public school capital facilities
1462 program meets all of the financial feasibility standards of this
1463 part and chapter 9J-5, Florida Administrative Code, that apply to
1464 capital programs which provide the basis for mandatory
1465 concurrency on other public facilities and services.

1466 3. If ~~When~~ the financial feasibility of a public school
1467 capital facilities program is evaluated by the state land
1468 planning agency for purposes of a compliance determination, the
1469 evaluation must ~~shall~~ be based upon the service areas selected by
1470 the local governments and school board.

1471 (e) Availability standard.--Consistent with the public
1472 welfare, and except as otherwise provided in this subsection,
1473 public school facilities needed to serve new residential



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1474 development shall be in place or under actual construction within
1475 3 years after the issuance of final subdivision or site plan
1476 approval, or the functional equivalent. A local government may
1477 not deny an application for site plan, final subdivision
1478 approval, or the functional equivalent for a development or phase
1479 of a development authorizing residential development for failure
1480 to achieve and maintain the level-of-service standard for public
1481 school capacity in a local school concurrency management system
1482 where adequate school facilities will be in place or under actual
1483 construction within 3 years after the issuance of final
1484 subdivision or site plan approval, or the functional equivalent.
1485 Any mitigation required of a developer shall be limited to ensure
1486 that a development mitigates its own impact on public school
1487 facilities, but is not responsible for the additional cost of
1488 reducing or eliminating backlogs or addressing class size
1489 reduction. School concurrency is satisfied if the developer
1490 executes a legally binding commitment to provide mitigation
1491 proportionate to the demand for public school facilities to be
1492 created by actual development of the property, including, but not
1493 limited to, the options described in subparagraph 1. Options for
1494 proportionate-share mitigation of impacts on public school
1495 facilities must be established in the public school facilities
1496 element and the interlocal agreement pursuant to s. 163.31777.
1497 1. Appropriate mitigation options include the contribution
1498 of land; the construction, expansion, or payment for land
1499 acquisition or construction of a public school facility; the
1500 construction of a charter school that complies with the
1501 requirements of subparagraph 2.; or the creation of mitigation
1502 banking based on the construction of a public school facility or
1503 charter school that complies with the requirements of



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1504 subparagraph 2., in exchange for the right to sell capacity
1505 credits. Such options must include execution by the applicant and
1506 the local government of a development agreement that constitutes
1507 a legally binding commitment to pay proportionate-share
1508 mitigation for the additional residential units approved by the
1509 local government in a development order and actually developed on
1510 the property, taking into account residential density allowed on
1511 the property prior to the plan amendment that increased the
1512 overall residential density. The district school board must be a
1513 party to such an agreement. Grounds for the refusal of either the
1514 local government or district school board to approve a
1515 development agreement proffering charter school facilities shall
1516 be limited to the agreement's compliance with subparagraph 2. As
1517 a condition of its entry into such a development agreement, the
1518 local government may require the landowner to agree to continuing
1519 renewal of the agreement upon its expiration.

1520 2. The construction of a charter school facility shall be
1521 an appropriate mitigation option if the facility limits
1522 enrollment to those students residing within a defined geographic
1523 area as provided in s. 1002.33(10)(e)4., the facility is owned by
1524 a nonprofit entity or local government, the design and
1525 construction of the facility complies with the lifesafety
1526 requirements of Florida State Requirements for Educational
1527 Facilities (SREF), and the school's charter provides for the
1528 reversion of the facility to the district school board if the
1529 facility ceases to be used for public educational purposes as
1530 provided in s. 1002.33(18)(f). District school boards shall have
1531 the right to monitor and inspect charter facilities constructed
1532 under this section to ensure compliance with the lifesafety
1533 requirements of SREF and shall have the authority to waive SREF



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1534 standards in the same manner permitted for district-owned public
1535 schools.

1536 3.2. If the education facilities plan and the public
1537 educational facilities element authorize a contribution of land;
1538 the construction, expansion, or payment for land acquisition; or
1539 the construction or expansion of a public school facility, or a
1540 portion thereof, or the construction of a charter school that
1541 complies with the requirements of subparagraph 2., as
1542 proportionate-share mitigation, the local government shall credit
1543 such a contribution, construction, expansion, or payment toward
1544 any other concurrency management system, concurrency exaction,
1545 impact fee or exaction imposed by local ordinance for the same
1546 need, on a dollar-for-dollar basis at fair market value. For
1547 proportionate share calculations, the percentage of relocatables
1548 used by a school district shall be considered in determining the
1549 average cost of a student station.

1550 4.3. Any proportionate-share mitigation must be included
1551 ~~directed~~ by the school board as toward a school capacity
1552 improvement identified in a financially feasible 5-year district
1553 work plan that satisfies the demands created by the development
1554 in accordance with a binding developer's agreement.

1555 5.4. If a development is precluded from commencing because
1556 there is inadequate classroom capacity to mitigate the impacts of
1557 the development, the development may nevertheless commence if
1558 there are accelerated facilities in an approved capital
1559 improvement element scheduled for construction in year four or
1560 later of such plan which, when built, will mitigate the proposed
1561 development, or if such accelerated facilities will be in the
1562 next annual update of the capital facilities element, the
1563 developer enters into a binding, financially guaranteed agreement



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1564 with the school district to construct an accelerated facility
1565 within the first 3 years of an approved capital improvement plan,
1566 and the cost of the school facility is equal to or greater than
1567 the development's proportionate share. When the completed school
1568 facility is conveyed to the school district, the developer shall
1569 receive impact fee credits usable within the zone where the
1570 facility is constructed or any attendance zone contiguous with or
1571 adjacent to the zone where the facility is constructed.

1572 ~~6.5.~~ This paragraph does not limit the authority of a local
1573 government to deny a development permit or its functional
1574 equivalent pursuant to its home rule regulatory powers, except as
1575 provided in this part.

1576 (f) Intergovernmental coordination.--

1577 1. When establishing concurrency requirements for public
1578 schools, a local government shall satisfy the requirements for
1579 intergovernmental coordination set forth in s. 163.3177(6) (h)1.
1580 and 2., except that a municipality is not required to be a
1581 signatory to the interlocal agreement required by ss.
1582 163.3177(6) (h)2. and 163.31777(6), as a prerequisite for
1583 imposition of school concurrency, and as a nonsignatory, may
1584 ~~shall~~ not participate in the adopted local school concurrency
1585 system, if the municipality meets all of the following criteria
1586 for not having a no significant impact on school attendance:

1587 a. The municipality has issued development orders for fewer
1588 than 50 residential dwelling units during the preceding 5 years,
1589 or the municipality has generated fewer than 25 additional public
1590 school students during the preceding 5 years.

1591 b. The municipality has not annexed new land during the
1592 preceding 5 years in land use categories which permit residential
1593 uses that will affect school attendance rates.



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1594 c. The municipality has no public schools located within
1595 its boundaries.

1596 d. At least 80 percent of the developable land within the
1597 boundaries of the municipality has been built upon.

1598 2. A municipality that ~~which~~ qualifies as not having a ~~no~~
1599 significant impact on school attendance pursuant to ~~the criteria~~
1600 ~~of~~ subparagraph 1. must review and determine at the time of its
1601 evaluation and appraisal report pursuant to s. 163.3191 whether
1602 it continues to meet the criteria pursuant to s. 163.3177(6). If
1603 the municipality determines that it no longer meets the criteria,
1604 it must adopt appropriate school concurrency goals, objectives,
1605 and policies in its plan amendments based on the evaluation and
1606 appraisal report, and enter into the existing interlocal
1607 agreement required by ss. 163.3177(6)(h)2. and 163.31777, in
1608 order to fully participate in the school concurrency system. If
1609 such a municipality fails to do so, it is ~~will be~~ subject to the
1610 enforcement provisions of s. 163.3191.

1611 (g) Interlocal agreement for school concurrency.--When
1612 establishing concurrency requirements for public schools, a local
1613 government must enter into an interlocal agreement that satisfies
1614 the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and
1615 the requirements of this subsection. The interlocal agreement
1616 must ~~shall~~ acknowledge both the school board's constitutional and
1617 statutory obligations to provide a uniform system of free public
1618 schools on a countywide basis, and the land use authority of
1619 local governments, including their authority to approve or deny
1620 comprehensive plan amendments and development orders. The
1621 interlocal agreement shall be submitted to the state land
1622 planning agency by the local government as a part of the
1623 compliance review, along with the other necessary amendments to



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1624 the comprehensive plan required by this part. In addition to the
1625 requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal
1626 agreement must ~~shall~~ meet the following requirements:

1627 1. Establish ~~the~~ mechanisms for coordinating the
1628 development, adoption, and amendment of each local government's
1629 public school facilities element with each other and the plans of
1630 the school board to ensure a uniform districtwide school
1631 concurrency system.

1632 2. Establish a process for developing ~~the development of~~
1633 siting criteria that ~~which~~ encourages the location of public
1634 schools proximate to urban residential areas to the extent
1635 possible and seeks to collocate schools with other public
1636 facilities such as parks, libraries, and community centers to the
1637 extent possible.

1638 3. Specify uniform, districtwide level-of-service standards
1639 for public schools of the same type and the process for modifying
1640 the adopted level-of-service standards.

1641 4. Establish a process for the preparation, amendment, and
1642 joint approval by each local government and the school board of a
1643 public school capital facilities program that ~~which~~ is
1644 financially feasible, and a process and schedule for
1645 incorporation of the public school capital facilities program
1646 into the local government comprehensive plans on an annual basis.

1647 5. Define the geographic application of school concurrency.
1648 If school concurrency is to be applied on a less than
1649 districtwide basis in the form of concurrency service areas, the
1650 agreement must ~~shall~~ establish criteria and standards for the
1651 establishment and modification of school concurrency service
1652 areas. The agreement must ~~shall~~ also establish a process and
1653 schedule for the mandatory incorporation of the school



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1654 concurrency service areas and the criteria and standards for
1655 establishment of the service areas into the local government
1656 comprehensive plans. The agreement must ~~shall~~ ensure maximum
1657 utilization of school capacity, taking into account
1658 transportation costs and court-approved desegregation plans, as
1659 well as other factors. The agreement must ~~shall~~ also ensure the
1660 achievement and maintenance of the adopted level-of-service
1661 standards for the geographic area of application throughout the 5
1662 years covered by the public school capital facilities plan and
1663 thereafter by adding a new fifth year during the annual update.

1664 6. Establish a uniform districtwide procedure for
1665 implementing school concurrency which provides for:

1666 a. The evaluation of development applications for
1667 compliance with school concurrency requirements, including
1668 information provided by the school board on affected schools,
1669 impact on levels of service, ~~and~~ programmed improvements for
1670 affected schools, and any options to provide sufficient capacity;

1671 b. An opportunity for the school board to review and
1672 comment on the effect of comprehensive plan amendments and
1673 rezonings on the public school facilities plan; and

1674 c. The monitoring and evaluation of the school concurrency
1675 system.

1676 7. Include provisions relating to amendment of the
1677 agreement.

1678 8. A process and uniform methodology for determining
1679 proportionate-share mitigation pursuant to subparagraph (e)1.

1680 (h) Local government authority.--This subsection does not
1681 limit the authority of a local government to grant or deny a
1682 development permit or its functional equivalent prior to the
1683 implementation of school concurrency.



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1684 (14) RULEMAKING AUTHORITY.--The state land planning agency
1685 shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for the
1686 review and determination of compliance of a public school
1687 facilities element adopted by a local government for purposes of
1688 imposition of school concurrency.

1689 (15) MULTIMODAL DISTRICTS.--

1690 (a) Multimodal transportation districts may be established
1691 under a local government comprehensive plan in areas delineated
1692 on the future land use map for which the local comprehensive plan
1693 assigns secondary priority to vehicle mobility and primary
1694 priority to assuring a safe, comfortable, and attractive
1695 pedestrian environment, with convenient interconnection to
1696 transit. Such districts must incorporate community design
1697 features that will reduce the number of automobile trips or
1698 vehicle miles of travel and will support an integrated,
1699 multimodal transportation system. Prior to the designation of
1700 multimodal transportation districts, the Department of
1701 Transportation shall be consulted by the local government to
1702 assess the impact that the proposed multimodal district area is
1703 expected to have on the adopted level-of-service standards
1704 established for Strategic Intermodal System facilities, as
1705 designated in s. 339.63 ~~defined in s. 339.64,~~ and roadway
1706 facilities funded in accordance with s. 339.2819. Further, the
1707 local government shall, in cooperation with the Department of
1708 Transportation, develop a plan to mitigate any impacts to the
1709 Strategic Intermodal System, including the development of a long-
1710 term concurrency management system pursuant to subsection (9) and
1711 s. 163.3177(3)(d). ~~Multimodal transportation districts existing~~
1712 ~~prior to July 1, 2005, shall meet, at a minimum, the provisions~~
1713 ~~of this section by July 1, 2006, or at the time of the~~



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1714 ~~comprehensive plan update pursuant to the evaluation and~~
1715 ~~appraisal report, whichever occurs last.~~

1716 (b) Community design elements of ~~such~~ a multimodal
1717 transportation district include: a complementary mix and range of
1718 land uses, including educational, recreational, and cultural
1719 uses; interconnected networks of streets designed to encourage
1720 walking and bicycling, with traffic-calming where desirable;
1721 appropriate densities and intensities of use within walking
1722 distance of transit stops; daily activities within walking
1723 distance of residences, allowing independence to persons who do
1724 not drive; public uses, streets, and squares that are safe,
1725 comfortable, and attractive for the pedestrian, with adjoining
1726 buildings open to the street and with parking not interfering
1727 with pedestrian, transit, automobile, and truck travel modes.

1728 (c) Local governments may establish multimodal level-of-
1729 service standards that rely primarily on nonvehicular modes of
1730 transportation within the district, if ~~when~~ justified by an
1731 analysis demonstrating that the existing and planned community
1732 design will provide an adequate level of mobility within the
1733 district based upon professionally accepted multimodal level-of-
1734 service methodologies. The analysis must also demonstrate that
1735 the capital improvements required to promote community design are
1736 financially feasible over the development or redevelopment
1737 timeframe for the district and that community design features
1738 within the district provide convenient interconnection for a
1739 multimodal transportation system. Local governments may issue
1740 development permits in reliance upon all planned community design
1741 capital improvements that are financially feasible over the
1742 development or redevelopment timeframe for the district, without
1743 regard to the period of time between development or redevelopment



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1744 and the scheduled construction of the capital improvements. A
1745 determination of financial feasibility shall be based upon
1746 currently available funding or funding sources that could
1747 reasonably be expected to become available over the planning
1748 period.

1749 (d) Local governments may reduce impact fees or local
1750 access fees for development within multimodal transportation
1751 districts based on the reduction of vehicle trips per household
1752 or vehicle miles of travel expected from the development pattern
1753 planned for the district.

1754 (e) By December 1, 2007, the Department of Transportation,
1755 in consultation with the state land planning agency and
1756 interested local governments, may designate a study area for
1757 conducting a pilot project to determine the benefits of and
1758 barriers to establishing a regional multimodal transportation
1759 concurrency district that extends over more than one local
1760 government jurisdiction. If designated:

1761 1. The study area must be in a county that has a population
1762 of at least 1,000 persons per square mile, be within an urban
1763 service area, and have the consent of the local governments
1764 within the study area. The Department of Transportation and the
1765 state land planning agency shall provide technical assistance.

1766 2. The local governments within the study area and the
1767 Department of Transportation, in consultation with the state land
1768 planning agency, shall cooperatively create a multimodal
1769 transportation plan that meets the requirements of this section.
1770 The multimodal transportation plan must include viable local
1771 funding options and incorporate community design features,
1772 including a range of mixed land uses and densities and
1773 intensities, which will reduce the number of automobile trips or



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1774 vehicle miles of travel while supporting an integrated,
1775 multimodal transportation system.

