

By the Committee on Community Affairs; and Senator Garcia

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1 A bill to be entitled

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

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30 develop a community vision and to designate an urban  
31 service boundary; amending s. 163.31771, F.S.; requiring a  
32 local government to amend its comprehensive plan to allow  
33 accessory dwelling units in an area zoned for single-  
34 family residential use; prohibiting such units from being  
35 treated as new units if there is a land use restriction  
36 agreement that restricts use to affordable housing;  
37 prohibiting accessory dwelling units from being located on  
38 certain land; amending s. 163.3178, F.S.; revising  
39 provisions relating to coastal management and coastal  
40 high-hazard areas; providing factors for demonstrating the  
41 compliance of a comprehensive plan amendment with rule  
42 provisions relating to coastal areas; amending s.  
43 163.3180, F.S.; revising concurrency requirements;  
44 specifying municipal areas for transportation concurrency  
45 exception areas; revising provisions relating to the  
46 Strategic Intermodal System; deleting a requirement for  
47 local governments to annually submit a summary of de  
48 minimus records; providing additional requirements for  
49 school concurrency service areas and contiguous service  
50 areas; providing a minimum state availability standard for  
51 school concurrency; extending the deadline for local  
52 governments to adopt a public school facilities element  
53 and interlocal agreement; providing that a developer may  
54 not be required to reduce or eliminate backlog or address  
55 class size reduction; requiring charter schools to be  
56 considered as a mitigation option under certain  
57 circumstances; limiting the circumstances under which a  
58 local government may deny a development permit or

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59 | comprehensive plan amendment based on school concurrency;  
60 | requiring school districts to include relocatables in  
61 | their calculation of school capacity in certain  
62 | circumstances; requiring consistency between a school  
63 | impact fee and an adopted school concurrency ordinance;  
64 | absolving a developer from responsibility for mitigating  
65 | school concurrency backlogs or addressing class size;  
66 | authorizing a methodology based on vehicle and miles  
67 | traveled for calculating proportionate fair-share  
68 | methodology; providing transportation concurrency  
69 | incentives for private developers; deleting an exemption  
70 | from transportation concurrency provided to certain  
71 | workforce housing; requiring proportionate-share  
72 | mitigation for developments of regional impact to be based  
73 | on the existing level of service or the adopted level-of-  
74 | service standard, whichever is less; defining the term  
75 | "backlogged transportation facility"; providing for  
76 | recommendations for the establishment of a uniform  
77 | mobility fee methodology to replace the current  
78 | transportation concurrency management system; amending s.  
79 | 163.3184, F.S.; requiring that potential applicants for a  
80 | future land use map amendment conduct a meeting to  
81 | present, discuss, and solicit public comment on the  
82 | proposed amendment; requiring that such meeting be  
83 | conducted before the application is filed; providing  
84 | notice and procedure requirements for such meetings;  
85 | providing for applicability of such requirements;  
86 | requiring that applicants conduct a second meeting within  
87 | a specified period before the local government's scheduled

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88 adoption hearing; providing for notice of such meeting;  
89 requiring that an applicant file with the local government  
90 a written certification attesting to certain information;  
91 exempting small-scale amendments from requirements related  
92 to meetings; revising a time period for comments on plan  
93 amendments; revising a time period for requesting state  
94 planning agency review of plan amendments; revising a time  
95 period for the state land planning agency to identify  
96 written comments on plan amendments for local governments;  
97 providing that an amendment is deemed abandoned under  
98 certain circumstances; authorizing the state land planning  
99 agency to grant extensions; requiring that a comprehensive  
100 plan or amendment to be adopted be available to the  
101 public; prohibiting certain types of changes to a plan  
102 amendment during a specified period before the hearing  
103 thereupon; requiring that the local government certify  
104 certain information to the state land planning agency;  
105 deleting exemptions from the limitation on the frequency  
106 of amendments of comprehensive plans; deleting provisions  
107 relating to community vision and urban boundary amendments  
108 to conform to changes made by the act; amending s.  
109 163.3187, F.S.; providing that comprehensive plan  
110 amendments may be adopted by simple majority vote of the  
111 governing body of the applicable local government;  
112 requiring a super majority vote of such persons for the  
113 adoption of certain amendments; authorizing local  
114 governments to transmit and adopt certain plan amendments  
115 twice per calendar year; authorizing local governments to  
116 transmit and adopt certain plan amendments at any time

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117 during a calendar year without regard for restrictions on  
118 frequency; deleting certain types of amendments from the  
119 list of amendments eligible for adoption at any time  
120 during a calendar year; deleting exemptions from frequency  
121 limitations; providing circumstances under which small-  
122 scale amendments become effective; amending s. 163.3245,  
123 F.S.; revising provisions relating to optional sector  
124 plans; authorizing all local government to adopt optional  
125 sector plans into their comprehensive plan; increasing the  
126 size of the area to which sector plans apply; deleting  
127 certain restrictions on a local government upon entering  
128 into sector plans; deleting an annual monitoring report  
129 submitted by a host local government that has adopted a  
130 sector plan and a status report submitted by the  
131 department on optional sector plans; amending s. 163.3246,  
132 F.S.; discontinuing the Local Government Comprehensive  
133 Planning Certification Program except for currently  
134 certified local governments; retaining an exemption from  
135 DRI review for a certified community in certain  
136 circumstances; creating s. 163.32461, F.S.; providing  
137 expedited affordable housing growth strategies; providing  
138 legislative intent; providing definitions; providing an  
139 optional expedited review for certain future land use map  
140 amendments; providing procedures for such review;  
141 providing for the expedited review of subdivision, site  
142 plans, and building permits; providing for density bonuses  
143 for certain land uses; amending s. 163.32465, F.S.;  
144 revising provisions relating to the state review of  
145 comprehensive plans; providing additional types of

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146 amendments to which the alternative state review applies;  
147 renumbering and amending s. 166.0451, F.S.; requiring  
148 municipalities to certify that they have prepared a list  
149 of county-owned property appropriate for affordable  
150 housing before obtaining certain funding; amending s.  
151 253.034, F.S.; requiring that a manager of conservation  
152 lands report to the Board of Trustees of the Internal  
153 Improvement Trust Fund at specified intervals regarding  
154 those lands not being used for the purpose for which they  
155 were originally leased; requiring that the Division of  
156 State Lands annually submit to the President of the Senate  
157 and the Speaker of the House of Representatives a copy of  
158 the state inventory identifying all nonconservation lands;  
159 requiring the division to publish a copy of the annual  
160 inventory on its website and notify by electronic mail the  
161 executive head of the governing body of each local  
162 government having lands in the inventory within its  
163 jurisdiction; amending s. 288.975, F.S.; deleting  
164 exemptions from the frequency limitations on comprehensive  
165 plan amendments; amending s. 380.06, F.S.; providing an  
166 exception from development-of-regional-impact review;  
167 providing a 3-year extension for the buildout,  
168 commencement, and expiration dates of developments of  
169 regional impact and Florida Quality Developments,  
170 including associated local permits; providing that all  
171 transportation impacts for a phase or stage of a  
172 development of regional impact shall be deemed mitigated  
173 under certain circumstances; amending s. 380.0651, F.S.;

174 providing an exemption from development-of-regional impact

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175 review; amending s. 1002.33, F.S.; restricting facilities  
176 from providing space to charter schools unless such use is  
177 consistent with the local comprehensive plan; creating s.  
178 1011.775, F.S.; requiring that each district school board  
179 prepare an inventory list of certain real property on or  
180 before a specified date and at specified intervals  
181 thereafter; requiring that such list include certain  
182 information; requiring that the district school board  
183 review the list at a public meeting and make certain  
184 determinations; requiring that the board state its  
185 intended use for certain property; authorizing the board  
186 to revise the list at the conclusion of the public  
187 meeting; requiring that the board adopt a resolution;  
188 authorizing the board to offer certain properties for sale  
189 and use the proceeds for specified purposes; authorizing  
190 the board to make the property available for the  
191 production and preservation of permanent affordable  
192 housing; defining the term "affordable" for specified  
193 purposes; repealing s. 339.282, F.S., relating to  
194 transportation concurrency incentives; repealing s.  
195 420.615, F.S., relating to affordable housing land  
196 donation density bonus incentives; amending s. 1013.33,  
197 F.S.; prohibiting the imposition of standards and  
198 conditions exceeding certain requirements for an  
199 educational facilities or school district facilities work  
200 plan under certain circumstances; providing an exception;  
201 amending s. 1013.372, F.S.; requiring that certain charter  
202 schools serve as public shelters at the request of the  
203 local emergency management agency; amending ss. 163.3217,

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204 163.3182, and 171.203, F.S.; deleting exemptions from the  
205 limitation on the frequency of amendments of comprehensive  
206 plans; providing an effective date.

207

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

209

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

212 70.51 Land use and environmental dispute resolution.--

213 (26) A special magistrate's recommendation under this  
214 section constitutes data in support of, and a support document  
215 for, a comprehensive plan or comprehensive plan amendment, but is  
216 not, in and of itself, dispositive of a determination of  
217 compliance with chapter 163. ~~Any comprehensive plan amendment  
218 necessary to carry out the approved recommendation of a special  
219 magistrate under this section is exempt from the twice-a-year  
220 limit on plan amendments and may be adopted by the local  
221 government amendments in s. 163.3184(16)(d).~~

222 Section 2. Section 125.379, Florida Statutes, is  
223 transferred, renumbered as section 163.32431, Florida Statutes,  
224 and amended to read:

225 163.32431 ~~125.379~~ Disposition of county property for  
226 affordable housing.--

227 (1) By July 1, 2007, and every 3 years thereafter, each  
228 county shall prepare an inventory list of all real property  
229 within its jurisdiction to which the county holds fee simple  
230 title that is appropriate for use as affordable housing. The  
231 inventory list must include the address and legal description of  
232 each ~~such~~ real property and specify whether the property is



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233 vacant or improved. The governing body of the county must review  
234 the inventory list at a public hearing and may revise it at the  
235 conclusion of the public hearing. The governing body of the  
236 county shall adopt a resolution that includes an inventory list  
237 of the ~~such~~ property following the public hearing.

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

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

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

258 163.3174 Local planning agency.--

259 (1) The governing body of each local government,  
260 individually or in combination as provided in s. 163.3171, shall  
261 designate and by ordinance establish a "local planning agency,"

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

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291 council of local government officials created pursuant to s.  
292 163.02, provided the composition of the council is fairly  
293 representative of all the governing bodies in the county or  
294 planning area; however:

295 (a) If a joint planning entity was ~~is~~ in existence on July  
296 1, 1975 ~~the effective date of this act which authorizes the~~  
297 ~~governing bodies to adopt and enforce a land use plan effective~~  
298 ~~throughout the joint planning area~~, that entity shall be the  
299 agency for those local governments until such time as the  
300 authority of the joint planning entity is modified by law.