1776 3. To effectuate the multimodal transportation concurrency
1777 district, participating local governments may adopt appropriate
1778 comprehensive plan amendments.

1779 4. The Department of Transportation, in consultation with
1780 the state land planning agency, shall submit a report by March 1,
1781 2009, to the Governor, the President of the Senate, and the
1782 Speaker of the House of Representatives on the status of the
1783 pilot project. The report must identify any factors that support
1784 or limit the creation and success of a regional multimodal
1785 transportation district including intergovernmental coordination.

1786 (f) The state land planning agency may designate up to five
1787 local governments as Urban Placemaking Initiative Pilot Projects.
1788 The purpose of the pilot project program is to assist local
1789 communities with redevelopment of primarily single-use suburban
1790 areas that surround strategic corridors and crossroads, and to
1791 create livable, sustainable communities that have a sense of
1792 place. Pilot communities must have a county population of at
1793 least 350,000, be able to demonstrate an ability to administer
1794 the pilot project, and have appropriate potential redevelopment
1795 areas suitable for the pilot project. Recognizing that both the
1796 form of existing development patterns and strict application of
1797 transportation concurrency requirements create obstacles to such
1798 redevelopment, the pilot project program shall further the
1799 ability of such communities to cultivate mixed-use and form-based
1800 communities that integrate all modes of transportation. The pilot
1801 project program shall provide an alternative regulatory framework
1802 that allows for the creation of a multimodal concurrency district
1803 that over the planning time period allows pilot project



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1804 communities to incrementally realize the goals of the
1805 redevelopment area by guiding redevelopment of parcels and
1806 cultivating multimodal development in targeted transitional
1807 suburban areas. The Department of Transportation shall provide
1808 technical support to the state land planning agency and the
1809 department and the agency shall provide technical assistance to
1810 the local governments in the implementation of the pilot
1811 projects.

1812 1. Each pilot project community shall designate the
1813 criteria for designation of urban placemaking redevelopment areas
1814 in the future land use element of its comprehensive plan. Such
1815 redevelopment areas must be within an adopted urban service
1816 boundary or functional equivalent. Each pilot project community
1817 shall also adopt comprehensive plan amendments that set forth
1818 criteria for the development of the urban placemaking areas that
1819 contain land use and transportation strategies, including, but
1820 not limited to, the community design elements set forth in
1821 paragraph (c). A pilot project community shall undertake a
1822 process of public engagement to coordinate community vision,
1823 citizen interest, and development goals for developments within
1824 the urban placemaking redevelopment areas.

1825 2. Each pilot project community may assign transportation
1826 concurrency or trip generation credits and impact fee exemptions
1827 or reductions and establish concurrency exceptions for
1828 developments that meet the adopted comprehensive plan criteria
1829 for urban placemaking redevelopment areas. The provisions of
1830 paragraph (c) apply to designated urban placemaking redevelopment
1831 areas.

1832 3. The state land planning agency shall submit a report by
1833 March 1, 2011, to the Governor, the President of the Senate, and



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1834 the Speaker of the House of Representatives on the status of each
1835 approved pilot project. The report must identify factors that
1836 indicate whether or not the pilot project program has
1837 demonstrated any success in urban placemaking and redevelopment
1838 initiatives and whether the pilot project should be expanded for
1839 use by other local governments.

1840 (16) FAIR-SHARE MITIGATION.--It is the intent of the
1841 Legislature to provide a method by which the impacts of
1842 development on transportation facilities can be mitigated by the
1843 cooperative efforts of the public and private sectors. The
1844 methodology used to calculate proportionate fair-share mitigation
1845 under this section shall be as provided for in subsection (12),
1846 or a vehicle and people-miles-traveled methodology or an
1847 alternative methodology shall be used which is identified by the
1848 local government as a part of its comprehensive plan and ensures
1849 that development impacts on transportation facilities are
1850 mitigated.

1851 (a) By December 1, 2006, each local government shall adopt
1852 by ordinance a methodology for assessing proportionate fair-share
1853 mitigation options. By December 1, 2005, the Department of
1854 Transportation shall develop a model transportation concurrency
1855 management ordinance that has ~~with~~ methodologies for assessing
1856 proportionate fair-share mitigation options.

1857 (b)~~1.~~ In its transportation concurrency management system,
1858 a local government shall, ~~by December 1, 2006,~~ include
1859 methodologies to be applied in calculating ~~that will be applied~~
1860 ~~to calculate~~ proportionate fair-share mitigation.

1861 1. A developer may choose to satisfy all transportation
1862 concurrency requirements by contributing or paying proportionate
1863 fair-share mitigation if transportation facilities or facility



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1864 segments identified as mitigation for traffic impacts are
1865 specifically identified for funding in the 5-year schedule of
1866 capital improvements in the capital improvements element of the
1867 local plan or the long-term concurrency management system or if
1868 such contributions or payments to such facilities or segments are
1869 reflected in the 5-year schedule of capital improvements in the
1870 next regularly scheduled update of the capital improvements
1871 element. Updates to the 5-year capital improvements element which
1872 reflect proportionate fair-share contributions may not be found
1873 not in compliance based on ss. 163.3164(32) and 163.3177(3) if
1874 additional contributions, payments or funding sources are
1875 reasonably anticipated during a period not to exceed 10 years to
1876 fully mitigate impacts on the transportation facilities.

1877 2. Proportionate fair-share mitigation shall be applied as
1878 a credit against impact fees to the extent that all or a portion
1879 of the proportionate fair-share mitigation is used to address the
1880 same capital infrastructure improvements contemplated by the
1881 local government's impact fee ordinance.

1882 (c) Proportionate fair-share mitigation includes, without
1883 limitation, separately or collectively, private funds,
1884 contributions of land, and construction and contribution of
1885 facilities and may include public funds as determined by the
1886 local government. Proportionate fair-share mitigation may be
1887 directed toward one or more specific transportation improvements
1888 reasonably related to the mobility demands created by the
1889 development and such improvements may address one or more modes
1890 of travel. The fair market value of the proportionate fair-share
1891 mitigation may ~~shall~~ not differ based on the form of mitigation.
1892 A local government may not require a development to pay more than
1893 its proportionate fair-share contribution regardless of the



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1894 method of mitigation. Proportionate fair-share mitigation shall
1895 be limited to ensure that a development meeting the requirements
1896 of this section mitigates its impact on the transportation system
1897 but is not responsible for the additional cost of reducing or
1898 eliminating backlogs.

1899 (d) This subsection does not require a local government to
1900 approve a development that is not otherwise qualified for
1901 approval pursuant to the applicable local comprehensive plan and
1902 land development regulations.

1903 (e) Mitigation for development impacts to facilities on the
1904 Strategic Intermodal System made pursuant to this subsection
1905 requires the concurrence of the Department of Transportation.

1906 (f) If the funds in an adopted 5-year capital improvements
1907 element are insufficient to fully fund construction of a
1908 transportation improvement required by the local government's
1909 concurrency management system, a local government and a developer
1910 may still enter into a binding proportionate-share agreement
1911 authorizing the developer to construct that amount of development
1912 on which the proportionate share is calculated if the
1913 proportionate-share amount in the ~~such~~ agreement is sufficient to
1914 pay for one or more improvements which will, in the opinion of
1915 the governmental entity or entities maintaining the
1916 transportation facilities, significantly benefit the impacted
1917 transportation system. The improvements funded by the
1918 proportionate-share component must be adopted into the 5-year
1919 capital improvements schedule of the comprehensive plan at the
1920 next annual capital improvements element update. The funding of
1921 any improvements that significantly benefit the impacted
1922 transportation system satisfies concurrency requirements as a
1923 mitigation of the development's impact upon the overall



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1924 transportation system even if there remains a failure of
1925 concurrency on other impacted facilities.

1926 (g) Except as provided in subparagraph (b)1., this section
1927 does ~~may~~ not prohibit the state land planning agency ~~Department~~
1928 ~~of Community Affairs~~ from finding other portions of the capital
1929 improvements element amendments not in compliance as provided in
1930 this chapter.

1931 (h) ~~The provisions of~~ This subsection does ~~do~~ not apply to
1932 a development of regional impact satisfying the requirements of
1933 subsection (12).

1934 (17) TRANSPORTATION CONCURRENCY INCENTIVES.--The
1935 Legislature finds that allowing private-sector entities to
1936 finance, construct, and improve public transportation facilities
1937 can provide significant benefits to the public by facilitating
1938 transportation without the need for additional public tax
1939 revenues. In order to encourage the more efficient and proactive
1940 provision of transportation improvements by the private sector,
1941 if a developer or property owner voluntarily contributes right-
1942 of-way and physically constructs or expands a state
1943 transportation facility or segment, and such construction or
1944 expansion:

1945 (a) Improves traffic flow, capacity, or safety, the
1946 voluntary contribution may be applied as a credit for that
1947 property owner or developer against any future transportation
1948 concurrency requirements pursuant to this chapter if the
1949 transportation improvement is identified in the 5-year work plan
1950 of the Department of Transportation, and such contributions and
1951 credits are set forth in a legally binding agreement executed by
1952 the property owner or developer, the local government of the



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1953 jurisdiction in which the facility is located, and the Department
1954 of Transportation.

1955 (b) Is identified in the capital improvement schedule,
1956 meets the requirements in this section, and is set forth in a
1957 legally binding agreement between the property owner or developer
1958 and the applicable local government, the contribution to the
1959 local government collector and the arterial system may be applied
1960 as credit against any future transportation concurrency
1961 requirements under this chapter.

1962 (18) TRANSPORTATION MOBILITY FEE.--The Legislature finds
1963 that the existing transportation concurrency system has not
1964 adequately addressed the state's transportation needs in an
1965 effective, predictable, and equitable manner and is not producing
1966 a sustainable transportation system for the state. The current
1967 system is complex, lacks uniformity among jurisdictions, is too
1968 focused on roadways to the detriment of desired land use patterns
1969 and transportation alternatives, and frequently prevents the
1970 attainment of important growth management goals. The state,
1971 therefore, should consider a different transportation concurrency
1972 approach that uses a mobility fee based on vehicle and people
1973 miles traveled. Therefore, the Legislature directs the state land
1974 planning agency to study and develop a methodology for a mobility
1975 fee system as follows:

1976 (a) The state land planning agency, in consultation with
1977 the Department of Transportation, shall convene a study group
1978 that includes representatives from the Department of
1979 Transportation, regional planning councils, local governments,
1980 the development community, land use and transportation
1981 professionals, and the Legislature to develop a uniform mobility
1982 fee methodology for statewide application to replace the existing



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1983 transportation concurrency management system. The methodology
1984 shall be based on the amount, distribution, and timing of the
1985 vehicle and people miles traveled, professionally accepted
1986 standards and practices in the fields of land use and
1987 transportation planning, and the requirements of constitutional
1988 and statutory law. The mobility fee shall be designed to provide
1989 for mobility needs, ensure that development provides mitigation
1990 for its impacts on the transportation system, and promote
1991 compact, mixed-use, and energy-efficient development. The
1992 mobility fee shall be used to fund improvements to the
1993 transportation system.

1994 (b) By February 15, 2009, the state land planning agency
1995 shall provide a report to the Legislature containing
1996 recommendations concerning an appropriate uniform mobility fee
1997 methodology and whether a mobility fee system should be applied
1998 statewide or to more limited geographic areas, a schedule to
1999 amend comprehensive plans and land development rules to
2000 incorporate the mobility fee, a system for collecting and
2001 allocating mobility fees among state and local transportation
2002 facilities, and whether and how mobility fees should replace,
2003 revise, or supplement transportation impact fees.

2004 (19)-(17) A local government and the developer of affordable
2005 workforce housing units developed in accordance with s.
2006 380.06(19) or s. 380.0651(3) may identify an employment center or
2007 centers in close proximity to the affordable workforce housing
2008 units. If at least 50 percent of the units are occupied by an
2009 employee or employees of an identified employment center or
2010 centers, all of the affordable workforce housing units are exempt
2011 from transportation concurrency requirements, and the local
2012 government may not reduce any transportation trip-generation



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2013 entitlements of an approved development-of-regional-impact
2014 development order. As used in this subsection, the term "close
2015 proximity" means 5 miles from the nearest point of the
2016 development of regional impact to the nearest point of the
2017 employment center, and the term "employment center" means a place
2018 of employment that employs at least 25 or more full-time
2019 employees.

2020 Section 8. Paragraph (d) of subsection (3) of section
2021 163.31801, Florida Statutes, is amended to read:

2022 163.31801 Impact fees; short title; intent; definitions;
2023 ordinances levying impact fees.--

2024 (3) An impact fee adopted by ordinance of a county or
2025 municipality or by resolution of a special district must, at
2026 minimum:

2027 (d) Require that notice be provided no less than 90 days
2028 before the effective date of an ordinance or resolution imposing
2029 a new or increased ~~amended~~ impact fee. Notice is not required if
2030 an impact fee is decreased or eliminated.

2031 Section 9. Subsections (3) and (4), paragraphs (a) and (d)
2032 of subsection (6), paragraph (a) of subsection (7), paragraphs
2033 (b) and (c) of subsection (15), and subsections (17), (18), and
2034 (19) of section 163.3184, Florida Statutes, are amended to read:

2035 163.3184 Process for adoption of comprehensive plan or plan
2036 amendment.--

2037 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
2038 AMENDMENT.--

2039 (a) Before filing an application for a future land use map
2040 amendment that applies to 50 acres or more, the applicant must
2041 conduct a neighborhood meeting to present, discuss, and solicit
2042 public comment on the proposed amendment. Such meeting shall be



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2043 conducted at least 30 days but no more than 60 days before the
2044 application for the amendment is filed with the local government.
2045 At a minimum, the meeting shall be noticed and conducted in
2046 accordance with each of the following requirements:
2047 1. Notice of the meeting shall be:
2048 a. Mailed at least 10 days but no more than 14 days before
2049 the date of the meeting to all property owners owning property
2050 within 500 feet of the property subject to the proposed
2051 amendment, according to information maintained by the county tax
2052 assessor. Such information shall conclusively establish the
2053 required recipients;
2054 b. Published in accordance with s. 125.66(4)(b)2. or s.
2055 166.041(3)(c)2.b.;
2056 c. Posted on the jurisdiction's website, if available; and
2057 d. Mailed to all persons on the list of homeowners' or
2058 condominium associations maintained by the jurisdiction, if any.
2059 2. The meeting shall be conducted at an accessible and
2060 convenient location.
2061 3. A sign-in list of all attendees at each meeting must be
2062 maintained.
2063 (b) At least 15 days but no more than 45 days before the
2064 local governing body's scheduled adoption hearing, the applicant
2065 shall conduct a second noticed community or neighborhood meeting
2066 for the purpose of presenting and discussing the map amendment
2067 application, including any changes made to the proposed amendment
2068 following the first community or neighborhood meeting. Notice by
2069 United States mail at least 10 days but no more than 14 days
2070 before the meeting is required only for persons who signed in at
2071 the preapplication meeting and persons whose names are on the
2072 sign-in sheet from the transmittal hearing conducted pursuant to



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2073 paragraph (15)(c). Otherwise, notice shall be given by newspaper
2074 advertisement in accordance with s. 125.66(4)(b)2. and s.
2075 166.041(3)(c)2.b. Before the adoption hearing, the applicant
2076 shall file with the local government a written certification or
2077 verification that the second meeting has been noticed and
2078 conducted in accordance with this section.

2079 (c) Before filing an application for a future land use map
2080 amendment that applies to 11 acres or more but less than 50
2081 acres, the applicant must conduct a neighborhood meeting in
2082 compliance with paragraph (a). At least 15 days but no more than
2083 45 days before the local governing body's scheduled adoption
2084 hearing, the applicant for a future land use map amendment that
2085 applies to 11 acres or more but less than 49 acres is encouraged
2086 to hold a second hearing using the provisions in paragraph (b).