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

304 Section 4. Paragraph (b) of subsection (3), paragraph (a)  
305 of subsection (4), paragraphs (a), (c), (f), (g), and (h) of  
306 subsection (6), paragraph (e) of subsection (7), paragraph (i) of  
307 subsection (10), paragraph (i) of subsection (12), and  
308 subsections (13) and (14) of section 163.3177, Florida Statutes,  
309 are amended to read:

310 163.3177 Required and optional elements of comprehensive  
311 plan; studies and surveys.--

312 (3)

313 (b)1. The capital improvements element must be reviewed on  
314 an annual basis and modified as necessary in accordance with s.  
315 163.3187 or s. 163.3189 in order to maintain a financially  
316 feasible 5-year schedule of capital improvements. Corrections and  
317 modifications concerning costs; revenue sources; or acceptance of  
318 facilities pursuant to dedications which are consistent with the  
319 plan may be accomplished by ordinance and shall not be deemed to

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

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

339 (4)(a) Coordination of the local comprehensive plan with  
340 the comprehensive plans of adjacent municipalities, the county,  
341 adjacent counties, or the region; with the appropriate water  
342 management district's regional water supply plans approved  
343 pursuant to s. 373.0361; with adopted rules pertaining to  
344 designated areas of critical state concern; with the school  
345 district's educational facilities plan approved pursuant to s.  
346 1013.35; and with the state comprehensive plan shall be a major  
347 objective of the local comprehensive planning process. To that  
348 end, in the preparation of a comprehensive plan or element

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349 thereof, and in the comprehensive plan or element as adopted, the  
350 governing body shall include a specific policy statement  
351 indicating the relationship of the proposed development of the  
352 area to the comprehensive plans of adjacent municipalities, the  
353 county, adjacent counties, or the region and to the state  
354 comprehensive plan, as the case may require and as such adopted  
355 plans or plans in preparation may exist.

356 (6) In addition to the requirements of subsections (1)-(5)  
357 and (12), the comprehensive plan shall include the following  
358 elements:

359 (a) A future land use plan element designating proposed  
360 future general distribution, location, and extent of the uses of  
361 land for residential uses, commercial uses, industry,  
362 agriculture, recreation, conservation, education, public  
363 buildings and grounds, other public facilities, and other  
364 categories of the public and private uses of land. Counties are  
365 encouraged to designate rural land stewardship areas, pursuant to  
366 ~~the provisions of~~ paragraph (11) (d), as overlays on the future  
367 land use map.

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

375 2. The future land use plan shall be based upon surveys,  
376 studies, and data regarding the area, including the amount of  
377 land required to accommodate anticipated growth; the projected

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378 | population of the area; the character of undeveloped land; the  
379 | availability of water supplies, public facilities, and services;  
380 | the need for redevelopment, including the renewal of blighted  
381 | areas and the elimination of nonconforming uses which are  
382 | inconsistent with the character of the community; the  
383 | compatibility of uses on lands adjacent to or closely proximate  
384 | to military installations; the discouragement of urban sprawl;  
385 | energy-efficient land use patterns that reduce vehicle miles  
386 | traveled; and, in rural communities, the need for job creation,  
387 | capital investment, and economic development that will strengthen  
388 | and diversify the community's economy.

389 |       3. The future land use plan may designate areas for future  
390 | planned development use involving combinations of types of uses  
391 | for which special regulations may be necessary to ensure  
392 | development in accord with the principles and standards of the  
393 | comprehensive plan and this act.

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

397 |       5. Counties are encouraged to adopt a rural sub-element as  
398 | a part of the future land use plan. The sub-element shall apply  
399 | to all lands classified in the future land use plan as  
400 | predominantly agricultural, rural, open, open-rural, or a  
401 | substantively equivalent land use. The rural sub-element shall  
402 | include goals, objectives, and policies that enhance rural  
403 | economies, promote the viability of agriculture, provide for  
404 | appropriate economic development, discourage urban sprawl, and  
405 | ensure the protection of natural resources. The rural sub-element  
406 | shall generally identify anticipated areas of rural,

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407 agricultural, conservation, and areas that may be considered for  
408 conversion to urban land use and appropriate sites for affordable  
409 housing. The rural sub-element shall also generally identify  
410 areas that may be considered for rural land stewardship areas,  
411 sector planning, or new communities or towns in accordance with  
412 ss. 163.3177(11) and 163.3245(2). ~~In addition,~~ For rural  
413 communities, the amount of land designated for future planned  
414 industrial use shall be based upon surveys and studies that  
415 reflect the need for job creation, capital investment, and the  
416 necessity to strengthen and diversify the local economies, and  
417 may ~~shall~~ not be limited solely by the projected population of  
418 the rural community.

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

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

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

428 9. The future land use element must clearly identify the  
429 land use categories in which public schools are an allowable use.  
430 When delineating such ~~the~~ land use categories ~~in which public~~  
431 ~~schools are an allowable use,~~ a local government shall include in  
432 the categories sufficient land proximate to residential  
433 development to meet the projected needs for schools in  
434 coordination with public school boards and may establish  
435 differing criteria for schools of different type or size. Each

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436 local government shall include lands contiguous to existing  
437 school sites, to the maximum extent possible, within the land use  
438 categories in which public schools are an allowable use. ~~The~~  
439 ~~failure by a local government to comply with these school siting~~  
440 ~~requirements will result in the prohibition of~~ The local  
441 government may not ~~government's ability to~~ amend the local  
442 comprehensive plan, except for plan amendments described in s.  
443 163.3187(1)(b), until the school siting requirements are met.  
444 ~~Amendments proposed by a local government for purposes of~~  
445 ~~identifying the land use categories in which public schools are~~  
446 ~~an allowable use are exempt from the limitation on the frequency~~  
447 ~~of plan amendments contained in s. 163.3187.~~ The future land use  
448 element shall include criteria that encourage the location of  
449 schools proximate to urban residential areas to the extent  
450 possible and shall require that the local government seek to  
451 collocate public facilities, such as parks, libraries, and  
452 community centers, with schools to the extent possible and to  
453 encourage the use of elementary schools as focal points for  
454 neighborhoods. For schools serving predominantly rural counties,  
455 defined as a county having ~~with~~ a population of 100,000 or fewer,  
456 an agricultural land use category shall be eligible for the  
457 location of public school facilities if the local comprehensive  
458 plan contains school siting criteria and the location is  
459 consistent with such criteria. Local governments required to  
460 update or amend their comprehensive plan to include criteria and  
461 address compatibility of adjacent or closely proximate lands with  
462 existing military installations in their future land use plan  
463 element shall transmit the update or amendment to the department  
464 by June 30, 2006.



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465 (c) A general sanitary sewer, solid waste, drainage,  
466 potable water, and natural groundwater aquifer recharge element  
467 correlated to principles and guidelines for future land use,  
468 indicating ways to provide for future potable water, drainage,  
469 sanitary sewer, solid waste, and aquifer recharge protection  
470 requirements for the area. The element may be a detailed  
471 engineering plan including a topographic map depicting areas of  
472 prime groundwater recharge. The element shall describe the  
473 problems and needs and the general facilities that will be  
474 required for solution of the problems and needs. The element  
475 shall also include a topographic map depicting any areas adopted  
476 by a regional water management district as prime groundwater  
477 recharge areas for the Floridan or Biscayne aquifers. These areas  
478 shall be given special consideration when the local government is  
479 engaged in zoning or considering future land use for said  
480 designated areas. For areas served by septic tanks, soil surveys  
481 shall be provided which indicate the suitability of soils for  
482 septic tanks. Within 18 months after the governing board approves  
483 an updated regional water supply plan, the element must  
484 incorporate the alternative water supply project or projects  
485 selected by the local government from those identified in the  
486 regional water supply plan pursuant to s. 373.0361(2)(a) or  
487 proposed by the local government under s. 373.0361(7)(b). If a  
488 local government is located within two water management  
489 districts, the local government shall adopt its comprehensive  
490 plan amendment within 18 months after the later updated regional  
491 water supply plan. The element must identify such alternative  
492 water supply projects and traditional water supply projects and  
493 conservation and reuse necessary to meet the water needs

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494 identified in s. 373.0361(2)(a) within the local government's  
495 jurisdiction and include a work plan, covering at least a 10 year  
496 planning period, for building public, private, and regional water  
497 supply facilities, including development of alternative water  
498 supplies, which are identified in the element as necessary to  
499 serve existing and new development. The work plan shall be  
500 updated, at a minimum, every 5 years within 18 months after the  
501 governing board of a water management district approves an  
502 updated regional water supply plan. ~~Amendments to incorporate the~~  
503 ~~work plan do not count toward the limitation on the frequency of~~  
504 ~~adoption of amendments to the comprehensive plan.~~ Local  
505 governments, public and private utilities, regional water supply  
506 authorities, special districts, and water management districts  
507 are encouraged to cooperatively plan for the development of  
508 multijurisdictional water supply facilities that are sufficient  
509 to meet projected demands for established planning periods,  
510 including the development of alternative water sources to  
511 supplement traditional sources of groundwater and surface water  
512 supplies.

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

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

517 b. The elimination of substandard dwelling conditions.

518 c. The structural and aesthetic improvement of existing  
519 housing.

520 d. The provision of adequate sites for future housing,  
521 including affordable workforce housing as defined in s.  
522 380.0651(3)(j), housing for low-income, very low-income, and

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523 moderate-income families, mobile homes, senior affordable  
524 housing, and group home facilities and foster care facilities,  
525 with supporting infrastructure and public facilities. This  
526 includes compliance with the applicable public lands provision  
527 under s. 163.32431 or s. 163.32432.

528 e. Provision for relocation housing and identification of  
529 historically significant and other housing for purposes of  
530 conservation, rehabilitation, or replacement.

531 f. The formulation of housing implementation programs.

532 g. The creation or preservation of affordable housing to  
533 minimize the need for additional local services and avoid the  
534 concentration of affordable housing units only in specific areas  
535 of the jurisdiction.

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

547 ~~(II)i.~~ As a precondition to receiving any state affordable  
548 housing funding or allocation for any project or program within  
549 the jurisdiction of a county that is subject to sub-sub-  
550 subparagraph (I), a county must, by July 1 of each year, provide  
551 certification that the county has complied with the requirements

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552 ~~of sub-sub-subparagraph (I). Failure by a local government to~~  
553 ~~comply with the requirement in sub-subparagraph h. will result in~~  
554 ~~the local government being ineligible to receive any state~~  
555 ~~housing assistance grants until the requirement of sub-~~  
556 ~~subparagraph h. is met.~~

557 2. The goals, objectives, and policies of the housing  
558 element must be based on the data and analysis prepared on  
559 housing needs, including the affordable housing needs assessment.  
560 State and federal housing plans prepared on behalf of the local  
561 government must be consistent with the goals, objectives, and  
562 policies of the housing element. Local governments are encouraged  
563 to use ~~utilize~~ job training, job creation, and economic solutions  
564 to address a portion of their affordable housing concerns.