2087 (d) The requirement for neighborhood meetings as provided
2088 in this section does not apply to small-scale amendments as
2089 defined in s. 163.3187(2)(d) unless a local government, by
2090 ordinance, adopts a procedure for holding a neighborhood meeting
2091 as part of the small-scale amendment process. In no event shall
2092 more than one such meeting be required.

2093 (e) ~~(a)~~ Each local governing body shall transmit the
2094 complete proposed comprehensive plan or plan amendment to the
2095 state land planning agency, the appropriate regional planning
2096 council and water management district, the Department of
2097 Environmental Protection, the Department of State, and the
2098 Department of Transportation, and, in the case of municipal
2099 plans, to the appropriate county, and, in the case of county
2100 plans, to the Fish and Wildlife Conservation Commission and the
2101 Department of Agriculture and Consumer Services, immediately
2102 following a public hearing pursuant to subsection (15) as



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2103 | specified in the state land planning agency's procedural rules.
2104 | The local governing body shall also transmit a copy of the
2105 | complete proposed comprehensive plan or plan amendment to any
2106 | other unit of local government or government agency in the state
2107 | that has filed a written request with the governing body for the
2108 | plan or plan amendment. The local government may request a review
2109 | by the state land planning agency pursuant to subsection (6) at
2110 | the time of the transmittal of an amendment.

2111 | (f) ~~(b)~~ A local governing body shall not transmit portions
2112 | of a plan or plan amendment unless it has previously provided to
2113 | all state agencies designated by the state land planning agency a
2114 | complete copy of its adopted comprehensive plan pursuant to
2115 | subsection (7) and as specified in the agency's procedural rules.
2116 | In the case of comprehensive plan amendments, the local governing
2117 | body shall transmit to the state land planning agency, the
2118 | appropriate regional planning council and water management
2119 | district, the Department of Environmental Protection, the
2120 | Department of State, and the Department of Transportation, and,
2121 | in the case of municipal plans, to the appropriate county and, in
2122 | the case of county plans, to the Fish and Wildlife Conservation
2123 | Commission and the Department of Agriculture and Consumer
2124 | Services the materials specified in the state land planning
2125 | agency's procedural rules and, in cases in which the plan
2126 | amendment is a result of an evaluation and appraisal report
2127 | adopted pursuant to s. 163.3191, a copy of the evaluation and
2128 | appraisal report. Local governing bodies shall consolidate all
2129 | proposed plan amendments into a single submission for each of the
2130 | two plan amendment adoption dates during the calendar year
2131 | pursuant to s. 163.3187.



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2132 (g)~~(e)~~ A local government may adopt a proposed plan
2133 amendment previously transmitted pursuant to this subsection,
2134 unless review is requested or otherwise initiated pursuant to
2135 subsection (6).

2136 (h)~~(d)~~ In cases in which a local government transmits
2137 multiple individual amendments that can be clearly and legally
2138 separated and distinguished for the purpose of determining
2139 whether to review the proposed amendment, and the state land
2140 planning agency elects to review several or a portion of the
2141 amendments and the local government chooses to immediately adopt
2142 the remaining amendments not reviewed, the amendments immediately
2143 adopted and any reviewed amendments that the local government
2144 subsequently adopts together constitute one amendment cycle in
2145 accordance with s. 163.3187(1).

2146
2147 Paragraphs (a)-(d) apply to applications for a map amendment
2148 filed after January 1, 2009.

2149 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
2150 specified in paragraph (3)(a) shall provide comments to the state
2151 land planning agency within 30 days after receipt by the state
2152 land planning agency of the complete proposed plan amendment. If
2153 the plan or plan amendment includes or relates to the public
2154 school facilities element pursuant to s. 163.3177(12), the state
2155 land planning agency shall submit a copy to the Office of
2156 Educational Facilities of the Commissioner of Education for
2157 review and comment. The appropriate regional planning council
2158 shall also provide its written comments to the state land
2159 planning agency within 45 ~~30~~ days after receipt by the state land
2160 planning agency of the complete proposed plan amendment and shall
2161 specify any objections, recommendations for modifications, and



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2162 | comments of any other regional agencies to which the regional
2163 | planning council may have referred the proposed plan amendment.
2164 | Written comments submitted by the public within 30 days after
2165 | notice of transmittal by the local government of the proposed
2166 | plan amendment will be considered as if submitted by governmental
2167 | agencies. All written agency and public comments must be made
2168 | part of the file maintained under subsection (2).

2169 | (6) STATE LAND PLANNING AGENCY REVIEW.--

2170 | (a) The state land planning agency shall review a proposed
2171 | plan amendment upon request of a regional planning council,
2172 | affected person, or local government transmitting the plan
2173 | amendment. The request from the regional planning council or
2174 | affected person must be received within 45 ~~30~~ days after
2175 | transmittal of the proposed plan amendment pursuant to subsection
2176 | (3). A regional planning council or affected person requesting a
2177 | review shall do so by submitting a written request to the agency
2178 | with a notice of the request to the local government and any
2179 | other person who has requested notice.

2180 | (d) The state land planning agency review shall identify
2181 | all written communications with the agency regarding the proposed
2182 | plan amendment. If the state land planning agency does not issue
2183 | such a review, it shall identify in writing to the local
2184 | government all written communications received 45 ~~30~~ days after
2185 | transmittal. The written identification must include a list of
2186 | all documents received or generated by the agency, which list
2187 | must be of sufficient specificity to enable the documents to be
2188 | identified and copies requested, if desired, and the name of the
2189 | person to be contacted to request copies of any identified
2190 | document. The list of documents must be made a part of the public
2191 | records of the state land planning agency.



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2192 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
2193 OR AMENDMENTS AND TRANSMITTAL.--

2194 (a) The local government shall review the written comments
2195 submitted to it by the state land planning agency, and any other
2196 person, agency, or government. Any comments, recommendations, or
2197 objections and any reply to them are ~~shall be~~ public documents, a
2198 part of the permanent record in the matter, and admissible in any
2199 proceeding in which the comprehensive plan or plan amendment may
2200 be at issue. The local government, upon receipt of written
2201 comments from the state land planning agency, shall have 120 days
2202 to adopt, or adopt with changes, the proposed comprehensive plan
2203 or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan~~
2204 ~~amendments other than those proposed pursuant to s. 163.3191, the~~
2205 ~~local government shall have 60 days to adopt the amendment, adopt~~
2206 ~~the amendment with changes, or determine that it will not adopt~~
2207 ~~the amendment.~~ The adoption of the proposed plan or plan
2208 amendment or the determination not to adopt a plan amendment,
2209 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~
2210 shall be made in the course of a public hearing pursuant to
2211 subsection (15). If a local government fails to adopt the
2212 comprehensive plan or plan amendment within the period set forth
2213 in this subsection, the plan or plan amendment shall be deemed
2214 abandoned and may not be considered until the next available
2215 amendment cycle pursuant to this section and s. 163.3187.
2216 However, if the applicant or local government, before the
2217 expiration of the period, certifies in writing to the state land
2218 planning agency that the applicant is proceeding in good faith to
2219 address the items raised in the agency report issued pursuant to
2220 paragraph (6) (f) or agency comments issued pursuant to s.
2221 163.32465(4), and such certification specifically identifies the



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2222 items being addressed, the state land planning agency may grant
2223 one or more extensions not to exceed a total of 360 days
2224 following the date of the issuance of the agency report or
2225 comments if the request is justified by good and sufficient cause
2226 as determined by the agency. When any such extension is pending,
2227 the applicant shall file with the local government and state land
2228 planning agency a status report every 60 days specifically
2229 identifying the items being addressed and the manner in which
2230 such items are being addressed. The local government shall
2231 transmit the complete adopted comprehensive plan or plan
2232 amendment, including the names and addresses of persons compiled
2233 pursuant to paragraph (15)(c), to the state land planning agency
2234 as specified in the agency's procedural rules within 10 working
2235 days after adoption. The local governing body shall also transmit
2236 a copy of the adopted comprehensive plan or plan amendment to the
2237 regional planning agency and to any other unit of local
2238 government or governmental agency in the state that has filed a
2239 written request with the governing body for a copy of the plan or
2240 plan amendment.

2241 (15) PUBLIC HEARINGS.--

2242 (b) The local governing body shall hold at least two
2243 advertised public hearings on the proposed comprehensive plan or
2244 plan amendment as follows:

2245 1. The first public hearing shall be held at the
2246 transmittal stage pursuant to subsection (3). It shall be held on
2247 a weekday at least 7 days after the day that the first
2248 advertisement is published.

2249 2. The second public hearing shall be held at the adoption
2250 stage pursuant to subsection (7). It shall be held on a weekday
2251 at least 5 days after the day that the second advertisement is



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2252 | published. The comprehensive plan or plan amendment to be
2253 | considered for adoption must be available to the public at least
2254 | 5 days before the date of the hearing, and must be posted at
2255 | least 5 days before the date of the hearing on the local
2256 | government's website if one is maintained. The proposed
2257 | comprehensive plan amendment may not be altered during the 5 days
2258 | before the hearing if such alteration increases the permissible
2259 | density, intensity, or height, or decreases the minimum buffers,
2260 | setbacks, or open space. If the amendment is altered in this
2261 | manner during the 5-day period or at the public hearing, the
2262 | public hearing shall be continued to the next meeting of the
2263 | local governing body. As part of the adoption package, the local
2264 | government shall certify in writing to the state land planning
2265 | agency that it has complied with this subsection.

2266 | (c) The local government shall provide a sign-in form at
2267 | the transmittal hearing and at the adoption hearing for persons
2268 | to provide their names, and mailing and electronic addresses. The
2269 | sign-in form must advise that any person providing the requested
2270 | information will receive a courtesy informational statement
2271 | concerning publications of the state land planning agency's
2272 | notice of intent. The local government shall add to the sign-in
2273 | form the name and address of any person who submits written
2274 | comments concerning the proposed plan or plan amendment during
2275 | the time period between the commencement of the transmittal
2276 | hearing and the end of the adoption hearing. It is the
2277 | responsibility of the person completing the form or providing
2278 | written comments to accurately, completely, and legibly provide
2279 | all information needed in order to receive the courtesy
2280 | informational statement.



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2281 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~
2282 ~~AMENDMENTS. A local government that has adopted a community~~
2283 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~
2284 ~~may adopt a plan amendment related to map amendments solely to~~
2285 ~~property within an urban service boundary in the manner described~~
2286 ~~in subsections (1), (2), (7), (14), (15), and (16) and s.~~
2287 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
2288 ~~regional agency review is eliminated. The department may not~~
2289 ~~issue an objections, recommendations, and comments report on~~
2290 ~~proposed plan amendments or a notice of intent on adopted plan~~
2291 ~~amendments; however, affected persons, as defined by paragraph~~
2292 ~~(1)(a), may file a petition for administrative review pursuant to~~
2293 ~~the requirements of s. 163.3187(3)(a) to challenge the compliance~~
2294 ~~of an adopted plan amendment. This subsection does not apply to~~
2295 ~~any amendment within an area of critical state concern, to any~~
2296 ~~amendment that increases residential densities allowable in high-~~
2297 ~~hazard coastal areas as defined in s. 163.3178(2)(h), or to a~~
2298 ~~text change to the goals, policies, or objectives of the local~~
2299 ~~government's comprehensive plan. Amendments submitted under this~~
2300 ~~subsection are exempt from the limitation on the frequency of~~
2301 ~~plan amendments in s. 163.3187.~~

2302 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS. A~~
2303 ~~municipality that has a designated urban infill and redevelopment~~
2304 ~~area under s. 163.2517 may adopt a plan amendment related to map~~
2305 ~~amendments solely to property within a designated urban infill~~
2306 ~~and redevelopment area in the manner described in subsections~~
2307 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and~~
2308 ~~e., 2., and 3., such that state and regional agency review is~~
2309 ~~eliminated. The department may not issue an objections,~~
2310 ~~recommendations, and comments report on proposed plan amendments~~



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2311 ~~or a notice of intent on adopted plan amendments; however,~~
2312 ~~affected persons, as defined by paragraph (1) (a), may file a~~
2313 ~~petition for administrative review pursuant to the requirements~~
2314 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~
2315 ~~plan amendment. This subsection does not apply to any amendment~~
2316 ~~within an area of critical state concern, to any amendment that~~
2317 ~~increases residential densities allowable in high-hazard coastal~~
2318 ~~areas as defined in s. 163.3178(2) (h), or to a text change to the~~
2319 ~~goals, policies, or objectives of the local government's~~
2320 ~~comprehensive plan. Amendments submitted under this subsection~~
2321 ~~are exempt from the limitation on the frequency of plan~~
2322 ~~amendments in s. 163.3187.~~

2323 ~~(17)-(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any
2324 local government that identifies in its comprehensive plan the
2325 types of housing developments and conditions for which it will
2326 consider plan amendments that are consistent with the local
2327 housing incentive strategies identified in s. 420.9076 and
2328 authorized by the local government may expedite consideration of
2329 such plan amendments. At least 30 days before ~~prior to~~ adopting a
2330 plan amendment pursuant to this subsection, the local government
2331 shall notify the state land planning agency of its intent to
2332 adopt such an amendment, and the notice shall include the local
2333 government's evaluation of site suitability and availability of
2334 facilities and services. A plan amendment considered under this
2335 subsection shall require only a single public hearing before the
2336 local governing body, which shall be a plan amendment adoption
2337 hearing as described in subsection (7). The public notice of the
2338 hearing required under subparagraph (15) (b)2. must include a
2339 statement that the local government intends to use the expedited
2340 adoption process authorized under this subsection. The state land



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2341 | planning agency shall issue its notice of intent required under
2342 | subsection (8) within 30 days after determining that the
2343 | amendment package is complete. Any further proceedings shall be
2344 | governed by subsections (9)-(16).

2345 | Section 10. Section 163.3187, Florida Statutes, is amended
2346 | to read:

2347 | 163.3187 Amendment of adopted comprehensive plan.--

2348 | (1)(a) A plan amendment applying to lands within an urban
2349 | service area that includes lands appropriate for compact
2350 | contiguous urban development, which does not exceed the amount of
2351 | land needed to accommodate projected population growth at
2352 | densities consistent with the adopted comprehensive plan within a
2353 | 10-year planning period, and which is served or is planned to be
2354 | served with public facilities and services as provided by the
2355 | capital improvements element may be transmitted not more than two
2356 | times during any calendar year. Amendments to comprehensive plans
2357 | applying to lands outside an urban service area, as described in
2358 | this subsection, ~~adopted pursuant to this part~~ may be made not
2359 | more than ~~once two times~~ during any calendar year., ~~except:~~

2360 | (b)(a) The following amendments may be adopted by a local
2361 | government at any time during a calendar year without regard for
2362 | the frequency restrictions set forth in this subsection:

2363 | 1. Any local government comprehensive plan ~~In the case of~~
2364 | ~~an emergency, comprehensive plan amendments may be made more~~
2365 | ~~often than twice during the calendar year if the additional plan~~
2366 | ~~amendment enacted in case of emergency which~~ receives the
2367 | approval of all of the members of the governing body. "Emergency"
2368 | means any occurrence or threat ~~thereof~~ whether accidental or
2369 | natural, caused by humankind, in war or peace, which results or



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2370 may result in substantial injury or harm to the population or
2371 substantial damage to or loss of property or public funds.

2372 ~~2.(b)~~ Any local government comprehensive plan amendments
2373 directly related to a proposed development of regional impact,
2374 including changes which have been determined to be substantial
2375 deviations and including Florida Quality Developments pursuant to
2376 s. 380.061, may be initiated by a local planning agency and
2377 considered by the local governing body at the same time as the
2378 application for development approval using the procedures
2379 provided for local plan amendment in this section and applicable
2380 local ordinances, ~~without regard to statutory or local ordinance~~
2381 ~~limits on the frequency of consideration of amendments to the~~
2382 ~~local comprehensive plan. Nothing in this subsection shall be~~
2383 ~~deemed to require favorable consideration of a plan amendment~~
2384 ~~solely because it is related to a development of regional impact.~~

2385 ~~3.(c)~~ Any Local government comprehensive plan amendments
2386 directly related to proposed small scale development activities
2387 may be approved without regard to statutory limits on the
2388 frequency of consideration of amendments to the local
2389 ~~comprehensive plan~~. A small scale development amendment may be
2390 adopted only under the following conditions:

2391 ~~4.1.~~ The proposed amendment involves a use of 10 acres or
2392 fewer and:

2393 a. The cumulative annual effect of the acreage for all
2394 small scale development amendments adopted by the local
2395 government shall not exceed:

2396 (I) A maximum of 120 acres in a local government that
2397 contains areas specifically designated in the local comprehensive
2398 plan for urban infill, urban redevelopment, or downtown
2399 revitalization as defined in s. 163.3164, urban infill and



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2400 redevelopment areas designated under s. 163.2517, transportation
2401 concurrency exception areas approved pursuant to s. 163.3180(5),
2402 or regional activity centers and urban central business districts
2403 approved pursuant to s. 380.06(2)(e); however, amendments under
2404 this paragraph may be applied to no more than 60 acres annually
2405 of property outside the designated areas listed in this sub-sub-
2406 subparagraph. ~~Amendments adopted pursuant to paragraph (k) shall~~
2407 ~~not be counted toward the acreage limitations for small scale~~
2408 ~~amendments under this paragraph.~~

2409 (II) A maximum of 80 acres in a local government that does
2410 not contain any of the designated areas set forth in sub-sub-
2411 subparagraph (I).

2412 (III) A maximum of 120 acres in a county established
2413 pursuant to s. 9, Art. VIII of the State Constitution.

2414 b. The proposed amendment does not involve the same
2415 property granted a change within the prior 12 months.

2416 c. The proposed amendment does not involve the same owner's
2417 property within 200 feet of property granted a change within the
2418 prior 12 months.

2419 d. The proposed amendment does not involve a text change to
2420 the goals, policies, and objectives of the local government's
2421 comprehensive plan, but only proposes a land use change to the
2422 future land use map for a site-specific small scale development
2423 activity.

2424 e. The property that is the subject of the proposed
2425 amendment is not located within an area of critical state
2426 concern, unless the project subject to the proposed amendment
2427 involves the construction of affordable housing units meeting the
2428 criteria of s. 420.0004(3), and is located within an area of
2429 critical state concern designated by s. 380.0552 or by the



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2430 Administration Commission pursuant to s. 380.05(1). Such
2431 amendment is not subject to the density limitations of sub-
2432 subparagraph f., and shall be reviewed by the state land planning
2433 agency for consistency with the principles for guiding
2434 development applicable to the area of critical state concern
2435 where the amendment is located and is ~~shall~~ not ~~become~~ effective
2436 until a final order is issued under s. 380.05(6).

2437 f. If the proposed amendment involves a residential land
2438 use, the residential land use has a density of 10 units or less
2439 per acre or the proposed future land use category allows a
2440 maximum residential density of the same or less than the maximum
2441 residential density allowable under the existing future land use
2442 category, except that this limitation does not apply to small
2443 scale amendments involving the construction of affordable housing
2444 units meeting the criteria of s. 420.0004(3) on property which
2445 will be the subject of a land use restriction agreement, or small
2446 scale amendments described in sub-sub-subparagraph a.(I) that are
2447 designated in the local comprehensive plan for urban infill,
2448 urban redevelopment, or downtown revitalization as defined in s.
2449 163.3164, urban infill and redevelopment areas designated under
2450 s. 163.2517, transportation concurrency exception areas approved
2451 pursuant to s. 163.3180(5), or regional activity centers and
2452 urban central business districts approved pursuant to s.
2453 380.06(2)(e).

2454 5.2-a. A local government that proposes to consider a plan
2455 amendment pursuant to this paragraph is not required to comply
2456 with the procedures and public notice requirements of s.
2457 163.3184(15)(c) for such plan amendments if the local government
2458 complies with the provisions in s. 125.66(4)(a) for a county or
2459 in s. 166.041(3)(c) for a municipality. If a request for a plan



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2460 amendment under this paragraph is initiated by other than the
2461 local government, public notice is required.

2462 b. The local government shall send copies of the notice and
2463 amendment to the state land planning agency, the regional
2464 planning council, and any other person or entity requesting a
2465 copy. This information shall also include a statement identifying
2466 any property subject to the amendment that is located within a
2467 coastal high-hazard area as identified in the local comprehensive
2468 plan.

2469 ~~6.3.~~ Small scale development amendments adopted pursuant to
2470 this paragraph require only one public hearing before the
2471 governing board, which shall be an adoption hearing as described
2472 in s. 163.3184(7), and are not subject to the requirements of s.
2473 163.3184(3)-(6) unless the local government elects to have them
2474 subject to those requirements.

2475 7.4. If the small scale development amendment involves a
2476 site within an area that is designated by the Governor as a rural
2477 area of critical economic concern under s. 288.0656(7) for the
2478 duration of such designation, the 10-acre limit listed in
2479 subparagraph 1. shall be increased by 100 percent to 20 acres.
2480 The local government approving the small scale plan amendment
2481 shall certify to the Office of Tourism, Trade, and Economic
2482 Development that the plan amendment furthers the economic
2483 objectives set forth in the executive order issued under s.
2484 288.0656(7), and the property subject to the plan amendment shall
2485 undergo public review to ensure that all concurrency requirements
2486 and federal, state, and local environmental permit requirements
2487 are met.

2488 ~~8.(d)~~ Any comprehensive plan amendment required by a
2489 compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~



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2490 ~~without regard to statutory limits on the frequency of adoption~~
2491 ~~of amendments to the comprehensive plan.~~

2492 ~~(e) A comprehensive plan amendment for location of a state~~
2493 ~~correctional facility. Such an amendment may be made at any time~~
2494 ~~and does not count toward the limitation on the frequency of plan~~
2495 ~~amendments.~~

2496 9.(f) Any comprehensive plan amendment that changes the
2497 schedule in the capital improvements element, and any amendments
2498 directly related to the schedule, ~~may be made once in a calendar~~
2499 ~~year on a date different from the two times provided in this~~
2500 ~~subsection~~ when necessary to coincide with the adoption of the
2501 local government's budget and capital improvements program.

2502 ~~(g) Any local government comprehensive plan amendments~~
2503 ~~directly related to proposed redevelopment of brownfield areas~~
2504 ~~designated under s. 376.80 may be approved without regard to~~
2505 ~~statutory limits on the frequency of consideration of amendments~~
2506 ~~to the local comprehensive plan.~~

2507 10.(h) Any comprehensive plan amendments for port
2508 transportation facilities and projects that are eligible for
2509 funding by the Florida Seaport Transportation and Economic
2510 Development Council pursuant to s. 311.07.

2511 ~~(i) A comprehensive plan amendment for the purpose of~~
2512 ~~designating an urban infill and redevelopment area under s.~~
2513 ~~163.2517 may be approved without regard to the statutory limits~~
2514 ~~on the frequency of amendments to the comprehensive plan.~~

2515 11.(j) Any comprehensive plan amendment to establish public
2516 school concurrency pursuant to s. 163.3180(13), including, but
2517 not limited to, adoption of a public school facilities element
2518 pursuant to s. 163.3177(12) and adoption of amendments to the
2519 capital improvements element and intergovernmental coordination



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2520 element. In order to ensure the consistency of local government
2521 public school facilities elements within a county, such elements
2522 must ~~shall~~ be prepared and adopted on a similar time schedule.

2523 ~~(k) A local comprehensive plan amendment directly related~~
2524 ~~to providing transportation improvements to enhance life safety~~
2525 ~~on Controlled Access Major Arterial Highways identified in the~~
2526 ~~Florida Intrastate Highway System, in counties as defined in s.~~
2527 ~~125.011, where such roadways have a high incidence of traffic~~
2528 ~~accidents resulting in serious injury or death. Any such~~
2529 ~~amendment shall not include any amendment modifying the~~
2530 ~~designation on a comprehensive development plan land use map nor~~
2531 ~~any amendment modifying the allowable densities or intensities of~~
2532 ~~any land.~~

2533 ~~(l) A comprehensive plan amendment to adopt a public~~
2534 ~~educational facilities element pursuant to s. 163.3177(12) and~~
2535 ~~future land-use map amendments for school siting may be approved~~
2536 ~~notwithstanding statutory limits on the frequency of adopting~~
2537 ~~plan amendments.~~

2538 ~~(m) A comprehensive plan amendment that addresses criteria~~
2539 ~~or compatibility of land uses adjacent to or in close proximity~~
2540 ~~to military installations in a local government's future land use~~
2541 ~~element does not count toward the limitation on the frequency of~~
2542 ~~the plan amendments.~~

2543 ~~(n) Any local government comprehensive plan amendment~~
2544 ~~establishing or implementing a rural land stewardship area~~
2545 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

2546 ~~(o) A comprehensive plan amendment that is submitted by an~~
2547 ~~area designated by the Governor as a rural area of critical~~
2548 ~~economic concern under s. 288.0656(7) and that meets the economic~~
2549 ~~development objectives may be approved without regard to the~~



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2550 ~~statutory limits on the frequency of adoption of amendments to~~
2551 ~~the comprehensive plan.~~

2552 ~~(p) Any local government comprehensive plan amendment that~~
2553 ~~is consistent with the local housing incentive strategies~~
2554 ~~identified in s. 420.9076 and authorized by the local government.~~

2555 12. Any local government comprehensive plan amendment
2556 adopted pursuant to a final order issued by the Administration
2557 Commission or Florida Land and Water Adjudicatory Commission.

2558 13. A future land use map amendment within an area
2559 designated by the Governor as a rural area of critical economic
2560 concern under s. 288.0656(7) for the duration of such
2561 designation. Before the adoption of such an amendment, the local
2562 government shall obtain from the Office of Tourism, Trade, and
2563 Economic Development written certification that the plan
2564 amendment furthers the economic objectives set forth in the
2565 executive order issued under s. 288.0656(7). The property subject
2566 to the plan amendment is subject to all concurrency requirements
2567 and federal, state, and local environmental permit requirements.

2568 14. Any local government comprehensive plan amendment
2569 establishing or implementing a rural land stewardship area
2570 pursuant to the provisions of s. 163.3177(11)(d) or a sector plan
2571 pursuant to the provisions of s. 163.3245.

2572 (2) Comprehensive plans may only be amended in such a way
2573 as to preserve the internal consistency of the plan pursuant to
2574 s. 163.3177(2). Corrections, updates, or modifications of current
2575 costs which were set out as part of the comprehensive plan shall
2576 not, for the purposes of this act, be deemed to be amendments.

2577 (3)(a) The state land planning agency shall not review or
2578 issue a notice of intent for small scale development amendments
2579 which satisfy the requirements of subparagraph (1)(b)3. paragraph



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2580 ~~(1)(e)~~. Any affected person may file a petition with the Division
2581 of Administrative Hearings pursuant to ss. 120.569 and 120.57 to
2582 request a hearing to challenge the compliance of a small scale
2583 development amendment with this act within 30 days following the
2584 local government's adoption of the amendment, shall serve a copy
2585 of the petition on the local government, and shall furnish a copy
2586 to the state land planning agency. An administrative law judge
2587 shall hold a hearing in the affected jurisdiction not less than
2588 30 days nor more than 60 days following the filing of a petition
2589 and the assignment of an administrative law judge. The parties to
2590 a hearing held pursuant to this subsection shall be the
2591 petitioner, the local government, and any intervenor. In the
2592 proceeding, the local government's determination that the small
2593 scale development amendment is in compliance is presumed to be
2594 correct. The local government's determination shall be sustained
2595 unless it is shown by a preponderance of the evidence that the
2596 amendment is not in compliance with the requirements of this act.
2597 In any proceeding initiated pursuant to this subsection, the
2598 state land planning agency may intervene.

2599 (b)1. If the administrative law judge recommends that the
2600 small scale development amendment be found not in compliance, the
2601 administrative law judge shall submit the recommended order to
2602 the Administration Commission for final agency action. If the
2603 administrative law judge recommends that the small scale
2604 development amendment be found in compliance, the administrative
2605 law judge shall submit the recommended order to the state land
2606 planning agency.

2607 2. If the state land planning agency determines that the
2608 plan amendment is not in compliance, the agency shall submit,
2609 within 30 days following its receipt, the recommended order to



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2610 the Administration Commission for final agency action. If the
2611 state land planning agency determines that the plan amendment is
2612 in compliance, the agency shall enter a final order within 30
2613 days following its receipt of the recommended order.

2614 (c) Small scale development amendments shall not become
2615 effective until 31 days after adoption. If challenged within 30
2616 days after adoption, small scale development amendments shall not
2617 become effective until the state land planning agency or the
2618 Administration Commission, respectively, issues a final order
2619 determining that the adopted small scale development amendment is
2620 in compliance. However, a small-scale amendment shall not become
2621 effective until it has been rendered to the state land planning
2622 agency as required by sub-subparagraph (1)(b)5.b. and the state
2623 land planning agency has certified to the local government in
2624 writing that the amendment qualifies as a small-scale amendment.

2625 (5)(4) Each governing body shall transmit to the state land
2626 planning agency a current copy of its comprehensive plan not
2627 later than December 1, 1985. Each governing body shall also
2628 transmit copies of any amendments it adopts to its comprehensive
2629 plan so as to continually update the plans on file with the state
2630 land planning agency.

2631 (6)(5) Nothing in this part is intended to prohibit or
2632 limit the authority of local governments to require that a person
2633 requesting an amendment pay some or all of the cost of public
2634 notice.

2635 (7)(6)(a) A ~~No~~ local government may not amend its
2636 comprehensive plan after the date established by the state land
2637 planning agency for adoption of its evaluation and appraisal
2638 report unless it has submitted its report or addendum to the
2639 state land planning agency as prescribed by s. 163.3191, except



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2640 for plan amendments described in subparagraph (1)(b)2. ~~paragraph~~
2641 ~~(1)(b)~~ or subparagraph (1)(b)10. ~~paragraph (1)(h).~~

2642 (b) A local government may amend its comprehensive plan
2643 after it has submitted its adopted evaluation and appraisal
2644 report and for a period of 1 year after the initial determination
2645 of sufficiency regardless of whether the report has been
2646 determined to be insufficient.

2647 (c) A local government may not amend its comprehensive
2648 plan, except for plan amendments described in subparagraph
2649 (1)(b)2. ~~paragraph (1)(b)~~, if the 1-year period after the initial
2650 sufficiency determination of the report has expired and the
2651 report has not been determined to be sufficient.

2652 (d) When the state land planning agency has determined that
2653 the report has sufficiently addressed all pertinent provisions of
2654 s. 163.3191, the local government may amend its comprehensive
2655 plan without the limitations imposed by paragraph (a) or
2656 paragraph (c).

2657 (e) Any plan amendment which a local government attempts to
2658 adopt in violation of paragraph (a) or paragraph (c) is invalid,
2659 but such invalidity may be overcome if the local government
2660 readopts the amendment and transmits the amendment to the state
2661 land planning agency pursuant to s. 163.3184(7) after the report
2662 is determined to be sufficient.