565 3.2. To assist local governments in housing data collection  
566 and analysis and assure uniform and consistent information  
567 regarding the state's housing needs, the state land planning  
568 agency shall conduct an affordable housing needs assessment for  
569 all local jurisdictions on a schedule that coordinates the  
570 implementation of the needs assessment with the evaluation and  
571 appraisal reports required by s. 163.3191. Each local government  
572 shall use ~~utilize~~ the data and analysis from the needs assessment  
573 as one basis for the housing element of its local comprehensive  
574 plan. The agency shall allow a local government ~~the option~~ to  
575 perform its own needs assessment, if it uses the methodology  
576 established by the agency by rule.

577 (g)1. For those units of local government identified in s.  
578 380.24, a coastal management element, appropriately related to  
579 the particular requirements of paragraphs (d) and (e) and meeting  
580 the requirements of s. 163.3178(2) and (3). The coastal

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581 management element shall set forth the policies that shall guide  
582 the local government's decisions and program implementation with  
583 respect to the following objectives:

584 a. Maintenance, restoration, and enhancement of the overall  
585 quality of the coastal zone environment, including, but not  
586 limited to, its amenities and aesthetic values.

587 b. Continued existence of viable populations of all species  
588 of wildlife and marine life.

589 c. The orderly and balanced utilization and preservation,  
590 consistent with sound conservation principles, of all living and  
591 nonliving coastal zone resources.

592 d. Avoidance of irreversible and irretrievable loss of  
593 coastal zone resources.

594 e. Ecological planning principles and assumptions to be  
595 used in the determination of suitability and extent of permitted  
596 development.

597 f. Proposed management and regulatory techniques.

598 g. Limitation of public expenditures that subsidize  
599 development in high-hazard coastal areas.

600 h. Protection of human life against the effects of natural  
601 disasters.

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

605 j. Preservation, including sensitive adaptive use of  
606 historic and archaeological resources.

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

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610 include applicable criteria for and consider such factors as  
611 natural resources, manatee protection needs, protection of  
612 working waterfronts and public access to the water, and  
613 recreation and economic demands. Criteria for manatee protection  
614 in the recreational surface water use policies should reflect  
615 applicable guidance outlined in the Boat Facility Siting Guide  
616 prepared by the Fish and Wildlife Conservation Commission. ~~If the~~  
617 ~~local government elects to adopt recreational surface water use~~  
618 ~~policies by comprehensive plan amendment, such comprehensive plan~~  
619 ~~amendment is exempt from the provisions of s. 163.3187(1).~~ Local  
620 governments that wish to adopt recreational surface water use  
621 policies may be eligible for assistance with the development of  
622 such policies through the Florida Coastal Management Program. The  
623 Office of Program Policy Analysis and Government Accountability  
624 shall submit a report on the adoption of recreational surface  
625 water use policies under this subparagraph to the President of  
626 the Senate, the Speaker of the House of Representatives, and the  
627 majority and minority leaders of the Senate and the House of  
628 Representatives no later than December 1, 2010.

629 (h)1. An intergovernmental coordination element showing  
630 relationships and stating principles and guidelines to be used in  
631 the accomplishment of coordination of the adopted comprehensive  
632 plan with the plans of school boards, regional water supply  
633 authorities, and other units of local government providing  
634 services but not having regulatory authority over the use of  
635 land, with the comprehensive plans of adjacent municipalities,  
636 the county, adjacent counties, or the region, with the state  
637 comprehensive plan and with the applicable regional water supply  
638 plan approved pursuant to s. 373.0361, as the case may require

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639 and as such adopted plans or plans in preparation may exist. This  
640 element of the local comprehensive plan shall demonstrate  
641 consideration of the particular effects of the local plan, when  
642 adopted, upon the development of adjacent municipalities, the  
643 county, adjacent counties, or the region, or upon the state  
644 comprehensive plan, as the case may require.

645 a. The intergovernmental coordination element shall provide  
646 for procedures to identify and implement joint planning areas,  
647 especially for the purpose of annexation, municipal  
648 incorporation, and joint infrastructure service areas.

649 b. The intergovernmental coordination element shall provide  
650 for recognition of campus master plans prepared pursuant to s.  
651 1013.30 and the school district's educational facilities plan  
652 approved pursuant to s. 1013.35.

653 c. The intergovernmental coordination element may provide  
654 for a voluntary dispute resolution process as established  
655 pursuant to s. 186.509 for bringing to closure in a timely manner  
656 intergovernmental disputes. A local government may develop and  
657 use an alternative local dispute resolution process for this  
658 purpose.

659 2. The intergovernmental coordination element shall further  
660 state principles and guidelines to be used in the accomplishment  
661 of coordination of the adopted comprehensive plan with the plans  
662 of school boards and other units of local government providing  
663 facilities and services but not having regulatory authority over  
664 the use of land. In addition, the intergovernmental coordination  
665 element shall describe joint processes for collaborative planning  
666 and decisionmaking on population projections and public school  
667 siting, the location and extension of public facilities subject

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668 to concurrency, and siting facilities with countywide  
669 significance, including locally unwanted land uses whose nature  
670 and identity are established in an agreement. Within 1 year of  
671 adopting their intergovernmental coordination elements, each  
672 county, all the municipalities within that county, the district  
673 school board, and any unit of local government service providers  
674 in that county shall establish by interlocal or other formal  
675 agreement executed by all affected entities, the joint processes  
676 described in this subparagraph consistent with their adopted  
677 intergovernmental coordination elements.

678 3. To foster coordination between special districts and  
679 local general-purpose governments as local general-purpose  
680 governments implement local comprehensive plans, each independent  
681 special district must submit a public facilities report to the  
682 appropriate local government as required by s. 189.415.

683 4.a. Local governments must execute an interlocal agreement  
684 with the district school board, the county, and nonexempt  
685 municipalities pursuant to s. 163.31777. The local government  
686 shall amend the intergovernmental coordination element to provide  
687 that coordination between the local government and school board  
688 is pursuant to the agreement and shall state the obligations of  
689 the local government under the agreement.

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

692 5. The state land planning agency shall establish a  
693 schedule for phased completion and transmittal of plan amendments  
694 to implement subparagraphs 1., 2., and 3. from all jurisdictions  
695 so as to accomplish their adoption by December 31, 1999. A local  
696 government may complete and transmit its plan amendments to carry



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697 out these provisions prior to the scheduled date established by  
698 the state land planning agency. ~~The plan amendments are exempt~~  
699 ~~from the provisions of s. 163.3187(1).~~

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

704 a. Identifies all existing or proposed interlocal service  
705 delivery agreements regarding the following: education; sanitary  
706 sewer; public safety; solid waste; drainage; potable water; parks  
707 and recreation; and transportation facilities.

708 b. Identifies any deficits or duplication in the provision  
709 of services within its jurisdiction, whether capital or  
710 operational. Upon request, the Department of Community Affairs  
711 shall provide technical assistance to the local governments in  
712 identifying deficits or duplication.

713 7. Within 6 months after submission of the report, the  
714 Department of Community Affairs shall, through the appropriate  
715 regional planning council, coordinate a meeting of all local  
716 governments within the regional planning area to discuss the  
717 reports and potential strategies to remedy any identified  
718 deficiencies or duplications.

719 8. Each local government shall update its intergovernmental  
720 coordination element based upon the findings in the report  
721 submitted pursuant to subparagraph 6. The report may be used as  
722 supporting data and analysis for the intergovernmental  
723 coordination element.

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

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726 (e) A public buildings and related facilities element  
727 showing locations and arrangements of civic and community  
728 centers, public schools, hospitals, libraries, police and fire  
729 stations, and other public buildings. This plan element should  
730 show particularly how it is proposed to effect coordination with  
731 governmental units, such as school boards or hospital  
732 authorities, having public development and service  
733 responsibilities, capabilities, and potential but not having land  
734 development regulatory authority. This element may include plans  
735 for architecture and landscape treatment of their grounds, except  
736 that, for public school facilities, the element shall be  
737 coordinated with the public school facilities element required by  
738 subsection (12) and the interlocal agreement required by s.  
739 163.31777 and may not impose design standards, site plan  
740 standards, or other development conditions that are inconsistent  
741 with the requirements of chapter 1013 and any state requirements  
742 for educational facilities or that are inconsistent with  
743 maintaining a balanced, financially feasible school district  
744 facilities work plan.

745 (10) The Legislature recognizes the importance and  
746 significance of chapter 9J-5, Florida Administrative Code, the  
747 Minimum Criteria for Review of Local Government Comprehensive  
748 Plans and Determination of Compliance of the Department of  
749 Community Affairs that will be used to determine compliance of  
750 local comprehensive plans. The Legislature reserved unto itself  
751 the right to review chapter 9J-5, Florida Administrative Code,  
752 and to reject, modify, or take no action relative to this rule.  
753 Therefore, pursuant to subsection (9), the Legislature hereby has

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754 reviewed chapter 9J-5, Florida Administrative Code, and expresses  
755 the following legislative intent:

756 (i) The Legislature recognizes that due to varying local  
757 conditions, local governments have different planning needs that  
758 cannot be addressed by one uniform set of minimum planning  
759 criteria. Therefore, the state land planning agency may amend  
760 chapter 9J-5, Florida Administrative Code, to establish different  
761 minimum criteria that are applicable to local governments based  
762 on the following factors:

- 763 1. Current and projected population.
- 764 2. Size of the local jurisdiction.
- 765 3. Amount and nature of undeveloped land.
- 766 4. The scale of public services provided by the local  
767 government.

768  
769 The state land planning agency ~~department~~ shall take into account  
770 the factors delineated in rule 9J-5.002(2), Florida  
771 Administrative Code, as it provides assistance to local  
772 governments and applies the rule in specific situations with  
773 regard to the detail of the data and analysis required.

774 (12) A public school facilities element adopted to  
775 implement a school concurrency program shall meet the  
776 requirements of this subsection. Each county and each  
777 municipality within the county, unless exempt or subject to a  
778 waiver, must adopt a public school facilities element that is  
779 consistent with those adopted by the other local governments  
780 within the county and enter the interlocal agreement pursuant to  
781 s. 163.31777.

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782 (i) The state land planning agency shall establish a phased  
783 schedule for adoption of the public school facilities element and  
784 the required updates to the public schools interlocal agreement  
785 pursuant to s. 163.31777. The schedule shall provide for each  
786 county and local government within the county to adopt the  
787 element and update to the agreement no later than December 1,  
788 2009 ~~2008~~. Plan amendments to adopt a public school facilities  
789 element are exempt from the provisions of s. 163.3187(1).