2663 Section 11. Section 163.3245, Florida Statutes, is amended
2664 to read:

2665 163.3245 Optional sector plans.--

2666 (1) In recognition of the benefits of large-scale
2667 ~~conceptual long-range~~ planning ~~for the buildout of an area, and~~
2668 ~~detailed planning~~ for specific areas, ~~as a demonstration project,~~
2669 ~~the requirements of s. 380.06 may be addressed as identified by~~



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2670 ~~this section for up to five~~ local governments or combinations of
2671 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
2672 plans ~~plan~~ an optional sector plan in accordance with this
2673 section. This section is intended to further the intent of s.
2674 163.3177(11),~~7~~ which supports innovative and flexible planning and
2675 development strategies, ~~and~~ the purposes of this part,~~7~~ and part I
2676 of chapter 380, and to avoid duplication of effort in terms of
2677 the level of data and analysis required for a development of
2678 regional impact,~~7~~ while ensuring the adequate mitigation of
2679 impacts to applicable regional resources and facilities,
2680 including those within the jurisdiction of other local
2681 governments, as would otherwise be provided. Optional sector
2682 plans are intended for substantial geographic areas that include
2683 ~~including~~ at least 10,000 contiguous ~~5,000~~ acres of one or more
2684 local governmental jurisdictions and ~~are~~ to emphasize urban form
2685 and protection of regionally significant resources and
2686 facilities. ~~The state land planning agency may approve optional~~
2687 ~~sector plans of less than 5,000 acres based on local~~
2688 ~~circumstances if it is determined that the plan would further the~~
2689 ~~purposes of this part and part I of chapter 380. Preparation of~~
2690 ~~an optional sector plan is authorized by agreement between the~~
2691 ~~state land planning agency and the applicable local governments~~
2692 ~~under s. 163.3171(4). An optional sector plan may be adopted~~
2693 ~~through one or more comprehensive plan amendments under s.~~
2694 ~~163.3184. However, an optional sector plan may not be authorized~~
2695 ~~in an area of critical state concern.~~

2696 (2) ~~The state land planning agency may enter into an~~
2697 ~~agreement to authorize preparation of an optional sector plan~~
2698 ~~upon the request of one or more local governments based on~~
2699 ~~consideration of problems and opportunities presented by existing~~



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2700 ~~development trends; the effectiveness of current comprehensive~~
2701 ~~plan provisions; the potential to further the state comprehensive~~
2702 ~~plan, applicable strategic regional policy plans, this part, and~~
2703 ~~part I of chapter 380; and those factors identified by s.~~
2704 ~~163.3177(10)(i).~~ The applicable regional planning council shall
2705 conduct a scoping meeting with affected local governments and
2706 those agencies identified in s. 163.3184(4) before the local
2707 government may consider the sector plan amendments for
2708 transmittal ~~execution of the agreement authorized by this~~
2709 ~~section.~~ The purpose of this meeting is to assist the state land
2710 planning agency and the local government in identifying ~~the~~
2711 ~~identification of~~ the relevant planning issues to be addressed
2712 and the data and resources available to assist in the preparation
2713 of the ~~subsequent~~ plan amendments. The regional planning council
2714 shall make written recommendations to the state land planning
2715 agency and affected local governments relating to, ~~including~~
2716 ~~whether a sustainable sector plan would be appropriate.~~ The
2717 ~~agreement must define~~ the geographic area to be subject to the
2718 sector plan, the planning issues that will be emphasized,
2719 requirements for intergovernmental coordination to address
2720 extrajurisdictional impacts, supporting application materials
2721 including data and analysis, and procedures for public
2722 participation. ~~An agreement may address previously adopted sector~~
2723 ~~plans that are consistent with the standards in this section.~~
2724 ~~Before executing an agreement under this subsection, the local~~
2725 ~~government shall hold a duly noticed public workshop to review~~
2726 ~~and explain to the public the optional sector planning process~~
2727 ~~and the terms and conditions of the proposed agreement.~~ The local
2728 ~~government shall hold a duly noticed public hearing to execute~~
2729 ~~the agreement.~~ All meetings between the state land planning



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2730 ~~agency department~~ and the local government must be open to the
2731 public.

2732 (3) Optional sector planning encompasses two levels:
2733 adoption under s. 163.3184 of a conceptual long-term overlay plan
2734 ~~as part of buildout overlay to~~ the comprehensive plan, ~~having no~~
2735 ~~immediate effect on the issuance of development orders or the~~
2736 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
2737 detailed specific area plans that implement the conceptual long-
2738 term overlay plan ~~buildout overlay~~ and authorize issuance of
2739 development orders, and within which s. 380.06 is waived. Upon
2740 adoption of a conceptual long-term overlay plan, the underlying
2741 future land use designations may be used only if consistent with
2742 the plan and its implementing goals, objectives, and policies.
2743 ~~Until such time as a detailed specific area plan is adopted, the~~
2744 ~~underlying future land use designations apply.~~

2745 (a) In addition to the other requirements of this chapter,
2746 a conceptual long-term overlay plan adopted pursuant to s.
2747 163.3184 ~~buildout overlay~~ must include maps and text supported by
2748 data and analysis that address the following:

2749 1. A long-range conceptual overlay plan ~~framework~~ map that,
2750 at a minimum, identifies the maximum and minimum amounts,
2751 densities, intensities, and types of allowable development and
2752 generally depicts ~~anticipated~~ areas of urban, agricultural,
2753 rural, and conservation land use.

2754 2. A general identification of regionally significant
2755 public facilities ~~consistent with chapter 9J-2, Florida~~
2756 ~~Administrative Code,~~ irrespective of local governmental
2757 jurisdiction, necessary to support buildout of the anticipated
2758 future land uses, and policies setting forth the procedures to be



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2759 used to address and mitigate these impacts as part of the
2760 adoption of detailed specific area plans.

2761 3. A general identification of regionally significant
2762 natural resources and policies ensuring the protection and
2763 conservation of these resources ~~consistent with chapter 9J-2,~~
2764 ~~Florida Administrative Code.~~

2765 4. Principles and guidelines that address the urban form
2766 and interrelationships of anticipated future land uses, and a
2767 ~~discussion, at the applicant's option, of the extent, if any, to~~
2768 ~~which the plan will address~~ restoring key ecosystems, achieving a
2769 more clean, healthy environment, limiting urban sprawl within the
2770 sector plan and surrounding area, providing affordable and
2771 workforce housing, promoting energy-efficient land use patterns,
2772 protecting wildlife and natural areas, advancing the efficient
2773 use of land and other resources, and creating quality communities
2774 and jobs.

2775 5. Identification of general procedures to ensure
2776 intergovernmental coordination to address extrajurisdictional
2777 impacts from the long-range conceptual overlay plan framework
2778 ~~map.~~

2779 (b) In addition to the other requirements of this chapter,
2780 including those in paragraph (a), the detailed specific area
2781 plans must include:

2782 1. An area of adequate size to accommodate a level of
2783 development which achieves a functional relationship between a
2784 ~~full~~ range of land uses within the area and encompasses ~~to~~
2785 ~~encompass~~ at least 1,000 acres. ~~The state land planning agency~~
2786 ~~may approve detailed specific area plans of less than 1,000 acres~~
2787 ~~based on local circumstances if it is determined that the plan~~
2788 ~~furtheres the purposes of this part and part I of chapter 380.~~



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2789 2. Detailed identification and analysis of the minimum and
2790 maximum amounts, densities, intensities, distribution, extent,
2791 and location of future land uses.

2792 3. Detailed identification of regionally significant public
2793 facilities, including public facilities outside the jurisdiction
2794 of the host local government, anticipated impacts of future land
2795 uses on those facilities, and required improvements consistent
2796 with the policies accompanying the plan and, for transportation,
2797 with rule 9J-2.045 ~~chapter 9J-2,~~ Florida Administrative Code.

2798 4. Public facilities necessary for the short term,
2799 including developer contributions in a financially feasible 5-
2800 year capital improvement schedule of the affected local
2801 government.

2802 5. Detailed analysis and identification of specific
2803 measures to assure the protection of regionally significant
2804 natural resources and other important resources both within and
2805 outside the host jurisdiction, ~~including those regionally~~
2806 ~~significant resources identified in chapter 9J-2, Florida~~
2807 ~~Administrative Code.~~

2808 6. Principles and guidelines that address the urban form
2809 and interrelationships of anticipated future land uses ~~and a~~
2810 ~~discussion, at the applicant's option, of the extent, if any, to~~
2811 ~~which the plan will address~~ restoring key ecosystems, achieving a
2812 more clean, healthy environment, limiting urban sprawl, providing
2813 affordable and workforce housing, promoting energy-efficient land
2814 use patterns, protecting wildlife and natural areas, advancing
2815 the efficient use of land and other resources, and creating
2816 quality communities and jobs.



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2817 7. Identification of specific procedures to ensure
2818 intergovernmental coordination that addresses ~~to address~~
2819 extrajurisdictional impacts of the detailed specific area plan.

2820 (c) This subsection does ~~may not be construed to~~ prevent
2821 preparation and approval of the optional sector plan and detailed
2822 specific area plan concurrently or in the same submission.

2823 ~~(4) The host local government shall submit a monitoring~~
2824 ~~report to the state land planning agency and applicable regional~~
2825 ~~planning council on an annual basis after adoption of a detailed~~
2826 ~~specific area plan. The annual monitoring report must provide~~
2827 ~~summarized information on development orders issued, development~~
2828 ~~that has occurred, public facility improvements made, and public~~
2829 ~~facility improvements anticipated over the upcoming 5 years.~~

2830 ~~(4)(5)~~ If ~~When~~ a plan amendment adopting a detailed
2831 specific area plan has become effective under ss. 163.3184 and
2832 163.3189(2), the provisions of s. 380.06 do not apply to
2833 development within the geographic area of the detailed specific
2834 area plan. However, any development-of-regional-impact
2835 development order that is vested from the detailed specific area
2836 plan may be enforced under s. 380.11.

2837 (a) The local government adopting the detailed specific
2838 area plan is primarily responsible for monitoring and enforcing
2839 the detailed specific area plan. Local governments may ~~shall~~ not
2840 issue any permits or approvals or provide any extensions of
2841 services to development that are not consistent with the detailed
2842 sector area plan.

2843 (b) If the state land planning agency has reason to believe
2844 that a violation of any detailed specific area plan, or of any
2845 agreement entered into under this section, has occurred or is
2846 about to occur, it may institute an administrative or judicial



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2847 proceeding to prevent, abate, or control the conditions or
2848 activity creating the violation, using the procedures in s.
2849 380.11.

2850 ~~(c) In instituting an administrative or judicial proceeding~~
2851 ~~involving an optional sector plan or detailed specific area plan,~~
2852 ~~including a proceeding pursuant to paragraph (b), the complaining~~
2853 ~~party shall comply with the requirements of s. 163.3215(4), (5),~~
2854 ~~(6), and (7).~~

2855 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
2856 ~~the department shall provide a status report to the Legislative~~
2857 ~~Committee on Intergovernmental Relations regarding each optional~~
2858 ~~sector plan authorized under this section.~~

2859 ~~(5)-(7)~~ This section does may not be construed to abrogate
2860 the rights of any person under this chapter.

2861 Section 12. Section 163.3246, Florida Statutes, is amended
2862 to read:

2863 163.3246 Local Government Comprehensive Planning
2864 Certification Program.--

2865 (1) The Legislature finds that ~~There is created~~ the Local
2866 Government Comprehensive Planning Certification Program has had a
2867 low level of interest from and participation by local
2868 governments. New approaches, such as the Alternative State Review
2869 Process Pilot Program, provide a more effective approach to
2870 expediting and streamlining comprehensive plan amendment review.
2871 Therefore, the Local Government Comprehensive Planning
2872 Certification Program is discontinued and no additional local
2873 governments may be certified. The municipalities of Freeport,
2874 Lakeland, Miramar, and Orlando may continue to adopt amendments
2875 in accordance with this section and their certification agreement
2876 or certification notice. ~~to be administered by the Department of~~



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2877 ~~Community Affairs. The purpose of the program is to create a~~
2878 ~~certification process for local governments who identify a~~
2879 ~~geographic area for certification within which they commit to~~
2880 ~~directing growth and who, because of a demonstrated record of~~
2881 ~~effectively adopting, implementing, and enforcing its~~
2882 ~~comprehensive plan, the level of technical planning experience~~
2883 ~~exhibited by the local government, and a commitment to implement~~
2884 ~~exemplary planning practices, require less state and regional~~
2885 ~~oversight of the comprehensive plan amendment process. The~~
2886 ~~purpose of the certification area is to designate areas that are~~
2887 ~~contiguous, compact, and appropriate for urban growth and~~
2888 ~~development within a 10-year planning timeframe. Municipalities~~
2889 ~~and counties are encouraged to jointly establish the~~
2890 ~~certification area, and subsequently enter into joint~~
2891 ~~certification agreement with the department.~~

2892 ~~(2) In order to be eligible for certification under the~~
2893 ~~program, the local government must:~~

2894 ~~(a) Demonstrate a record of effectively adopting,~~
2895 ~~implementing, and enforcing its comprehensive plan;~~

2896 ~~(b) Demonstrate technical, financial, and administrative~~
2897 ~~expertise to implement the provisions of this part without state~~
2898 ~~oversight;~~

2899 ~~(c) Obtain comments from the state and regional review~~
2900 ~~agencies regarding the appropriateness of the proposed~~
2901 ~~certification;~~

2902 ~~(d) Hold at least one public hearing soliciting public~~
2903 ~~input concerning the local government's proposal for~~
2904 ~~certification; and~~

2905 ~~(e) Demonstrate that it has adopted programs in its local~~
2906 ~~comprehensive plan and land development regulations which:~~



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- 2907 | ~~1. Promote infill development and redevelopment, including~~
2908 | ~~prioritized and timely permitting processes in which applications~~
2909 | ~~for local development permits within the certification area are~~
2910 | ~~acted upon expeditiously for proposed development that is~~
2911 | ~~consistent with the local comprehensive plan.~~
- 2912 | ~~2. Promote the development of housing for low-income and~~
2913 | ~~very-low-income households or specialized housing to assist~~
2914 | ~~elderly and disabled persons to remain at home or in independent~~
2915 | ~~living arrangements.~~
- 2916 | ~~3. Achieve effective intergovernmental coordination and~~
2917 | ~~address the extrajurisdictional effects of development within the~~
2918 | ~~certified area.~~
- 2919 | ~~4. Promote economic diversity and growth while encouraging~~
2920 | ~~the retention of rural character, where rural areas exist, and~~
2921 | ~~the protection and restoration of the environment.~~
- 2922 | ~~5. Provide and maintain public urban and rural open space~~
2923 | ~~and recreational opportunities.~~
- 2924 | ~~6. Manage transportation and land uses to support public~~
2925 | ~~transit and promote opportunities for pedestrian and nonmotorized~~
2926 | ~~transportation.~~
- 2927 | ~~7. Use design principles to foster individual community~~
2928 | ~~identity, create a sense of place, and promote pedestrian-~~
2929 | ~~oriented safe neighborhoods and town centers.~~
- 2930 | ~~8. Redevelop blighted areas.~~
- 2931 | ~~9. Adopt a local mitigation strategy and have programs to~~
2932 | ~~improve disaster preparedness and the ability to protect lives~~
2933 | ~~and property, especially in coastal high-hazard areas.~~
- 2934 | ~~10. Encourage clustered, mixed-use development that~~
2935 | ~~incorporates greenspace and residential development within~~
2936 | ~~walking distance of commercial development.~~



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2937 ~~11. Encourage urban infill at appropriate densities and~~
2938 ~~intensities and separate urban and rural uses and discourage~~
2939 ~~urban sprawl while preserving public open space and planning for~~
2940 ~~buffer-type land uses and rural development consistent with their~~
2941 ~~respective character along and outside the certification area.~~

2942 ~~12. Assure protection of key natural areas and agricultural~~
2943 ~~lands that are identified using state and local inventories of~~
2944 ~~natural areas. Key natural areas include, but are not limited to:~~

2945 ~~a. Wildlife corridors.~~

2946 ~~b. Lands with high native biological diversity, important~~
2947 ~~areas for threatened and endangered species, species of special~~
2948 ~~concern, migratory bird habitat, and intact natural communities.~~

2949 ~~c. Significant surface waters and springs, aquatic~~
2950 ~~preserves, wetlands, and outstanding Florida waters.~~

2951 ~~d. Water resources suitable for preservation of natural~~
2952 ~~systems and for water resource development.~~

2953 ~~e. Representative and rare native Florida natural systems.~~

2954 ~~13. Ensure the cost-efficient provision of public~~
2955 ~~infrastructure and services.~~

2956 ~~(3) Portions of local governments located within areas of~~
2957 ~~critical state concern cannot be included in a certification~~
2958 ~~area.~~

2959 ~~(4) A local government or group of local governments~~
2960 ~~seeking certification of all or part of a jurisdiction or~~
2961 ~~jurisdictions must submit an application to the department which~~
2962 ~~demonstrates that the area sought to be certified meets the~~
2963 ~~criteria of subsections (2) and (5). The application shall~~
2964 ~~include copies of the applicable local government comprehensive~~
2965 ~~plan, land development regulations, interlocal agreements, and~~
2966 ~~other relevant information supporting the eligibility criteria~~



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2967 | ~~for designation. Upon receipt of a complete application, the~~
2968 | ~~department must provide the local government with an initial~~
2969 | ~~response to the application within 90 days after receipt of the~~
2970 | ~~application.~~

2971 | ~~(5) If the local government meets the eligibility criteria~~
2972 | ~~of subsection (2), the department shall certify all or part of a~~
2973 | ~~local government by written agreement, which shall be considered~~
2974 | ~~final agency action subject to challenge under s. 120.569.~~

2975 | (2) The agreement for the municipalities of Lakeland,
2976 | Miramar, and Orlando must include the following components:

2977 | (a) The basis for certification.