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

796 ~~(a) As part of the process of developing a community vision~~  
797 ~~under this section, the local government must hold two public~~  
798 ~~meetings with at least one of those meetings before the local~~  
799 ~~planning agency. Before those public meetings, the local~~  
800 ~~government must hold at least one public workshop with~~  
801 ~~stakeholder groups such as neighborhood associations, community~~  
802 ~~organizations, businesses, private property owners, housing and~~  
803 ~~development interests, and environmental organizations.~~

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

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

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

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- 810           ~~3. Preservation of open space, environmentally sensitive~~  
811 ~~lands, and agricultural lands;~~
- 812           ~~4. Appropriate areas and standards for mixed-use~~  
813 ~~development;~~
- 814           ~~5. Appropriate areas and standards for high density~~  
815 ~~commercial and residential development;~~
- 816           ~~6. Appropriate areas and standards for economic development~~  
817 ~~opportunities and employment centers;~~
- 818           ~~7. Provisions for adequate workforce housing;~~
- 819           ~~8. An efficient, interconnected multimodal transportation~~  
820 ~~system; and~~
- 821           ~~9. Opportunities to create land use patterns that~~  
822 ~~accommodate the issues listed in subparagraphs 1.-8.~~
- 823           ~~(c) As part of the workshops and public meetings, the local~~  
824 ~~government must discuss strategies for addressing the topics~~  
825 ~~discussed under paragraph (b), including:~~
- 826           ~~1. Strategies to preserve open space and environmentally~~  
827 ~~sensitive lands, and to encourage a healthy agricultural economy,~~  
828 ~~including innovative planning and development strategies, such as~~  
829 ~~the transfer of development rights;~~
- 830           ~~2. Incentives for mixed-use development, including~~  
831 ~~increased height and intensity standards for buildings that~~  
832 ~~provide residential use in combination with office or commercial~~  
833 ~~space;~~
- 834           ~~3. Incentives for workforce housing;~~
- 835           ~~4. Designation of an urban service boundary pursuant to~~  
836 ~~subsection (2); and~~
- 837           ~~5. Strategies to provide mobility within the community and~~  
838 ~~to protect the Strategic Intermodal System, including the~~

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839 ~~development of a transportation corridor management plan under s.~~  
840 ~~337.273.~~

841 ~~(d) The community vision must reflect the community's~~  
842 ~~shared concept for growth and development of the community,~~  
843 ~~including visual representations depicting the desired land use~~  
844 ~~patterns and character of the community during a 10-year planning~~  
845 ~~timeframe. The community vision must also take into consideration~~  
846 ~~economic viability of the vision and private property interests.~~

847 ~~(e) After the workshops and public meetings required under~~  
848 ~~paragraph (a) are held, the local government may amend its~~  
849 ~~comprehensive plan to include the community vision as a component~~  
850 ~~in the plan. This plan amendment must be transmitted and adopted~~  
851 ~~pursuant to the procedures in ss. 163.3184 and 163.3189 at public~~  
852 ~~hearings of the governing body other than those identified in~~  
853 ~~paragraph (a).~~

854 ~~(f) Amendments submitted under this subsection are exempt~~  
855 ~~from the limitation on the frequency of plan amendments in s.~~  
856 ~~163.3187.~~

857 ~~(g) A local government that has developed a community~~  
858 ~~vision or completed a visioning process after July 1, 2000, and~~  
859 ~~before July 1, 2005, which substantially accomplishes the goals~~  
860 ~~set forth in this subsection and the appropriate goals, policies,~~  
861 ~~or objectives have been adopted as part of the comprehensive plan~~  
862 ~~or reflected in subsequently adopted land development regulations~~  
863 ~~and the plan amendment incorporating the community vision as a~~  
864 ~~component has been found in compliance is eligible for the~~  
865 ~~incentives in s. 163.3184(17).~~

866 ~~(14) Local governments are also encouraged to designate an~~  
867 ~~urban service boundary. This area must be appropriate for~~

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868 ~~compact, contiguous urban development within a 10-year planning~~  
869 ~~timeframe. The urban service area boundary must be identified on~~  
870 ~~the future land use map or map series. The local government shall~~  
871 ~~demonstrate that the land included within the urban service~~  
872 ~~boundary is served or is planned to be served with adequate~~  
873 ~~public facilities and services based on the local government's~~  
874 ~~adopted level-of-service standards by adopting a 10-year~~  
875 ~~facilities plan in the capital improvements element which is~~  
876 ~~financially feasible. The local government shall demonstrate that~~  
877 ~~the amount of land within the urban service boundary does not~~  
878 ~~exceed the amount of land needed to accommodate the projected~~  
879 ~~population growth at densities consistent with the adopted~~  
880 ~~comprehensive plan within the 10-year planning timeframe.~~

881 ~~(a) As part of the process of establishing an urban service~~  
882 ~~boundary, the local government must hold two public meetings with~~  
883 ~~at least one of those meetings before the local planning agency.~~  
884 ~~Before those public meetings, the local government must hold at~~  
885 ~~least one public workshop with stakeholder groups such as~~  
886 ~~neighborhood associations, community organizations, businesses,~~  
887 ~~private property owners, housing and development interests, and~~  
888 ~~environmental organizations.~~

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

895 ~~2. This subsection does not prohibit new development~~  
896 ~~outside an urban service boundary. However, a local government~~

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897 ~~that establishes an urban service boundary under this subsection~~  
898 ~~is encouraged to require a full-cost-accounting analysis for any~~  
899 ~~new development outside the boundary and to consider the results~~  
900 ~~of that analysis when adopting a plan amendment for property~~  
901 ~~outside the established urban service boundary.~~

902 ~~(c) Amendments submitted under this subsection are exempt~~  
903 ~~from the limitation on the frequency of plan amendments in s.~~  
904 ~~163.3187.~~

905 ~~(d) A local government that has adopted an urban service~~  
906 ~~boundary before July 1, 2005, which substantially accomplishes~~  
907 ~~the goals set forth in this subsection is not required to comply~~  
908 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
909 ~~to be eligible for the incentives under s. 163.3184(17). In order~~  
910 ~~to satisfy the provisions of this paragraph, the local government~~  
911 ~~must secure a determination from the state land planning agency~~  
912 ~~that the urban service boundary adopted before July 1, 2005,~~  
913 ~~substantially complies with the criteria of this subsection,~~  
914 ~~based on data and analysis submitted by the local government to~~  
915 ~~support this determination. The determination by the state land~~  
916 ~~planning agency is not subject to administrative challenge.~~

917 Section 5. Subsections (3), (4), (5), and (6) of section  
918 163.31771, Florida Statutes, are amended to read:

919 163.31771 Accessory dwelling units.--

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



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925           (4) If the local government amends its comprehensive plan  
926 pursuant to ~~adopts an ordinance under~~ this section, an  
927 application for a building permit to construct an accessory  
928 dwelling unit must include an affidavit from the applicant which  
929 attests that the unit will be rented at an affordable rate to an  
930 extremely-low-income, very-low-income, low-income, or moderate-  
931 income person or persons.

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

944           ~~(6) The Department of Community Affairs shall evaluate the~~  
945 ~~effectiveness of using accessory dwelling units to address a~~  
946 ~~local government's shortage of affordable housing and report to~~  
947 ~~the Legislature by January 1, 2007. The report must specify the~~  
948 ~~number of ordinances adopted by a local government under this~~  
949 ~~section and the number of accessory dwelling units that were~~  
950 ~~created under these ordinances.~~

951           Section 6. Paragraph (h) of subsection (2) and subsection  
952 (9) of section 163.3178, Florida Statutes, are amended to read:  
953           163.3178 Coastal management.--

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954 (2) Each coastal management element required by s.  
955 163.3177(6)(g) shall be based on studies, surveys, and data; be  
956 consistent with coastal resource plans prepared and adopted  
957 pursuant to general or special law; and contain:

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

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

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

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

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983 b. Inclusive of areas within the FEMA velocity zones;  
984 c. Subject to coastal erosion;  
985 d. Seaward of the coastal construction control line; or  
986 e. Subject to repetitive damage from coastal storms and  
987 floods.

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

990 a. Hazard mitigation strategies that reduce, replace, or  
991 eliminate unsafe structures and properties subject to repetitive  
992 losses from coastal storms or floods.

993 b. Measures that reduce exposure to hazards including:  
994 (I) Relocation;  
995 (II) Structural modifications of threatened infrastructure;  
996 (III) Provisions for operational or capacity improvements  
997 to maintain hurricane evacuation clearance times within  
998 established limits; and

999 (IV) Prohibiting public expenditures for capital  
1000 improvements that subsidize increased densities and intensities  
1001 of development within the coastal high-hazard area.

1002 c. A postdisaster redevelopment plan.

1003 3.a. The adopted level of service for out-of-county  
1004 hurricane evacuation clearance time is maintained for a category  
1005 5 storm event as measured on the Saffir-Simpson scale if the  
1006 adopted out-of-county hurricane evacuation clearance time does  
1007 not exceed 16 hours and is based upon the time necessary to reach  
1008 shelter space;

1009 ~~b.2.~~ A 12-hour evacuation time to shelter is maintained for  
1010 a category 5 storm event as measured on the Saffir-Simpson scale  
1011 and shelter space reasonably expected to accommodate the

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1012 residents of the development contemplated by a proposed  
1013 comprehensive plan amendment is available; or

1014 ~~c.3.~~ Appropriate mitigation is provided to ensure that the  
1015 requirements of sub-subparagraph a. or sub-subparagraph b. are  
1016 achieved. ~~will satisfy the provisions of subparagraph 1. or~~  
1017 ~~subparagraph 2.~~ Appropriate mitigation shall include, without  
1018 limitation, payment of money, contribution of land, and  
1019 construction of hurricane shelters and transportation facilities.  
1020 Required mitigation may ~~shall~~ not exceed the amount required for  
1021 a developer to accommodate impacts reasonably attributable to  
1022 development. A local government and a developer shall enter into  
1023 a binding agreement to establish ~~memorialize~~ the mitigation plan.  
1024 The executed agreement must be submitted along with the adopted  
1025 plan amendment.

1026 (b) For those local governments that have not established a  
1027 level of service for out-of-county hurricane evacuation by July  
1028 1, 2008, but elect to comply ~~with rule 9J-5.012(3)(b)6. and 7.,~~  
1029 ~~Florida Administrative Code,~~ by following the process in  
1030 paragraph (a), the level of service may not exceed ~~shall be no~~  
1031 ~~greater than~~ 16 hours for a category 5 storm event as measured on  
1032 the Saffir-Simpson scale based upon the time necessary to reach  
1033 shelter space.

1034 (c) This subsection applies ~~shall become effective~~  
1035 ~~immediately and shall apply~~ to all local governments. By ~~No later~~  
1036 ~~than~~ July 1, 2009 ~~2008~~, local governments shall amend their  
1037 future land use map and coastal management element to include the  
1038 ~~new~~ definition of coastal high-hazard area provided in paragraph  
1039 (2)(h) and to depict the coastal high-hazard area on the future  
1040 land use map.

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1041 Section 7. Section 163.3180, Florida Statutes, is amended  
1042 to read:

1043 163.3180 Concurrency.--

1044 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

1045 (a) Public facility types.--Sanitary sewer, solid waste,  
1046 drainage, potable water, parks and recreation, schools, and  
1047 transportation facilities, including mass transit, where  
1048 applicable, are the only public facilities and services subject  
1049 to the concurrency requirement on a statewide basis. Additional  
1050 public facilities and services may not be made subject to  
1051 concurrency on a statewide basis without appropriate study and  
1052 approval by the Legislature; however, any local government may  
1053 extend the concurrency requirement ~~so that it applies to~~ apply to  
1054 additional public facilities within its jurisdiction.

1055 (b) Transportation methodologies.--Local governments shall  
1056 use professionally accepted techniques for measuring level of  
1057 service for automobiles, bicycles, pedestrians, transit, and  
1058 trucks. These techniques may be used to evaluate increased  
1059 accessibility by multiple modes and reductions in vehicle miles  
1060 of travel in an area or zone. The state land planning agency and  
1061 the Department of Transportation shall develop methodologies to  
1062 assist local governments in implementing this multimodal level-  
1063 of-service analysis and. ~~The Department of Community Affairs and~~  
1064 ~~the Department of Transportation shall provide technical~~  
1065 assistance to local governments in applying the these  
1066 methodologies.

1067 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

1068 (a) Sanitary sewer, solid waste, drainage, adequate water  
1069 supply, and potable water facilities.--Consistent with public

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1070 health and safety, sanitary sewer, solid waste, drainage,  
1071 adequate water supplies, and potable water facilities shall be in  
1072 place and available to serve new development no later than the  
1073 issuance by the local government of a certificate of occupancy or  
1074 its functional equivalent. Prior to approval of a building permit  
1075 or its functional equivalent, the local government shall consult  
1076 with the applicable water supplier to determine whether adequate  
1077 water supplies to serve the new development will be available by  
1078 ~~no later than~~ the anticipated date of issuance ~~by the local~~  
1079 ~~government~~ of the a certificate of occupancy or its functional  
1080 equivalent. A local government may meet the concurrency  
1081 requirement for sanitary sewer through the use of onsite sewage  
1082 treatment and disposal systems approved by the Department of  
1083 Health to serve new development.

1084 (b) Parks and recreation facilities.--Consistent with the  
1085 public welfare, and except as otherwise provided in this section,  
1086 parks and recreation facilities to serve new development shall be  
1087 in place or under actual construction within ~~no later than~~ 1 year  
1088 after issuance by the local government of a certificate of  
1089 occupancy or its functional equivalent. However, the acreage for  
1090 such facilities must ~~shall~~ be dedicated or be acquired by the  
1091 local government prior to issuance ~~by the local government~~ of the  
1092 a certificate of occupancy or its functional equivalent, or funds  
1093 in the amount of the developer's fair share shall be committed no  
1094 later than the local government's approval to commence  
1095 construction.

1096 (c) Transportation facilities.--Consistent with the public  
1097 welfare, and except as otherwise provided in this section,  
1098 transportation facilities needed to serve new development must

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1099 ~~shall~~ be in place or under actual construction within 3 years  
1100 after the local government approves a building permit or its  
1101 functional equivalent that results in traffic generation.

1102 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental  
1103 entities that are not responsible for providing, financing,  
1104 operating, or regulating public facilities needed to serve  
1105 development may not establish binding level-of-service standards  
1106 on governmental entities that do bear those responsibilities.  
1107 This subsection does not limit the authority of any agency to  
1108 recommend or make objections, recommendations, comments, or  
1109 determinations during reviews conducted under s. 163.3184.

1110 (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

1111 (a) State and other public facilities.--The concurrency  
1112 requirement as implemented in local comprehensive plans applies  
1113 to state and other public facilities and development to the same  
1114 extent that it applies to all other facilities and development,  
1115 as provided by law.

1116 (b) Public transit facilities.--The concurrency requirement  
1117 as implemented in local comprehensive plans does not apply to  
1118 public transit facilities. For the purposes of this paragraph,  
1119 public transit facilities include transit stations and terminals;  
1120 transit station parking; park-and-ride lots; intermodal public  
1121 transit connection or transfer facilities; fixed bus, guideway,  
1122 and rail stations; and airport passenger terminals and  
1123 concourses, air cargo facilities, and hangars for the maintenance  
1124 or storage of aircraft. As used in this paragraph, the terms  
1125 "terminals" and "transit facilities" do not include seaports or  
1126 commercial or residential development constructed in conjunction  
1127 with a public transit facility.

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1128           (c) Infill and redevelopment areas.--The concurrency  
1129 requirement, except as it relates to transportation facilities  
1130 and public schools, as implemented in local government  
1131 comprehensive plans, may be waived by a local government for  
1132 urban infill and redevelopment areas designated pursuant to s.  
1133 163.2517 if such a waiver does not endanger public health or  
1134 safety as defined by the local government in its local government  
1135 comprehensive plan. The waiver must ~~shall~~ be adopted as a plan  
1136 amendment using ~~pursuant to~~ the process ~~set forth~~ in s.  
1137 163.3187(3) (a). A local government may grant a concurrency  
1138 exception pursuant to subsection (5) for transportation  
1139 facilities located within ~~these~~ urban infill and redevelopment  
1140 areas.

1141           (5) TRANSPORTATION CONCURRENCY EXCEPTION AREAS.--

1142           (a) Countervailing planning and public policy goals.--The  
1143 Legislature finds that under limited circumstances ~~dealing with~~  
1144 ~~transportation facilities~~, countervailing planning and public  
1145 policy goals may come into conflict with the requirement that  
1146 adequate public transportation facilities and services be  
1147 available concurrent with the impacts of such development. The  
1148 Legislature further finds that ~~often~~ the unintended result of the  
1149 concurrency requirement for transportation facilities is often  
1150 the discouragement of urban infill development and redevelopment.  
1151 Such unintended results directly conflict with the goals and  
1152 policies of the state comprehensive plan and the intent of this  
1153 part. The Legislature also finds that in urban centers  
1154 transportation cannot be effectively managed and mobility cannot  
1155 be improved solely through the expansion of roadway capacity,  
1156 that the expansion of roadway capacity is not always physically



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1157 or financially possible, and that a range of transportation  
1158 alternatives are essential to satisfy mobility needs, reduce  
1159 congestion, and achieve healthy, vibrant centers. Therefore,  
1160 transportation concurrency exception areas must achieve the goals  
1161 and objectives of this part ~~exceptions from the concurrency~~  
1162 ~~requirement for transportation facilities may be granted as~~  
1163 ~~provided by this subsection.~~

1164 (b) Geographic applicability.--

1165 1. Within municipalities, transportation concurrency  
1166 exception areas are established for geographic areas identified  
1167 in the adopted portion of the comprehensive plan as of July 1,  
1168 2008, for:

1169 a. Urban infill development;

1170 b. Urban redevelopment;

1171 c. Downtown revitalization; or

1172 d. Urban infill and redevelopment under s. 163.2517.

1173 2. In other portions of the state, including municipalities  
1174 and unincorporated areas of counties, a local government may  
1175 adopt a comprehensive plan amendment establishing a  
1176 transportation concurrency exception area ~~grant an exception from~~  
1177 ~~the concurrency requirement for transportation facilities if the~~  
1178 ~~proposed development is otherwise consistent with the adopted~~  
1179 ~~local government comprehensive plan and is a project that~~  
1180 ~~promotes public transportation or is located within an area~~  
1181 ~~designated in the comprehensive plan for:~~

1182 a.1. Urban infill development;

1183 b.2. Urban redevelopment;

1184 c.3. Downtown revitalization;

1185 d.4. Urban infill and redevelopment under s. 163.2517; or

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1186 ~~e.5.~~ An urban service area specifically designated as a  
1187 transportation concurrency exception area which includes lands  
1188 appropriate for compact, contiguous urban development, which does  
1189 not exceed the amount of land needed to accommodate the projected  
1190 population growth at densities consistent with the adopted  
1191 comprehensive plan within the 10-year planning period, and which  
1192 is served or is planned to be served with public facilities and  
1193 services as provided by the capital improvements element.

1194 (c) Projects having special part-time demands.--The  
1195 Legislature also finds that developments located within urban  
1196 infill, urban redevelopment, existing urban service, or downtown  
1197 revitalization areas or areas designated as urban infill and  
1198 redevelopment areas under s. 163.2517 which pose only special  
1199 part-time demands on the transportation system should be excepted  
1200 from the concurrency requirement for transportation facilities. A  
1201 special part-time demand is one that does not have more than 200  
1202 scheduled events during any calendar year and does not affect the  
1203 100 highest traffic volume hours.

1204 (d) Long-term strategies within transportation concurrency  
1205 exception areas.--Except for transportation concurrency exception  
1206 areas established pursuant to subparagraph (b)1., the following  
1207 requirements apply: ~~A local government shall establish guidelines~~  
1208 ~~in the comprehensive plan for granting the exceptions authorized~~  
1209 ~~in paragraphs (b) and (c) and subsections (7) and (15) which must~~  
1210 ~~be consistent with and support a comprehensive strategy adopted~~  
1211 ~~in the plan to promote the purpose of the exceptions.~~

1212 1.(e) The local government shall adopt into the plan and  
1213 implement long-term strategies to support and fund mobility  
1214 within the designated exception area, including alternative modes

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1215 of transportation. The plan amendment must ~~also~~ demonstrate how  
1216 strategies will support the purpose of the exception and how  
1217 mobility within the designated exception area will be provided.

1218 2. ~~In addition,~~ The strategies must address urban design;  
1219 appropriate land use mixes, including intensity and density; and  
1220 network connectivity plans needed to promote urban infill,  
1221 redevelopment, or downtown revitalization. The comprehensive plan  
1222 amendment designating the ~~concurrency~~ exception area must be  
1223 accompanied by data and analysis justifying the size of the area.

1224 (e)(f) Strategic Intermodal System.-- Prior to the  
1225 designation of a concurrency exception area pursuant to  
1226 subparagraph (b)2., the state land planning agency and the  
1227 Department of Transportation shall be consulted by the local  
1228 government to assess the impact that the proposed exception area  
1229 is expected to have on the adopted level-of-service standards  
1230 established for Strategic Intermodal System facilities, ~~as~~  
1231 ~~defined in s. 339.64,~~ and roadway facilities funded in accordance  
1232 with s. 339.2819 and to provide for mitigation of the impacts.  
1233 Further, as a part of the comprehensive plan amendment  
1234 establishing the exception area, the local government shall  
1235 provide for mitigation of impacts, ~~in consultation with the state~~  
1236 ~~land planning agency and the Department of Transportation,~~  
1237 ~~develop a plan to mitigate any impacts to the Strategic~~  
1238 Intermodal System, including, if appropriate, access management,  
1239 parallel reliever roads, transportation demand management, and  
1240 other measures ~~the development of a long-term concurrency~~  
1241 ~~management system pursuant to subsection (9) and s.~~  
1242 ~~163.3177(3)(d).~~ The exceptions may be available only within the  
1243 ~~specific geographic area of the jurisdiction designated in the~~

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1244 ~~plan. Pursuant to s. 163.3184, any affected person may challenge~~  
1245 ~~a plan amendment establishing these guidelines and the areas~~  
1246 ~~within which an exception could be granted.~~

1247 ~~(g) Transportation concurrency exception areas existing~~  
1248 ~~prior to July 1, 2005, must, at a minimum, meet the provisions of~~  
1249 ~~this section by July 1, 2006, or at the time of the comprehensive~~  
1250 ~~plan update pursuant to the evaluation and appraisal report,~~  
1251 ~~whichever occurs last.~~