2978 | (b) The boundary of the certification area, which
2979 | encompasses areas that are contiguous, compact, appropriate for
2980 | urban growth and development, and in which public infrastructure
2981 | exists ~~is existing~~ or is planned within a 10-year planning
2982 | timeframe. The certification area must ~~is required to~~ include
2983 | sufficient land to accommodate projected population growth,
2984 | housing demand, including choice in housing types and
2985 | affordability, job growth and employment, appropriate densities
2986 | and intensities of use to be achieved in new development and
2987 | redevelopment, existing or planned infrastructure, including
2988 | transportation and central water and sewer facilities. The
2989 | certification area must be adopted as part of the local
2990 | government's comprehensive plan.

2991 | (c) A demonstration that the capital improvements plan
2992 | governing the certified area is updated annually.

2993 | (d) A visioning plan or a schedule for the development of a
2994 | visioning plan.

2995 | (e) A description of baseline conditions related to the
2996 | evaluation criteria in paragraph (g) in the certified area.



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

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

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

2. Increasing residential density and intensities of use;

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

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

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

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

7. Promoting clustered development having dedicated open space;

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

9. Reducing per capita water and energy consumption;

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

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



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3027 | 12. Improving coordination between the local government and
3028 | school board.

3029 | (h) A commitment to change any land development regulations
3030 | that restrict compact development and adopt alternative design
3031 | codes that encourage desirable densities and intensities of use
3032 | and patterns of compact development identified in the agreement.

3033 | (i) A plan for increasing public participation in
3034 | comprehensive planning and land use decisionmaking which includes
3035 | outreach to neighborhood and civic associations through community
3036 | planning initiatives.

3037 | (j) A demonstration that the intergovernmental coordination
3038 | element of the local government's comprehensive plan includes
3039 | joint processes for coordination between the school board and
3040 | local government pursuant to s. 163.3177(6)(h)2. and other
3041 | requirements of law.

3042 | (k) A method of addressing the extrajurisdictional effects
3043 | of development within the certified area, which is integrated by
3044 | amendment into the intergovernmental coordination element of the
3045 | local government comprehensive plan.

3046 | (l) A requirement for the annual reporting to the state
3047 | land planning agency ~~department~~ of plan amendments adopted during
3048 | the year, and the progress of the local government in meeting the
3049 | terms and conditions of the certification agreement. Prior to the
3050 | deadline for the annual report, the local government must hold a
3051 | public hearing soliciting public input on the progress of the
3052 | local government in satisfying the terms of the certification
3053 | agreement.

3054 | (m) An expiration date that is within ~~no later than~~ 10
3055 | years after execution of the agreement.



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3056 ~~(6) The department may enter up to eight new certification~~
3057 ~~agreements each fiscal year. The department shall adopt~~
3058 ~~procedural rules governing the application and review of local~~
3059 ~~government requests for certification. Such procedural rules may~~
3060 ~~establish a phased schedule for review of local government~~
3061 ~~requests for certification.~~

3062 (3) For the municipality of Freeport, the notice of
3063 certification shall include the following components:

3064 (a) The boundary of the certification area.

3065 (b) A report to the state land planning agency according to
3066 the schedule provided in the written notice. The monitoring
3067 report shall, at a minimum, include the number of amendments to
3068 the comprehensive plan adopted by the local government, the
3069 number of plan amendments challenged by an affected person, and
3070 the disposition of those challenges.

3071 (4) Notwithstanding any other subsections, the municipality
3072 of Freeport shall remain certified for as long as it is
3073 designated as a rural area of critical economic concern.

3074 (5) If the municipality of Freeport does not request that
3075 the state land planning agency review the developments of
3076 regional impact that are proposed within the certified area, an
3077 application for approval of a development order within the
3078 certified area shall be exempt from review under s. 380.06,
3079 subject to the following:

3080 (a) Concurrent with filing an application for development
3081 approval with the local government, a developer proposing a
3082 project that would have been subject to review pursuant to s.
3083 380.06 shall notify in writing the regional planning council that
3084 has jurisdiction.



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3085 (b) The regional planning council shall coordinate with the
3086 developer and the local government to ensure that all concurrency
3087 requirements as well as federal, state, and local environmental
3088 permit requirements are met.

3089 (6)-(7) The state land planning agency ~~department~~ shall
3090 revoke the local government's certification if it determines that
3091 the local government is not substantially complying with the
3092 terms of the agreement.

3093 (7)-(8) An affected person, as defined in s. 163.3184(1) ~~by~~
3094 ~~s. 163.3184(1)(a)~~, may petition for an administrative hearing
3095 alleging that a local government is not substantially complying
3096 with the terms of the agreement, using the procedures and
3097 timeframes for notice and conditions precedent described in s.
3098 163.3213. Such ~~a~~ petition must be filed within 30 days after the
3099 annual public hearing required by paragraph (2)(1) ~~(5)-(1)~~.

3100 (8)-(9) (a) ~~Upon certification~~ All comprehensive plan
3101 amendments associated with the area certified must be adopted and
3102 reviewed in the manner described in ss. 163.3184(1), (2), (7),
3103 (14), (15), and (16) and 163.3187, such that state and regional
3104 agency review is eliminated. The state land planning agency
3105 ~~department~~ may not issue any objections, recommendations, and
3106 comments report on proposed plan amendments or a notice of intent
3107 on adopted plan amendments; however, affected persons, as defined
3108 in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may file a petition for
3109 administrative review pursuant to ~~the requirements of~~ s.
3110 163.3187(3) (a) to challenge the compliance of an adopted plan
3111 amendment.

3112 (b) Plan amendments that change the boundaries of the
3113 certification area; propose a rural land stewardship area
3114 pursuant to s. 163.3177(11) (d); propose an optional sector plan



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3115 | pursuant to s. 163.3245; propose a school facilities element;
3116 | update a comprehensive plan based on an evaluation and appraisal
3117 | report; impact lands outside the certification boundary;
3118 | implement new statutory requirements that require specific
3119 | comprehensive plan amendments; or increase hurricane evacuation
3120 | times or the need for shelter capacity on lands within the
3121 | coastal high-hazard area shall be reviewed pursuant to ss.
3122 | 163.3184 and 163.3187.

3123 | ~~(10) Notwithstanding subsections (2), (4), (5), (6), and~~
3124 | ~~(7), any municipality designated as a rural area of critical~~
3125 | ~~economic concern pursuant to s. 288.0656 which is located within~~
3126 | ~~a county eligible to levy the Small County Surtax under s.~~
3127 | ~~212.055(3) shall be considered certified during the effectiveness~~
3128 | ~~of the designation of rural area of critical economic concern.~~
3129 | ~~The state land planning agency shall provide a written notice of~~
3130 | ~~certification to the local government of the certified area,~~
3131 | ~~which shall be considered final agency action subject to~~
3132 | ~~challenge under s. 120.569. The notice of certification shall~~
3133 | ~~include the following components:~~

3134 | ~~(a) The boundary of the certification area.~~

3135 | ~~(b) A requirement that the local government submit either~~
3136 | ~~an annual or biennial monitoring report to the state land~~
3137 | ~~planning agency according to the schedule provided in the written~~
3138 | ~~notice. The monitoring report shall, at a minimum, include the~~
3139 | ~~number of amendments to the comprehensive plan adopted by the~~
3140 | ~~local government, the number of plan amendments challenged by an~~
3141 | ~~affected person, and the disposition of those challenges.~~

3142 | ~~(11) If the local government of an area described in~~
3143 | ~~subsection (10) does not request that the state land planning~~
3144 | ~~agency review the developments of regional impact that are~~



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3145 ~~proposed within the certified area, an application for approval~~
3146 ~~of a development order within the certified area shall be exempt~~
3147 ~~from review under s. 380.06, subject to the following:~~

3148 ~~(a) Concurrent with filing an application for development~~
3149 ~~approval with the local government, a developer proposing a~~
3150 ~~project that would have been subject to review pursuant to s.~~
3151 ~~380.06 shall notify in writing the regional planning council with~~
3152 ~~jurisdiction.~~

3153 ~~(b) The regional planning council shall coordinate with the~~
3154 ~~developer and the local government to ensure that all concurrency~~
3155 ~~requirements as well as federal, state, and local environmental~~
3156 ~~permit requirements are met.~~

3157 ~~(9)(12)~~ A local government's certification shall be
3158 reviewed by the local government and the state land planning
3159 agency department as part of the evaluation and appraisal process
3160 pursuant to s. 163.3191. Within 1 year after the deadline for the
3161 local government to update its comprehensive plan based on the
3162 evaluation and appraisal report, the state land planning agency
3163 department shall renew or revoke the certification. The local
3164 government's failure to adopt a timely evaluation and appraisal
3165 report, ~~failure to~~ adopt an evaluation and appraisal report found
3166 to be sufficient, or ~~failure to~~ timely adopt amendments based on
3167 an evaluation and appraisal report found to be in compliance by
3168 the state land planning agency department shall be cause for
3169 revoking the certification agreement. The state land planning
3170 agency's department's decision to renew or revoke is shall be
3171 considered agency action subject to challenge under s. 120.569.

3172 ~~(13) The department shall, by July 1 of each odd-numbered~~
3173 ~~year, submit to the Governor, the President of the Senate, and~~
3174 ~~the Speaker of the House of Representatives a report listing~~



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3175 ~~certified local governments, evaluating the effectiveness of the~~
3176 ~~certification, and including any recommendations for legislative~~
3177 ~~actions.~~

3178 ~~(14) The Office of Program Policy Analysis and Government~~
3179 ~~Accountability shall prepare a report evaluating the~~
3180 ~~certification program, which shall be submitted to the Governor,~~
3181 ~~the President of the Senate, and the Speaker of the House of~~
3182 ~~Representatives by December 1, 2007.~~

3183 Section 13. Paragraphs (a) and (b) of subsection (1),
3184 subsections (2) and (3), paragraph (b) of subsection (4),
3185 paragraph (a) of subsection (5), paragraph (g) of subsection (6),
3186 and subsections (7) and (8) of section 163.32465, Florida
3187 Statutes, are amended to read:

3188 163.32465 State review of local comprehensive plans in
3189 urban areas.--

3190 (1) LEGISLATIVE FINDINGS.--

3191 (a) The Legislature finds that local governments in this
3192 state have a wide diversity of resources, conditions, abilities,
3193 and needs. The Legislature also finds that the needs and
3194 resources of urban areas are different from those of rural areas
3195 and that different planning and growth management approaches,
3196 strategies, and techniques are required in urban areas. The state
3197 role in overseeing growth management should reflect this
3198 diversity and should vary based on local government conditions,
3199 capabilities, needs, and the extent and type of development.
3200 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced
3201 state oversight of local comprehensive planning is justified for
3202 some local governments in urban areas and for certain types of
3203 development.



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3204 (b) The Legislature finds and declares that ~~this~~ state's
3205 urban areas require a reduced level of state oversight because of
3206 their high degree of urbanization and the planning capabilities
3207 and resources of many of their local governments. An alternative
3208 state review process that is adequate to protect issues of
3209 regional or statewide importance should be created for
3210 appropriate local governments in these areas and for certain
3211 types of development. Further, the Legislature finds that
3212 development, including urban infill and redevelopment, should be
3213 encouraged in these urban areas. The Legislature finds that an
3214 alternative process for amending local comprehensive plans in
3215 these areas should be established with an objective of
3216 streamlining the process and recognizing local responsibility and
3217 accountability.

3218 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
3219 PROGRAM.--Pinellas and Broward Counties, and the municipalities
3220 within these counties, and Jacksonville, Miami, Tampa, and
3221 Hialeah shall follow the an alternative state review process
3222 provided in this section. Municipalities within the pilot
3223 counties may elect, by super majority vote of the governing body,
3224 not to participate in the pilot program. The alternative state
3225 review process shall also apply to:

3226 (a) Future land use map amendments and associated special
3227 area policies within areas designated in a comprehensive plan for
3228 downtown revitalization pursuant to s. 163.3164(25), urban
3229 redevelopment pursuant to s. 163.3164(26), urban infill
3230 development pursuant to s. 163.3164(27), urban infill and
3231 redevelopment pursuant to s. 163.2517, or an urban service area
3232 pursuant to s. 163.3180(5)(b)5.; and



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3233 (b) Future land use map amendments within an area
3234 designated by the Governor as a rural area of critical economic
3235 concern under s. 288.0656(7) for the duration of such
3236 designation. Before the adoption of such an amendment, the local
3237 government must obtain written certification from the Office of
3238 Tourism, Trade, and Economic Development that the plan amendment
3239 furtheres the economic objectives set forth in the executive order
3240 issued under s. 288.0656(7).

3241 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
3242 UNDER THE PILOT PROGRAM.--

3243 (a) Plan amendments adopted by the pilot program
3244 jurisdictions shall follow the alternate, expedited process in
3245 subsections (4) and (5), except as set forth in paragraphs (b)-
3246 (f) ~~(b)-(e)~~ of this subsection.

3247 (b) Amendments that qualify as small-scale development
3248 amendments may continue to be adopted by the pilot program
3249 jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(e)~~ and
3250 (3).

3251 (c) Plan amendments that propose a rural land stewardship
3252 area pursuant to s. 163.3177(11)(d); propose an optional sector
3253 plan; update a comprehensive plan based on an evaluation and
3254 appraisal report; implement ~~new~~ statutory requirements not
3255 previously incorporated into a comprehensive plan; or new plans
3256 for newly incorporated municipalities are subject to state review
3257 as set forth in s. 163.3184.

3258 (d) Pilot program jurisdictions are ~~shall be~~ subject to the
3259 frequency, voting, and timing requirements for plan amendments
3260 set forth in ss. 163.3187 and 163.3191, except as ~~where~~ otherwise
3261 stated in this section.



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3262 (e) The mediation and expedited hearing provisions in s.
3263 163.3189(3) apply to all plan amendments adopted by the pilot
3264 program jurisdictions.