1252 (6) DE MINIMIS IMPACT.--The Legislature finds that a de  
1253 minimis impact is consistent with this part. A de minimis impact  
1254 is an impact that does ~~would~~ not affect more than 1 percent of  
1255 the maximum volume at the adopted level of service of the  
1256 affected transportation facility as determined by the local  
1257 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of  
1258 existing roadway volumes and the projected volumes from approved  
1259 projects on a transportation facility exceeds ~~would exceed~~ 110  
1260 percent of the maximum volume at the adopted level of service of  
1261 the affected transportation facility; ~~provided~~ however, the ~~that~~  
1262 ~~an~~ impact of a single family home on an existing lot is ~~will~~  
1263 ~~constitute~~ a de minimis impact on all roadways regardless of the  
1264 level of the deficiency of the roadway. Further, an ~~no~~ impact is  
1265 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted  
1266 level-of-service standard of any affected designated hurricane  
1267 evacuation routes. Each local government shall maintain  
1268 sufficient records to ensure that the 110-percent criterion is  
1269 not exceeded. ~~Each local government shall submit annually, with~~  
1270 ~~its updated capital improvements element, a summary of the de~~  
1271 ~~minimis records. If the state land planning agency determines~~  
1272 ~~that the 110-percent criterion has been exceeded, the state land~~

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1273 ~~planning agency shall notify the local government of the~~  
1274 ~~exceedance and that no further de minimis exceptions for the~~  
1275 ~~applicable roadway may be granted until such time as the volume~~  
1276 ~~is reduced below the 110 percent. The local government shall~~  
1277 ~~provide proof of this reduction to the state land planning agency~~  
1278 ~~before issuing further de minimis exceptions.~~

1279 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote  
1280 infill development and redevelopment, one or more transportation  
1281 concurrency management areas may be designated in a local  
1282 government comprehensive plan. A transportation concurrency  
1283 management area must be a compact geographic area that has with  
1284 an existing network of roads where multiple, viable alternative  
1285 travel paths or modes are available for common trips. A local  
1286 government may establish an areawide level-of-service standard  
1287 for ~~such~~ a transportation concurrency management area based upon  
1288 an analysis that provides for a justification for the areawide  
1289 level of service, how urban infill development or redevelopment  
1290 will be promoted, and how mobility will be accomplished within  
1291 the transportation concurrency management area. Prior to the  
1292 designation of a concurrency management area, the local  
1293 government shall consult with the state land planning agency and  
1294 the Department of Transportation ~~shall be consulted by the local~~  
1295 ~~government~~ to assess the effect ~~impact~~ that the proposed  
1296 concurrency management area is expected to have on the adopted  
1297 level-of-service standards established for Strategic Intermodal  
1298 System facilities, ~~as defined in s. 339.64,~~ and roadway  
1299 facilities funded in accordance with s. 339.2819. Further, the  
1300 local government shall, in cooperation with the state land  
1301 planning agency and the Department of Transportation, develop a

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1302 plan to mitigate any impacts to the Strategic Intermodal System,  
1303 including, if appropriate, the development of a long-term  
1304 concurrency management system pursuant to subsection (9) and s.  
1305 163.3177(3) (d). ~~Transportation concurrency management areas~~  
1306 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
1307 ~~provisions of this section by July 1, 2006, or at the time of the~~  
1308 ~~comprehensive plan update pursuant to the evaluation and~~  
1309 ~~appraisal report, whichever occurs last.~~ The state land planning  
1310 agency shall amend chapter 9J-5, Florida Administrative Code, to  
1311 be consistent with this subsection.

1312 (8) URBAN REDEVELOPMENT.--When assessing the transportation  
1313 impacts of proposed urban redevelopment within an established  
1314 existing urban service area, 150 ~~110~~ percent of the actual  
1315 transportation impact caused by the previously existing  
1316 development must be reserved for the redevelopment, even if the  
1317 previously existing development has a lesser or nonexistent  
1318 impact pursuant to the calculations of the local government.  
1319 Redevelopment requiring less than 150 ~~110~~ percent of the  
1320 previously existing capacity may ~~shall~~ not be prohibited due to  
1321 the reduction of transportation levels of service below the  
1322 adopted standards. This does not preclude the appropriate  
1323 assessment of fees or accounting for the impacts within the  
1324 concurrency management system and capital improvements program of  
1325 the affected local government. This paragraph does not affect  
1326 local government requirements for appropriate development  
1327 permits.

1328 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

1329 (a) Each local government may adopt, as a part of its plan,  
1330 long-term transportation and school concurrency management

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1331 systems that have ~~with~~ a planning period of up to 10 years for  
1332 specially designated districts or areas where significant  
1333 backlogs exist. The plan may include interim level-of-service  
1334 standards on certain facilities and shall rely on the local  
1335 government's schedule of capital improvements for up to 10 years  
1336 as a basis for issuing development orders that authorize  
1337 commencement of construction in these designated districts or  
1338 areas. The concurrency management system must be designed to  
1339 correct existing deficiencies and set priorities for addressing  
1340 backlogged facilities and be coordinated with the appropriate  
1341 metropolitan planning organization. The concurrency management  
1342 system must be financially feasible and consistent with other  
1343 portions of the adopted local plan, including the future land use  
1344 map.

1345 (b) If a local government has a transportation or school  
1346 facility backlog for existing development which cannot be  
1347 adequately addressed in a 10-year plan, the state land planning  
1348 agency may allow it to develop a plan and long-term schedule of  
1349 capital improvements covering up to 15 years for good and  
1350 sufficient cause, based on a general comparison between the ~~that~~  
1351 local government and all other similarly situated local  
1352 jurisdictions, using the following factors:

- 1353 1. The extent of the backlog.
- 1354 2. For roads, whether the backlog is on local or state  
1355 roads.
- 1356 3. The cost of eliminating the backlog.
- 1357 4. The local government's tax and other revenue-raising  
1358 efforts.

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1359 (c) The local government may issue approvals to commence  
1360 construction notwithstanding this section, consistent with and in  
1361 areas that are subject to a long-term concurrency management  
1362 system.

1363 (d) If the local government adopts a long-term concurrency  
1364 management system, it must evaluate the system periodically. At a  
1365 minimum, the local government must assess its progress toward  
1366 improving levels of service within the long-term concurrency  
1367 management district or area in the evaluation and appraisal  
1368 report and determine any changes that are necessary to accelerate  
1369 progress in meeting acceptable levels of service.

1370 (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With  
1371 regard to roadway facilities on the Strategic Intermodal System  
1372 designated in accordance with s. ss. 339.61, 339.62, 339.63, and  
1373 ~~339.64~~, the Florida Intrastate Highway System ~~as defined in s.~~  
1374 ~~338.001~~, and roadway facilities funded in accordance with s.  
1375 339.2819, local governments shall adopt the level-of-service  
1376 standard established by the Department of Transportation by rule.  
1377 For all other roads on the State Highway System, local  
1378 governments shall establish an adequate level-of-service standard  
1379 that need not be consistent with any level-of-service standard  
1380 established by the Department of Transportation. In establishing  
1381 adequate level-of-service standards for any arterial roads, or  
1382 collector roads as appropriate, which traverse multiple  
1383 jurisdictions, local governments shall consider compatibility  
1384 with the roadway facility's adopted level-of-service standards in  
1385 adjacent jurisdictions. Each local government within a county  
1386 shall use a professionally accepted methodology for measuring  
1387 impacts on transportation facilities for the purposes of



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1388 implementing its concurrency management system. Counties are  
1389 encouraged to coordinate with adjacent counties, and local  
1390 governments within a county are encouraged to coordinate, for the  
1391 purpose of using common methodologies for measuring impacts on  
1392 transportation facilities for the purpose of implementing their  
1393 concurrency management systems.

1394 (11) LIMITATION OF LIABILITY.--In order to limit the  
1395 liability of local governments, a local government may allow a  
1396 landowner to proceed with development of a specific parcel of  
1397 land notwithstanding a failure of the development to satisfy  
1398 transportation concurrency, if ~~when~~ all the following factors ~~are~~  
1399 ~~shown to~~ exist:

1400 (a) The local government that has ~~with~~ jurisdiction over  
1401 the property has adopted a local comprehensive plan that is in  
1402 compliance.

1403 (b) The proposed development is ~~would be~~ consistent with  
1404 the future land use designation for the specific property and  
1405 with pertinent portions of the adopted local plan, as determined  
1406 by the local government.

1407 (c) The local plan includes a financially feasible capital  
1408 improvements element that provides for transportation facilities  
1409 adequate to serve the proposed development, and the local  
1410 government has not implemented that element.

1411 (d) The local government has provided a means for assessing  
1412 ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the  
1413 cost of providing the transportation facilities necessary to  
1414 serve the proposed development.

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1415 (e) The landowner has made a binding commitment to the  
1416 local government to pay the fair share of the cost of providing  
1417 the transportation facilities to serve the proposed development.

1418 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--A development of  
1419 regional impact may satisfy the transportation concurrency  
1420 requirements of the local comprehensive plan, the local  
1421 government's concurrency management system, and s. 380.06 by  
1422 payment of a proportionate-share contribution for local and  
1423 regionally significant traffic impacts, if:

1424 (a) The development of regional impact which, based on its  
1425 location or mix of land uses, is designed to encourage pedestrian  
1426 or other nonautomotive modes of transportation;

1427 (b) The proportionate-share contribution for local and  
1428 regionally significant traffic impacts is sufficient to pay for  
1429 one or more required mobility improvements that will benefit the  
1430 network of a regionally significant transportation facilities if  
1431 impacts on the Strategic Intermodal System, the Florida  
1432 Intrastate Highway System, and other regionally significant  
1433 roadways outside the jurisdiction of the local government are  
1434 mitigated based on the prioritization of needed improvements  
1435 recommended by the regional planning council facility;

1436 (c) The owner and developer of the development of regional  
1437 impact pays or assures payment of the proportionate-share  
1438 contribution; and

1439 (d) ~~If~~ The regionally significant transportation facility  
1440 to be constructed or improved is under the maintenance authority  
1441 of a governmental entity, as defined by s. 334.03 ~~334.03(12)~~,  
1442 other than the local government that has ~~with~~ jurisdiction over  
1443 the development of regional impact, the developer must ~~is~~

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1444 ~~required to~~ enter into a binding and legally enforceable  
1445 commitment to transfer funds to the governmental entity having  
1446 maintenance authority or to otherwise assure construction or  
1447 improvement of the facility.

1448  
1449 The proportionate-share contribution may be applied to any  
1450 transportation facility to satisfy the provisions of this  
1451 subsection and the local comprehensive plan. ~~but~~ For the  
1452 purposes of this subsection, the amount of the proportionate-  
1453 share contribution shall be calculated based upon the cumulative  
1454 number of trips from the proposed development expected to reach  
1455 roadways during the peak hour from the complete buildout of a  
1456 stage or phase being approved, divided by the ~~change in the~~ peak  
1457 hour maximum service volume of roadways resulting from  
1458 construction of an improvement necessary to maintain the adopted  
1459 level of service, multiplied by the construction cost, at the  
1460 time of developer payment, of the improvement necessary to  
1461 maintain the adopted level of service. For purposes of this  
1462 subsection, "construction cost" includes all associated costs of  
1463 the improvement. Proportionate-share mitigation shall be limited  
1464 to ensure that a development of regional impact meeting the  
1465 requirements of this subsection mitigates its impact on the  
1466 transportation system but is not responsible for the additional  
1467 cost of reducing or eliminating backlogs. For purposes of this  
1468 subsection, a "backlogged transportation facility" is defined as  
1469 a facility on which the adopted level-of-service standard is  
1470 exceeded by the existing level of service plus committed trips. A  
1471 developer may not be required to fund or construct proportionate  
1472 share mitigation that is more extensive, due to being on a

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1473 backlogged transportation facility, than is necessary based  
1474 solely on the impact of the development project being considered.

1475 This subsection also applies to Florida Quality Developments  
1476 pursuant to s. 380.061 and to detailed specific area plans  
1477 implementing optional sector plans pursuant to s. 163.3245.

1478 (13) SCHOOL CONCURRENCY.--School concurrency shall be  
1479 established on a districtwide basis and ~~shall~~ include all public  
1480 schools in the district and all portions of the district, whether  
1481 located in a municipality or an unincorporated area unless exempt  
1482 from the public school facilities element pursuant to s.  
1483 163.3177(12). The application of school concurrency to  
1484 development shall be based upon the adopted comprehensive plan,  
1485 as amended. All local governments within a county, except as  
1486 provided in paragraph (f), shall adopt and transmit to the state  
1487 land planning agency the necessary plan amendments, along with  
1488 the interlocal agreement, for a compliance review pursuant to s.  
1489 163.3184(7) and (8). The minimum requirements for school  
1490 concurrency are the following:

1491 (a) Public school facilities element.--A local government  
1492 shall adopt and transmit to the state land planning agency a plan  
1493 or plan amendment which includes a public school facilities  
1494 element which is consistent with the requirements of s.  
1495 163.3177(12) and which is determined to be in compliance as  
1496 defined in s. 163.3184(1)(b). All local government public school  
1497 facilities plan elements within a county must be consistent with  
1498 each other as well as the requirements of this part.

1499 (b) Level-of-service standards.--The Legislature recognizes  
1500 that an essential requirement for a concurrency management system

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1501 | is the level of service at which a public facility is expected to  
1502 | operate.

1503 |         1. Local governments and school boards imposing school  
1504 | concurrency shall exercise authority in conjunction with each  
1505 | other to establish jointly adequate level-of-service standards,  
1506 | as defined in chapter 9J-5, Florida Administrative Code,  
1507 | necessary to implement the adopted local government comprehensive  
1508 | plan, based on data and analysis.

1509 |         2. Public school level-of-service standards shall be  
1510 | included and adopted into the capital improvements element of the  
1511 | local comprehensive plan and shall apply districtwide to all  
1512 | schools of the same type. Types of schools may include  
1513 | elementary, middle, and high schools as well as special purpose  
1514 | facilities such as magnet schools.

1515 |         3. Local governments and school boards may use ~~shall have~~  
1516 | ~~the option to utilize~~ tiered level-of-service standards to allow  
1517 | time to achieve an adequate and desirable level of service as  
1518 | circumstances warrant.

1519 |         4. A school district that includes relocatables in its  
1520 | inventory of student stations shall include relocatables in its  
1521 | calculation of capacity for purposes of determining whether  
1522 | levels of service have been achieved.

1523 |         (c) Service areas.--The Legislature recognizes that an  
1524 | essential requirement for a concurrency system is a designation  
1525 | of the area within which the level of service will be measured  
1526 | when an application for a residential development permit is  
1527 | reviewed for school concurrency purposes. This delineation is  
1528 | also important for ~~purposes of~~ determining whether the local  
1529 | government has a financially feasible public school capital

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1530 facilities program for ~~that will provide~~ schools which will  
1531 achieve and maintain the adopted level-of-service standards.

1532 1. In order to balance competing interests, preserve the  
1533 constitutional concept of uniformity, and avoid disruption of  
1534 existing educational and growth management processes, local  
1535 governments are encouraged to initially apply school concurrency  
1536 to development only on a districtwide basis so that a concurrency  
1537 determination for a specific development is ~~will be~~ based upon  
1538 the availability of school capacity districtwide. To ensure that  
1539 development is coordinated with schools having available  
1540 capacity, within 5 years after adoption of school concurrency,  
1541 local governments shall apply school concurrency on a less than  
1542 districtwide basis, ~~such as using school attendance zones or~~  
1543 ~~concurrency service areas,~~ as provided in subparagraph 2.

1544 2. For local governments applying school concurrency on a  
1545 less than districtwide basis, such as utilizing school attendance  
1546 zones or larger school concurrency service areas, local  
1547 governments and school boards shall have the burden of  
1548 demonstrating ~~to demonstrate~~ that the utilization of school  
1549 capacity is maximized to the greatest extent possible in the  
1550 comprehensive plan and amendment, taking into account  
1551 transportation costs and court-approved desegregation plans, as  
1552 well as other factors. In addition, in order to achieve  
1553 concurrency within the service area boundaries selected by local  
1554 governments and school boards, the service area boundaries,  
1555 together with the standards for establishing those boundaries,  
1556 shall be identified and included as supporting data and analysis  
1557 for the comprehensive plan. Local governments shall ensure that

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1558 each concurrency service area contains a public school of each  
1559 type.

1560 3. Where school capacity is available on a districtwide  
1561 basis but school concurrency is applied on a less than  
1562 districtwide basis in the form of concurrency service areas, if  
1563 the adopted level-of-service standard cannot be met in a  
1564 particular service area as applied to an application for a  
1565 development permit and if the needed capacity for the particular  
1566 service area is available in one or more contiguous service  
1567 areas, as adopted by the local government, ~~then~~ the local  
1568 government may not deny an application for site plan or final  
1569 subdivision approval or the functional equivalent for a  
1570 development or phase of a development on the basis of school  
1571 concurrency, and if issued, development impacts shall be shifted  
1572 to contiguous service areas with schools having available  
1573 capacity. For purposes of this subparagraph, the capacity of a  
1574 school serving a contiguous service area shall be 100 percent of  
1575 the capacity for that type of school based on the adopted level-  
1576 of-service standard.

1577 (d) Financial feasibility.--The Legislature recognizes that  
1578 financial feasibility is an important issue because the premise  
1579 of concurrency is that ~~the~~ public facilities will be provided in  
1580 order to achieve and maintain the adopted level-of-service  
1581 standard. This part and chapter 9J-5, Florida Administrative  
1582 Code, contain specific standards for determining ~~to determine~~ the  
1583 financial feasibility of capital programs. These standards were  
1584 adopted to make concurrency more predictable and local  
1585 governments more accountable.

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1586 1. A comprehensive plan amendment seeking to impose school  
1587 concurrency must ~~shall~~ contain appropriate amendments to the  
1588 capital improvements element of the comprehensive plan,  
1589 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-  
1590 5.016, Florida Administrative Code. The capital improvements  
1591 element must ~~shall~~ set forth a financially feasible public school  
1592 capital facilities program, established in conjunction with the  
1593 school board, that demonstrates that the adopted level-of-service  
1594 standards will be achieved and maintained.

1595 2. Such amendments to the capital improvements element must  
1596 ~~shall~~ demonstrate that the public school capital facilities  
1597 program meets all of the financial feasibility standards of this  
1598 part and chapter 9J-5, Florida Administrative Code, that apply to  
1599 capital programs which provide the basis for mandatory  
1600 concurrency on other public facilities and services.

1601 3. If ~~When~~ the financial feasibility of a public school  
1602 capital facilities program is evaluated by the state land  
1603 planning agency for purposes of a compliance determination, the  
1604 evaluation must ~~shall~~ be based upon the service areas selected by  
1605 the local governments and school board.

1606 (e) Availability standard.--Consistent with the public  
1607 welfare, and except as otherwise provided in this subsection,  
1608 public school facilities needed to serve new residential  
1609 development shall be in place or under actual construction within  
1610 3 years after the issuance of final subdivision or site plan  
1611 approval, or the functional equivalent. A local government may  
1612 not deny an application for site plan, final subdivision  
1613 approval, or the functional equivalent for a development or phase  
1614 of a development authorizing residential development for failure



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1615 to achieve and maintain the level-of-service standard for public  
1616 school capacity in a local school concurrency management system  
1617 where adequate school facilities will be in place or under actual  
1618 construction within 3 years after the issuance of final  
1619 subdivision or site plan approval, or the functional equivalent.  
1620 Any mitigation required of a developer shall be limited to ensure  
1621 that a development mitigates its own impact on public school  
1622 facilities, but is not responsible for the additional cost of  
1623 reducing or eliminating backlogs or addressing class size  
1624 reduction. School concurrency is satisfied if the developer  
1625 executes a legally binding commitment to provide mitigation  
1626 proportionate to the demand for public school facilities to be  
1627 created by actual development of the property, including, but not  
1628 limited to, the options described in subparagraph 1. Options for  
1629 proportionate-share mitigation of impacts on public school  
1630 facilities must be established in the public school facilities  
1631 element and the interlocal agreement pursuant to s. 163.31777.

1632 1. Appropriate mitigation options include the contribution  
1633 of land; the construction, expansion, or payment for land  
1634 acquisition or construction of a public school facility; the  
1635 construction of a charter school that complies with the  
1636 requirements of subparagraph 2.; or the creation of mitigation  
1637 banking based on the construction of a public school facility or  
1638 charter school that complies with the requirements of  
1639 subparagraph 2., in exchange for the right to sell capacity  
1640 credits. Such options must include execution by the applicant and  
1641 the local government of a development agreement that constitutes  
1642 a legally binding commitment to pay proportionate-share  
1643 mitigation for the additional residential units approved by the

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1644 local government in a development order and actually developed on  
1645 the property, taking into account residential density allowed on  
1646 the property prior to the plan amendment that increased the  
1647 overall residential density. The district school board must be a  
1648 party to such an agreement. Grounds for the refusal of either the  
1649 local government or district school board to approve a  
1650 development agreement proffering charter school facilities shall  
1651 be limited to the agreement's compliance with subparagraph 2. As  
1652 a condition of its entry into such a development agreement, the  
1653 local government may require the landowner to agree to continuing  
1654 renewal of the agreement upon its expiration.

1655 2. The construction of a charter school facility shall be  
1656 an appropriate mitigation option if the facility limits  
1657 enrollment to those students residing within a defined geographic  
1658 area as provided in s. 1002.33(10)(e)4., the facility is owned by  
1659 a nonprofit entity or local government, the design and  
1660 construction of the facility complies with the lifesafety  
1661 requirements of Florida State Requirements for Educational  
1662 Facilities (SREF), and the school's charter provides for the  
1663 reversion of the facility to the district school board if the  
1664 facility ceases to be used for public educational purposes as  
1665 provided in s. 1002.33(18)(f). District school boards shall have  
1666 the right to monitor and inspect charter facilities constructed  
1667 under this section to ensure compliance with the lifesafety  
1668 requirements of SREF and shall have the authority to waive SREF  
1669 standards in the same manner permitted for district-owned public  
1670 schools.