3265 (f) All amendments adopted under this section must comply
3266 with ss. 163.3184(3) (a) and 163.3184(15) (b) 2.

3267 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
3268 PILOT PROGRAM.--

3269 (b) The agencies and local governments specified in
3270 paragraph (a) may provide comments regarding the amendment or
3271 amendments to the local government. The regional planning council
3272 review and comment shall be limited to effects on regional
3273 resources or facilities identified in the strategic regional
3274 policy plan and extrajurisdictional impacts that would be
3275 inconsistent with the comprehensive plan of the affected local
3276 government. A regional planning council may ~~shall~~ not review and
3277 comment on a proposed comprehensive plan amendment prepared by
3278 such council unless the plan amendment has been changed by the
3279 local government subsequent to the preparation of the plan
3280 amendment by the regional planning council. County comments on
3281 municipal comprehensive plan amendments shall be primarily in the
3282 context of the relationship and effect of the proposed plan
3283 amendments on the county plan. Municipal comments on county plan
3284 amendments shall be primarily in the context of the relationship
3285 and effect of the amendments on the municipal plan. State agency
3286 comments may include technical guidance on issues of agency
3287 jurisdiction as it relates to the requirements of this part. Such
3288 comments must ~~shall~~ clearly identify issues that, if not
3289 resolved, may result in an agency challenge to the plan
3290 amendment. For the purposes of this pilot program, agencies are
3291 encouraged to focus potential challenges on issues of regional or



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3292 statewide importance. Agencies and local governments must
3293 transmit their comments to the affected local government, if
3294 issued, within 30 days after such that they are received by the
3295 local government not later than thirty days from the date on
3296 which the state land planning agency notifies the affected local
3297 government that the plan amendment package is complete agency or
3298 government received the amendment or amendments. Any comments
3299 from the agencies and local governments must also be transmitted
3300 to the state land planning agency.

3301 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
3302 AREAS.--

3303 (a) The local government shall hold its second public
3304 hearing, which shall be a hearing on whether to adopt one or more
3305 comprehensive plan amendments, on a weekday at least 5 days after
3306 the day the second advertisement is published pursuant to ~~the~~
3307 ~~requirements of~~ chapter 125 or chapter 166. Adoption of
3308 comprehensive plan amendments must be by ordinance ~~and requires~~
3309 ~~an affirmative vote of a majority of the members of the governing~~
3310 ~~body present at the second hearing. The hearing must be conducted~~
3311 and the amendment adopted within 120 days after receipt of the
3312 agency comments pursuant to s. 163.3246(4)(b). If a local
3313 government fails to adopt the plan amendment within the timeframe
3314 set forth in this subsection, the plan amendment is deemed
3315 abandoned and the plan amendment may not be considered until the
3316 next available amendment cycle pursuant to s. 163.3187.

3317 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
3318 PROGRAM.--

3319 (g) An amendment adopted under the expedited provisions of
3320 this section shall not become effective until completion of the
3321 time period available to the state land planning agency for



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3322 | administrative challenge under paragraph (a) 31 days after
3323 | ~~adoption~~. If timely challenged, an amendment shall not become
3324 | effective until the state land planning agency or the
3325 | Administration Commission enters a final order determining that
3326 | the adopted amendment is to be in compliance.

3327 | (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
3328 | GOVERNMENTS.--Local governments and specific areas that are have
3329 | ~~been~~ designated for alternate review process pursuant to ss.
3330 | 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this
3331 | section.

3332 | (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state land
3333 | planning agency may adopt procedural ~~Agencies shall not~~
3334 | ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
3335 | ~~program~~.

3336 | Section 14. Section 166.0451, Florida Statutes, is
3337 | renumbered as section 163.32432, Florida Statutes, and amended to
3338 | read:

3339 | 163.32432 ~~166.0451~~ Disposition of municipal property for
3340 | affordable housing.--

3341 | (1) By July 1, 2007, and every 3 years thereafter, each
3342 | municipality shall prepare an inventory list of all real property
3343 | within its jurisdiction to which the municipality holds fee
3344 | simple title that is appropriate for use as affordable housing.
3345 | The inventory list must include the address and legal description
3346 | of each ~~such~~ property and specify whether the property is vacant
3347 | or improved. The governing body of the municipality must review
3348 | the inventory list at a public hearing and may revise it at the
3349 | conclusion of the public hearing. Following the public hearing,
3350 | the governing body of the municipality shall adopt a resolution
3351 | that includes an inventory list of such property.



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3352 (2) The properties identified as appropriate for use as
3353 affordable housing on the inventory list adopted by the
3354 municipality may be offered for sale and the proceeds may be used
3355 to purchase land for the development of affordable housing or to
3356 increase the local government fund earmarked for affordable
3357 housing, or may be sold with a restriction that requires the
3358 development of the property as permanent affordable housing, or
3359 may be donated to a nonprofit housing organization for the
3360 construction of permanent affordable housing. Alternatively, the
3361 municipality may otherwise make the property available for use
3362 for the production and preservation of permanent affordable
3363 housing. For purposes of this section, the term "affordable" has
3364 the same meaning as in s. 420.0004(3).

3365 (3) As a precondition to receiving any state affordable
3366 housing funding or allocation for any project or program within
3367 the municipality's jurisdiction, a municipality must, by July 1
3368 of each year, provide certification that the inventory and any
3369 update required by this section is complete.

3370 Section 15. Paragraph (c) of subsection (6) of section
3371 253.034, Florida Statutes, is amended, and paragraph (d) is added
3372 to subsection (8) of that section, to read:

3373 253.034 State-owned lands; uses.--

3374 (6) The Board of Trustees of the Internal Improvement Trust
3375 Fund shall determine which lands, the title to which is vested in
3376 the board, may be surplus. For conservation lands, the board
3377 shall make a determination that the lands are no longer needed
3378 for conservation purposes and may dispose of them by an
3379 affirmative vote of at least three members. In the case of a land
3380 exchange involving the disposition of conservation lands, the
3381 board must determine by an affirmative vote of at least three



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3382 members that the exchange will result in a net positive
3383 conservation benefit. For all other lands, the board shall make a
3384 determination that the lands are no longer needed and may dispose
3385 of them by an affirmative vote of at least three members.

3386 (c) At least every 5 ~~10~~ years, as a component of each land
3387 management plan or land use plan and in a form and manner
3388 prescribed by rule by the board, each manager shall evaluate and
3389 indicate to the board those lands that are not being used for the
3390 purpose for which they were originally leased. For conservation
3391 lands, the council shall review and shall recommend to the board
3392 whether such lands should be retained in public ownership or
3393 disposed of by the board. For nonconservation lands, the division
3394 shall review such lands and shall recommend to the board whether
3395 such lands should be retained in public ownership or disposed of
3396 by the board.

3397 (8)

3398 (d) Beginning December 1, 2008, the Division of State Lands
3399 shall annually submit to the President of the Senate and the
3400 Speaker of the House of Representatives a copy of the state
3401 inventory that identifies all nonconservation lands, including
3402 lands that meet the surplus requirements of subsection (6) and
3403 lands purchased by the state, a state agency, or a water
3404 management district which are not essential or necessary for
3405 conservation purposes. The division shall also publish a copy of
3406 the annual inventory on its website and notify by electronic mail
3407 the executive head of the governing body of each local government
3408 that has lands in the inventory within its jurisdiction.

3409 Section 16. Subsection (5) and paragraph (d) of subsection
3410 (12) of section 288.975, Florida Statutes, are amended to read:

3411 288.975 Military base reuse plans.--



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3412 (5) At the discretion of the host local government, the
3413 provisions of this act may be complied with through the adoption
3414 of the military base reuse plan as a separate component of the
3415 local government comprehensive plan or through simultaneous
3416 amendments to all pertinent portions of the local government
3417 comprehensive plan. Once adopted and approved in accordance with
3418 this section, the military base reuse plan shall be considered to
3419 be part of the host local government's comprehensive plan and
3420 shall be thereafter implemented, amended, and reviewed in
3421 accordance with ~~the provisions of part II of chapter 163. Local~~
3422 ~~government comprehensive plan amendments necessary to initially~~
3423 ~~adopt the military base reuse plan shall be exempt from the~~
3424 ~~limitation on the frequency of plan amendments contained in s.~~
3425 ~~163.3187(2).~~

3426 (12) Following receipt of a petition, the petitioning party
3427 or parties and the host local government shall seek resolution of
3428 the issues in dispute. The issues in dispute shall be resolved as
3429 follows:

3430 (d) Within 45 days after receiving the report from the
3431 state land planning agency, the Administration Commission shall
3432 take action to resolve the issues in dispute. In deciding upon a
3433 proper resolution, the Administration Commission shall consider
3434 the nature of the issues in dispute, any requests for a formal
3435 administrative hearing pursuant to chapter 120, the compliance of
3436 the parties with this section, the extent of the conflict between
3437 the parties, the comparative hardships and the public interest
3438 involved. If the Administration Commission incorporates in its
3439 final order a term or condition that requires any local
3440 government to amend its local government comprehensive plan, the
3441 local government shall amend its plan within 60 days after the



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3442 issuance of the order. ~~Such amendment or amendments shall be~~
3443 ~~exempt from the limitation of the frequency of plan amendments~~
3444 ~~contained in s. 163.3187(2), and~~ A public hearing on such
3445 amendment or amendments pursuant to s. 163.3184(15)(b)1. is ~~shall~~
3446 not ~~be~~ required. The final order of the Administration Commission
3447 is subject to appeal pursuant to s. 120.68. If the order of the
3448 Administration Commission is appealed, the time for the local
3449 government to amend its plan is ~~shall be~~ tolled during the
3450 pendency of any local, state, or federal administrative or
3451 judicial proceeding relating to the military base reuse plan.

3452 Section 17. Paragraph (c) of subsection (19) and paragraph
3453 (1) of subsection (24) of section 380.06, Florida Statutes, are
3454 amended, and paragraph (v) is added to subsection (24) of that
3455 section, to read:

3456 380.06 Developments of regional impact.--

3457 (19) SUBSTANTIAL DEVIATIONS.--

3458 (c) An extension of the date of buildout of a development,
3459 or any phase thereof, by more than 7 years is presumed to create
3460 a substantial deviation subject to further development-of-
3461 regional-impact review. An extension of the date of buildout, or
3462 any phase thereof, of more than 5 years but not more than 7 years
3463 is presumed not to create a substantial deviation. The extension
3464 of the date of buildout of an areawide development of regional
3465 impact by more than 5 years but less than 10 years is presumed
3466 not to create a substantial deviation. These presumptions may be
3467 rebutted by clear and convincing evidence at the public hearing
3468 held by the local government. An extension of 5 years or less is
3469 not a substantial deviation. For the purpose of calculating when
3470 a buildout or phase date has been exceeded, the time shall be
3471 tolled during the pendency of administrative or judicial



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3472 | proceedings relating to development permits. Any extension of the
3473 | buildout date of a project or a phase thereof shall automatically
3474 | extend the commencement date of the project, the termination date
3475 | of the development order, the expiration date of the development
3476 | of regional impact, and the phases thereof if applicable by a
3477 | like period of time. In recognition of the 2007 real estate
3478 | market conditions, all development order, phase, buildout,
3479 | commencement, and expiration dates, and all related local
3480 | government approvals, for projects that are developments of
3481 | regional impact or Florida Quality Developments and under active
3482 | construction on July 1, 2007, or for which a development order
3483 | was adopted after January 1, 2006, regardless of whether active
3484 | construction has commenced are extended for 3 years regardless of
3485 | any prior extension. The 3-year extension is not a substantial
3486 | deviation, is not subject to further development-of-regional-
3487 | impact review, and may not be considered when determining whether
3488 | a subsequent extension is a substantial deviation under this
3489 | subsection. This extension also applies to all associated local
3490 | government approvals including, but not limited to, agreements,
3491 | certificates, and permits related to the project.

3492 | (24) STATUTORY EXEMPTIONS.--

3493 | (1) Any proposed development within an urban service
3494 | boundary established as part of a local comprehensive plan under
3495 | s. 163.3187 ~~s. 163.3177(14)~~ is exempt from ~~the provisions of this~~
3496 | section if the local government having jurisdiction over the area
3497 | where the development is proposed has adopted the urban service
3498 | boundary, has entered into a binding agreement with jurisdictions
3499 | that would be impacted and with the Department of Transportation
3500 | regarding the mitigation of impacts on state and regional



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3501 transportation facilities, and has adopted a proportionate share
3502 methodology pursuant to s. 163.3180(16).

3503 (v) Any proposed development of up to an additional 150
3504 percent of the office development threshold located within 5
3505 miles of a state-sponsored biotechnical research facility is
3506 exempt from this section.

3507
3508 If a use is exempt from review as a development of regional
3509 impact under paragraphs (a)-(t) or paragraph (v), but will be
3510 part of a larger project that is subject to review as a
3511 development of regional impact, the impact of the exempt use must
3512 be included in the review of the larger project.

3513 Section 18. Paragraph (h) of subsection (3) of section
3514 380.0651, Florida Statutes, is amended to read:

3515 380.0651 Statewide guidelines and standards.--

3516 (3) The following statewide guidelines and standards shall
3517 be applied in the manner described in s. 380.06(2) to determine
3518 whether the following developments shall be required to undergo
3519 development-of-regional-impact review:

3520 (h) Multiuse development.--Any proposed development with
3521 two or more land uses where the sum of the percentages of the
3522 appropriate thresholds identified in chapter 28-24, Florida
3523 Administrative Code, or this section for each land use in the
3524 development is equal to or greater than 145 percent. Any proposed
3525 development with three or more land uses, one of which is
3526 residential and contains at least 100 dwelling units or 15
3527 percent of the applicable residential threshold, whichever is
3528 greater, where the sum of the percentages of the appropriate
3529 thresholds identified in chapter 28-24, Florida Administrative
3530 Code, or this section for each land use in the development is



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3531 equal to or greater than 160 percent. This threshold is in
3532 addition to, and does not preclude, a development from being
3533 required to undergo development-of-regional-impact review under
3534 any other threshold. This threshold does not apply to
3535 developments within 5 miles of a state-sponsored biotechnical
3536 facility.

3537 Section 19. Paragraph (c) of subsection (18) of section
3538 1002.33, Florida Statutes, is amended to read:

3539 1002.33 Charter schools.--

3540 (18) FACILITIES.--

3541 (c) Any facility, or portion thereof, used to house a
3542 charter school whose charter has been approved by the sponsor and
3543 the governing board, pursuant to subsection (7), ~~is shall be~~
3544 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
3545 community service, museum, performing arts, theatre, cinema,
3546 church, community college, college, and university facilities may
3547 provide space to charter schools within their facilities if such
3548 use is consistent with the local comprehensive plan and
3549 applicable land development regulations under their preexisting
3550 zoning and land use designations. No expansion of the facilities
3551 shall be allowed to accommodate a charter school unless the
3552 expansion would be in compliance with the local comprehensive
3553 plan and applicable land development regulations.

3554 Section 20. Section 1011.775, Florida Statutes, is created
3555 to read:

3556 1011.775 Disposition of district school board property for
3557 affordable housing.--

3558 (1) On or before July 1, 2009, and every 3 years
3559 thereafter, each district school board shall prepare an inventory
3560 list of all real property within its jurisdiction to which the



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3561 district holds fee simple title and which is not included in the
3562 5-year district facilities work plan. The inventory list must
3563 include the address and legal description of each such property
3564 and specify whether the property is vacant or improved. The
3565 district school board must review the inventory list at a public
3566 meeting and determine if any property is surplus property and
3567 appropriate for affordable housing. For real property that is not
3568 included in the 5-year district facilities work plan and that is
3569 not determined appropriate to be surplus property for affordable
3570 housing, the board shall state in the inventory list the public
3571 purpose for which the board intends to use the property. The
3572 board may revise the list at the conclusion of the public
3573 meeting. Following the public meeting, the district school board
3574 shall adopt a resolution that includes the inventory list.

3575 (2) Notwithstanding ss. 1013.28 and 1002.33(18) (e), the
3576 properties identified as appropriate for use as affordable
3577 housing on the inventory list adopted by the district school
3578 board may be offered for sale and the proceeds may be used to
3579 purchase land for the development of affordable housing or to
3580 increase the local government fund earmarked for affordable
3581 housing, sold with a restriction that requires the development of
3582 the property as permanent affordable housing, or donated to a
3583 nonprofit housing organization for the construction of permanent
3584 affordable housing. Alternatively, the district school board may
3585 otherwise make the property available for the production and
3586 preservation of permanent affordable housing. For purposes of
3587 this section, the term "affordable" has the same meaning as in s.
3588 420.0004.

3589 Section 21. Section 339.282, Florida Statutes, is repealed.



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3590 Section 22. Subsection (4) is added to section 1013.372,
3591 Florida Statutes, to read:

3592 1013.372 Education facilities as emergency shelters.--

3593 (4) Any charter school satisfying the requirements of s.
3594 163.3180(13)(e)2. shall serve as a public shelter for emergency
3595 management purposes at the request of the local emergency
3596 management agency. This subsection does not apply to a charter
3597 school located in an identified category 1, 2, or 3 evacuation
3598 zone or if the regional planning council region in which the
3599 county where the charter school is located does not have a
3600 hurricane shelter deficit as determined by the Department of
3601 Community Affairs.

3602 Section 23. Paragraph (b) of subsection (2) of section
3603 163.3217, Florida Statutes, is amended to read:

3604 163.3217 Municipal overlay for municipal incorporation.--

3605 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
3606 OVERLAY.--

3607 (b)~~1~~. A municipal overlay shall be adopted as an amendment
3608 to the local government comprehensive plan as prescribed by s.
3609 163.3184.

3610 ~~2. A county may consider the adoption of a municipal~~
3611 ~~overlay without regard to the provisions of s. 163.3187(1)~~
3612 ~~regarding the frequency of adoption of amendments to the local~~
3613 ~~comprehensive plan.~~

3614 Section 24. Subsection (4) of section 163.3182, Florida
3615 Statutes, is amended to read:

3616 163.3182 Transportation concurrency backlogs.--

3617 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

3618 ~~(a)~~ Each transportation concurrency backlog authority shall
3619 adopt a transportation concurrency backlog plan as a part of the



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3620 | local government comprehensive plan within 6 months after the
3621 | creation of the authority. The plan shall:
3622 | (a)1. Identify all transportation facilities that have been
3623 | designated as deficient and require the expenditure of moneys to
3624 | upgrade, modify, or mitigate the deficiency.
3625 | (b)2. Include a priority listing of all transportation
3626 | facilities that have been designated as deficient and do not
3627 | satisfy concurrency requirements pursuant to s. 163.3180, and the
3628 | applicable local government comprehensive plan.
3629 | (c)3. Establish a schedule for financing and construction
3630 | of transportation concurrency backlog projects that will
3631 | eliminate transportation concurrency backlogs within the
3632 | jurisdiction of the authority within 10 years after the
3633 | transportation concurrency backlog plan adoption. The schedule
3634 | shall be adopted as part of the local government comprehensive
3635 | plan.
3636 | ~~(b) The adoption of the transportation concurrency backlog~~
3637 | ~~plan shall be exempt from the provisions of s. 163.3187(1).~~
3638 | Section 25. Subsection (11) of section 171.203, Florida
3639 | Statutes, is amended to read:
3640 | 171.203 Interlocal service boundary agreement.--The
3641 | governing body of a county and one or more municipalities or
3642 | independent special districts within the county may enter into an
3643 | interlocal service boundary agreement under this part. The
3644 | governing bodies of a county, a municipality, or an independent
3645 | special district may develop a process for reaching an interlocal
3646 | service boundary agreement which provides for public
3647 | participation in a manner that meets or exceeds the requirements
3648 | of subsection (13), or the governing bodies may use the process
3649 | established in this section.



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3650 (11) (a) A municipality that is a party to an interlocal
3651 service boundary agreement that identifies an unincorporated area
3652 for municipal annexation under s. 171.202(11) (a) shall adopt a
3653 municipal service area as an amendment to its comprehensive plan
3654 to address future possible municipal annexation. The state land
3655 planning agency shall review the amendment for compliance with
3656 part II of chapter 163. The proposed plan amendment must contain:

- 3657 1. A boundary map of the municipal service area.
3658 2. Population projections for the area.
3659 3. Data and analysis supporting the provision of public
3660 facilities for the area.

3661 (b) This part does not authorize the state land planning
3662 agency to review, evaluate, determine, approve, or disapprove a
3663 municipal ordinance relating to municipal annexation or
3664 contraction.

3665 ~~(c) Any amendment required by paragraph (a) is exempt from~~
3666 ~~the twice-per-year limitation under s. 163.3187.~~

3667 Section 26. This act shall take effect July 1, 2008.
3668

3669 ===== T I T L E A M E N D M E N T =====

3670 And the title is amended as follows:

3671 Delete everything before the enacting clause
3672 and insert:

3673 A bill to be entitled
3674 An act relating to growth management; amending s. 70.51,
3675 F.S.; deleting an exemption from the limitation on the
3676 frequency of amendments of comprehensive plans;
3677 transferring, renumbering, and amending s. 125.379, F.S.;
3678 requiring counties to certify that they have prepared a
3679 list of county-owned property appropriate for affordable



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3680 housing before obtaining certain funding; amending s.
3681 163.3174, F.S.; prohibiting the members of the local
3682 governing body from serving on the local planning agency;
3683 providing an exception; amending s. 163.3177, F.S.;
3684 extending the date for local governments to adopt plan
3685 amendments to implement a financially feasible capital
3686 improvements element; extending the date for prohibiting
3687 future land use map amendments if a local government does
3688 not adopt and transmit its annual update to the capital
3689 improvements element; revising standards for the future
3690 land use plan in a local comprehensive plan; including a
3691 provision encouraging rural counties to adopt a rural sub-
3692 element as part of their future land use plan; revising
3693 standards for the housing element of a local comprehensive
3694 plan; requiring certain counties to certify that they have
3695 adopted a plan for ensuring affordable workforce housing
3696 before obtaining certain funding; authorizing the state
3697 land planning agency to amend administrative rules
3698 relating to planning criteria to allow for varying local
3699 conditions; deleting exemptions from the limitation on the
3700 frequency of plan amendments; extending the deadline for
3701 local governments to adopt a public school facilities
3702 element and interlocal agreement; providing legislative
3703 findings concerning the need to preserve agricultural land
3704 and protect rural agricultural communities from adverse
3705 changes in the agricultural economy; defining the term
3706 "rural agricultural industrial center"; authorizing a
3707 landowner within a rural agricultural industrial center to
3708 apply for an amendment to the comprehensive plan to expand
3709 an existing center; providing requirements for such an



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3710 application; providing a rebuttable presumption that such
3711 an amendment is consistent with state rule; providing
3712 certain exceptions to the approval of such an amendment;
3713 deleting provisions encouraging local governments to
3714 develop a community vision and to designate an urban
3715 service boundary; amending s. 163.31771, F.S.; requiring a
3716 local government to amend its comprehensive plan to allow
3717 accessory dwelling units in an area zoned for single-
3718 family residential use; prohibiting such units from being
3719 treated as new units if there is a land use restriction
3720 agreement that restricts use to affordable housing;
3721 prohibiting accessory dwelling units from being located on
3722 certain land; amending s. 163.3178, F.S.; revising
3723 provisions relating to coastal management and coastal
3724 high-hazard areas; providing factors for demonstrating the
3725 compliance of a comprehensive plan amendment with rule
3726 provisions relating to coastal areas; amending s.
3727 163.3180, F.S.; revising concurrency requirements;
3728 specifying municipal areas for transportation concurrency
3729 exception areas; revising provisions relating to the
3730 Strategic Intermodal System; deleting a requirement for
3731 local governments to annually submit a summary of de
3732 minimus records; increasing the percentage of
3733 transportation impacts that must be reserved for urban
3734 redevelopment; requiring concurrency management systems to
3735 be coordinated with the appropriate metropolitan planning
3736 organization; revising regional impact proportionate share
3737 provisions to allow for improvements outside the
3738 jurisdiction in certain circumstances; providing for the
3739 determination of mitigation to include credit for certain



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3740 mitigation provided under an earlier phase, calculated at
3741 present value; defining the terms "present value" and
3742 "backlogged transportation facility"; revising the
3743 calculation of school capacity to include relocatables
3744 used by a school district; providing a minimum state
3745 availability standard for school concurrency; providing
3746 that a developer may not be required to reduce or
3747 eliminate backlog or address class size reduction;
3748 requiring charter schools to be considered as a mitigation
3749 option under certain circumstances; requiring school
3750 districts to include relocatables in their calculation of
3751 school capacity in certain circumstances; providing for an
3752 Urban Placemaking Initiative Pilot Project Program;
3753 providing for designating certain local governments as
3754 urban placemaking initiative pilot projects; providing
3755 purposes, requirements, criteria, procedures, and
3756 limitations for such local governments, the pilot
3757 projects, and the program; authorizing a methodology based
3758 on vehicle and miles traveled for calculating
3759 proportionate fair-share methodology; providing
3760 transportation concurrency incentives for private
3761 developers; providing for recommendations for the
3762 establishment of a uniform mobility fee methodology to
3763 replace the current transportation concurrency management
3764 system; amending s. 163.31801, F.S.; requiring the
3765 provision of notice before the imposition of an increased
3766 impact fee; providing that the provision of notice is not
3767 required before decreasing or eliminating an impact fee;
3768 amending s. 163.3184, F.S.; requiring that potential
3769 applicants for a future land use map amendment applying to



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3770 | 50 or more acres conduct two meetings to present, discuss,
3771 | and solicit public comment on the proposed amendment;
3772 | requiring that one such meeting be conducted before the
3773 | application is filed and the second meeting be conducted
3774 | before adoption of the plan amendment; providing notice
3775 | and procedure requirements for such meetings; requiring
3776 | that applicants for a plan amendment applying to more than
3777 | 11 acres but less than 50 acres conduct a meeting before
3778 | the application is filed and encouraging a second meeting
3779 | within a specified period before the local government's
3780 | scheduled adoption hearing; providing for notice of such
3781 | meeting; requiring that an applicant file with the local
3782 | government a written certification attesting to certain
3783 | information; exempting small-scale amendments from
3784 | requirements related to meetings; revising a time period
3785 | for comments on plan amendments; revising a time period
3786 | for requesting state planning agency review of plan
3787 | amendments; revising a time period for the state land
3788 | planning agency to identify written comments on plan
3789 | amendments for local governments; providing that an
3790 | amendment is deemed abandoned under certain circumstances;
3791 | authorizing the state land planning agency to grant
3792 | extensions; requiring that a comprehensive plan or
3793 | amendment to be adopted be available to the public;
3794 | prohibiting certain types of changes to a plan amendment
3795 | during a specified period before the hearing thereupon;
3796 | requiring that the local government certify certain
3797 | information to the state land planning agency; deleting
3798 | exemptions from the limitation on the frequency of
3799 | amendments of comprehensive plans; deleting provisions



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3800 relating to community vision and urban boundary amendments
3801 to conform to changes made by the act; amending s.
3802 163.3187, F.S.; limiting the adoption of certain plan
3803 amendments to twice per calendar year; limiting the
3804 adoption of certain plan amendments to once per calendar
3805 year; authorizing local governments to adopt certain plan
3806 amendments at any time during a calendar year without
3807 regard for restrictions on frequency; deleting certain
3808 types of amendments from the list of amendments eligible
3809 for adoption at any time during a calendar year; deleting
3810 exemptions from frequency limitations; providing
3811 circumstances under which small-scale amendments become
3812 effective; amending s. 163.3245, F.S.; revising provisions
3813 relating to optional sector plans; authorizing all local
3814 government to adopt optional sector plans into their
3815 comprehensive plan; increasing the size of the area to
3816 which sector plans apply; deleting certain restrictions on
3817 a local government upon entering into sector plans;
3818 deleting an annual monitoring report submitted by a host
3819 local government that has adopted a sector plan and a
3820 status report submitted by the department on optional
3821 sector plans; amending s. 163.3246, F.S.; discontinuing
3822 the Local Government Comprehensive Planning Certification
3823 Program except for currently certified local governments;
3824 retaining an exemption from DRI review for a certified
3825 community in certain circumstances; amending s. 163.32465,
3826 F.S.; revising provisions relating to the state review of
3827 comprehensive plans; providing additional types of
3828 amendments to which the alternative state review applies;
3829 providing a 30-day period for agency comments begins when



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3830 | the state land planning agency notifies the local
3831 | government that the plan amendment package is complete;
3832 | requiring adoption of a plan amendment within 120 days of
3833 | receipt of agency comments or the plan amendment is deemed
3834 | abandoned; revising the effective date of adopted plan
3835 | amendments; providing procedural rulemaking authority to
3836 | the state land planning agency; renumbering and amending
3837 | s. 166.0451, F.S.; requiring municipalities to certify
3838 | that they have prepared a list of county-owned property
3839 | appropriate for affordable housing before obtaining
3840 | certain funding; amending s. 253.034, F.S.; requiring that
3841 | a manager of conservation lands report to the Board of
3842 | Trustees of the Internal Improvement Trust Fund at
3843 | specified intervals regarding those lands not being used
3844 | for the purpose for which they were originally leased;
3845 | requiring that the Division of State Lands annually submit
3846 | to the President of the Senate and the Speaker of the
3847 | House of Representatives a copy of the state inventory
3848 | identifying all nonconservation lands; requiring the
3849 | division to publish a copy of the annual inventory on its
3850 | website and notify by electronic mail the executive head
3851 | of the governing body of each local government having
3852 | lands in the inventory within its jurisdiction; amending
3853 | s. 288.975, F.S.; deleting exemptions from the frequency
3854 | limitations on comprehensive plan amendments; amending s.
3855 | 380.06, F.S.; providing a 3-year extension for the
3856 | buildout, commencement, and expiration dates of
3857 | developments of regional impact and Florida Quality
3858 | Developments, including associated local permits;
3859 | providing an exception from development-of-regional-impact



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3860 review; amending s. 380.0651, F.S.; providing an exemption
3861 from development-of-regional impact review; amending s.
3862 1002.33, F.S.; restricting facilities from providing space
3863 to charter schools unless such use is consistent with the
3864 local comprehensive plan; prohibiting the expansion of
3865 certain facilities to accommodate for a charter school
3866 unless such use is consistent with the local comprehensive
3867 plan; creating s. 1011.775, F.S.; requiring that each
3868 district school board prepare an inventory list of certain
3869 real property on or before a specified date and at
3870 specified intervals thereafter; requiring that such list
3871 include certain information; requiring that the district
3872 school board review the list at a public meeting and make
3873 certain determinations; requiring that the board state its
3874 intended use for certain property; authorizing the board
3875 to revise the list at the conclusion of the public
3876 meeting; requiring that the board adopt a resolution;
3877 authorizing the board to offer certain properties for sale
3878 and use the proceeds for specified purposes; authorizing
3879 the board to make the property available for the
3880 production and preservation of permanent affordable
3881 housing; defining the term "affordable" for specified
3882 purposes; repealing s. 339.282, F.S., relating to
3883 transportation concurrency incentives; amending s.
3884 1013.372, F.S.; requiring that certain charter schools
3885 serve as public shelters at the request of the local
3886 emergency management agency; amending ss. 163.3217,
3887 163.3182, and 171.203, F.S.; deleting exemptions from the
3888 limitation on the frequency of amendments of comprehensive
3889 plans; providing an effective date.