1671 3.2- If the education facilities plan and the public  
1672 educational facilities element authorize a contribution of land;

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1673 the construction, expansion, or payment for land acquisition; or  
1674 the construction or expansion of a public school facility, or a  
1675 portion thereof, or the construction of a charter school that  
1676 complies with the requirements of subparagraph 2., as  
1677 proportionate-share mitigation, the local government shall credit  
1678 such a contribution, construction, expansion, or payment toward  
1679 any other concurrency management system, concurrency exaction,  
1680 impact fee or exaction imposed by local ordinance for the same  
1681 need, on a dollar-for-dollar basis at fair market value. If a  
1682 local government imposes a school impact fee, the methodology  
1683 used in the impact fee for calculating the student generation  
1684 rates and the calculation of cost per student station must be  
1685 consistent with the adopted school concurrency ordinance. For  
1686 both impact fees and proportionate share calculations, the  
1687 percentage of relocatables used by a school district and the  
1688 amount of taxes, fees, and other revenues received by the school  
1689 district shall be considered in determining the average cost of a  
1690 student station.

1691 ~~4.3.~~ Any proportionate-share mitigation must be included  
1692 ~~directed~~ by the school board as toward a school capacity  
1693 improvement identified in a financially feasible 5-year district  
1694 work plan that satisfies the demands created by the development  
1695 in accordance with a binding developer's agreement.

1696 ~~5.4.~~ If a development is precluded from commencing because  
1697 there is inadequate classroom capacity to mitigate the impacts of  
1698 the development, the development may nevertheless commence if  
1699 there are accelerated facilities in an approved capital  
1700 improvement element scheduled for construction in year four or  
1701 later of such plan which, when built, will mitigate the proposed

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1702 development, or if such accelerated facilities will be in the  
1703 next annual update of the capital facilities element, the  
1704 developer enters into a binding, financially guaranteed agreement  
1705 with the school district to construct an accelerated facility  
1706 within the first 3 years of an approved capital improvement plan,  
1707 and the cost of the school facility is equal to or greater than  
1708 the development's proportionate share. When the completed school  
1709 facility is conveyed to the school district, the developer shall  
1710 receive impact fee credits usable within the zone where the  
1711 facility is constructed or any attendance zone contiguous with or  
1712 adjacent to the zone where the facility is constructed.

1713 ~~6.5.~~ This paragraph does not limit the authority of a local  
1714 government to deny a development permit or a comprehensive plan  
1715 amendment ~~its functional equivalent~~ pursuant to its home rule  
1716 regulatory powers for reasons unrelated to school capacity,  
1717 ~~except as provided in this part.~~

1718 (f) Intergovernmental coordination.--

1719 1. When establishing concurrency requirements for public  
1720 schools, a local government shall satisfy the requirements for  
1721 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
1722 and 2., except that a municipality is not required to be a  
1723 signatory to the interlocal agreement required by ss.  
1724 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for  
1725 imposition of school concurrency, and as a nonsignatory, may  
1726 ~~shall~~ not participate in the adopted local school concurrency  
1727 system, if the municipality meets all of the following criteria  
1728 for not having a ~~ne~~ significant impact on school attendance:

1729 a. The municipality has issued development orders for fewer  
1730 than 50 residential dwelling units during the preceding 5 years,

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1731 or the municipality has generated fewer than 25 additional public  
1732 school students during the preceding 5 years.

1733 b. The municipality has not annexed new land during the  
1734 preceding 5 years in land use categories which permit residential  
1735 uses that will affect school attendance rates.

1736 c. The municipality has no public schools located within  
1737 its boundaries.

1738 d. At least 80 percent of the developable land within the  
1739 boundaries of the municipality has been built upon.

1740 2. A municipality that ~~which~~ qualifies as not having a ~~no~~  
1741 significant impact on school attendance pursuant to ~~the criteria~~  
1742 ~~of~~ subparagraph 1. must review and determine at the time of its  
1743 evaluation and appraisal report pursuant to s. 163.3191 whether  
1744 it continues to meet the criteria pursuant to s. 163.3177(6). If  
1745 the municipality determines that it no longer meets the criteria,  
1746 it must adopt appropriate school concurrency goals, objectives,  
1747 and policies in its plan amendments based on the evaluation and  
1748 appraisal report, and enter into the existing interlocal  
1749 agreement required by ss. 163.3177(6)(h)2. and 163.31777, in  
1750 order to fully participate in the school concurrency system. If  
1751 such a municipality fails to do so, it is ~~will be~~ subject to the  
1752 enforcement provisions of s. 163.3191.

1753 (g) Interlocal agreement for school concurrency.--When  
1754 establishing concurrency requirements for public schools, a local  
1755 government must enter into an interlocal agreement that satisfies  
1756 the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and  
1757 the requirements of this subsection. The interlocal agreement  
1758 must ~~shall~~ acknowledge both the school board's constitutional and  
1759 statutory obligations to provide a uniform system of free public

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1760 schools on a countywide basis, and the land use authority of  
1761 local governments, including their authority to approve or deny  
1762 comprehensive plan amendments and development orders. The  
1763 interlocal agreement shall be submitted to the state land  
1764 planning agency by the local government as a part of the  
1765 compliance review, along with the other necessary amendments to  
1766 the comprehensive plan required by this part. In addition to the  
1767 requirements of ss. 163.3177(6) (h) and 163.31777, the interlocal  
1768 agreement must ~~shall~~ meet the following requirements:

1769 1. Establish ~~the~~ mechanisms for coordinating the  
1770 development, adoption, and amendment of each local government's  
1771 public school facilities element with each other and the plans of  
1772 the school board to ensure a uniform districtwide school  
1773 concurrency system.

1774 2. Establish a process for developing ~~the development of~~  
1775 siting criteria that ~~which~~ encourages the location of public  
1776 schools proximate to urban residential areas to the extent  
1777 possible and seeks to collocate schools with other public  
1778 facilities such as parks, libraries, and community centers to the  
1779 extent possible.

1780 3. Specify uniform, districtwide level-of-service standards  
1781 for public schools of the same type and the process for modifying  
1782 the adopted level-of-service standards.

1783 4. Establish a process for the preparation, amendment, and  
1784 joint approval by each local government and the school board of a  
1785 public school capital facilities program that ~~which~~ is  
1786 financially feasible, and a process and schedule for  
1787 incorporation of the public school capital facilities program  
1788 into the local government comprehensive plans on an annual basis.

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1789           5. Define the geographic application of school concurrency.  
1790 If school concurrency is to be applied on a less than  
1791 districtwide basis in the form of concurrency service areas, the  
1792 agreement must ~~shall~~ establish criteria and standards for the  
1793 establishment and modification of school concurrency service  
1794 areas. The agreement must ~~shall~~ also establish a process and  
1795 schedule for the mandatory incorporation of the school  
1796 concurrency service areas and the criteria and standards for  
1797 establishment of the service areas into the local government  
1798 comprehensive plans. The agreement must ~~shall~~ ensure maximum  
1799 utilization of school capacity, taking into account  
1800 transportation costs and court-approved desegregation plans, as  
1801 well as other factors. The agreement must ~~shall~~ also ensure the  
1802 achievement and maintenance of the adopted level-of-service  
1803 standards for the geographic area of application throughout the 5  
1804 years covered by the public school capital facilities plan and  
1805 thereafter by adding a new fifth year during the annual update.

1806           6. Establish a uniform districtwide procedure for  
1807 implementing school concurrency which provides for:

1808           a. The evaluation of development applications for  
1809 compliance with school concurrency requirements, including  
1810 information provided by the school board on affected schools,  
1811 impact on levels of service, ~~and~~ programmed improvements for  
1812 affected schools, and any options to provide sufficient capacity;

1813           b. An opportunity for the school board to review and  
1814 comment on the effect of comprehensive plan amendments and  
1815 rezonings on the public school facilities plan; and

1816           c. The monitoring and evaluation of the school concurrency  
1817 system.

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1818 7. Include provisions relating to amendment of the  
1819 agreement.

1820 8. A process and uniform methodology for determining  
1821 proportionate-share mitigation pursuant to subparagraph (e)1.

1822 (h) Local government authority.--This subsection does not  
1823 limit the authority of a local government to grant or deny a  
1824 development permit or its functional equivalent prior to the  
1825 implementation of school concurrency. After the implementation of  
1826 school concurrency, a development permit may not be denied  
1827 because of inadequate school capacity or if capacity is available  
1828 pursuant to paragraph (c) or paragraph (e), or if the developer  
1829 executes or enters into an agreement to execute a legally binding  
1830 commitment to provide mitigation proportionate to the demand for  
1831 public school facilities to be created pursuant to paragraph (e).

1832 (14) RULEMAKING AUTHORITY.--The state land planning agency  
1833 shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for the  
1834 review and determination of compliance of a public school  
1835 facilities element adopted by a local government for purposes of  
1836 imposition of school concurrency.

1837 (15) MULTIMODAL DISTRICTS.--

1838 (a) Multimodal transportation districts may be established  
1839 under a local government comprehensive plan in areas delineated  
1840 on the future land use map for which the local comprehensive plan  
1841 assigns secondary priority to vehicle mobility and primary  
1842 priority to assuring a safe, comfortable, and attractive  
1843 pedestrian environment, with convenient interconnection to  
1844 transit. Such districts must incorporate community design  
1845 features that will reduce the number of automobile trips or  
1846 vehicle miles of travel and will support an integrated,



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1847 multimodal transportation system. Prior to the designation of  
1848 multimodal transportation districts, the Department of  
1849 Transportation shall be consulted by the local government to  
1850 assess the impact that the proposed multimodal district area is  
1851 expected to have on the adopted level-of-service standards  
1852 established for Strategic Intermodal System facilities, as  
1853 designated in s. 339.63 ~~defined in s. 339.64~~, and roadway  
1854 facilities funded in accordance with s. 339.2819. Further, the  
1855 local government shall, in cooperation with the Department of  
1856 Transportation, develop a plan to mitigate any impacts to the  
1857 Strategic Intermodal System, including the development of a long-  
1858 term concurrency management system pursuant to subsection (9) and  
1859 s. 163.3177(3)(d). ~~Multimodal transportation districts existing~~  
1860 ~~prior to July 1, 2005, shall meet, at a minimum, the provisions~~  
1861 ~~of this section by July 1, 2006, or at the time of the~~  
1862 ~~comprehensive plan update pursuant to the evaluation and~~  
1863 ~~appraisal report, whichever occurs last.~~

1864 (b) Community design elements of ~~such~~ a multimodal  
1865 transportation district include: a complementary mix and range of  
1866 land uses, including educational, recreational, and cultural  
1867 uses; interconnected networks of streets designed to encourage  
1868 walking and bicycling, with traffic-calming where desirable;  
1869 appropriate densities and intensities of use within walking  
1870 distance of transit stops; daily activities within walking  
1871 distance of residences, allowing independence to persons who do  
1872 not drive; public uses, streets, and squares that are safe,  
1873 comfortable, and attractive for the pedestrian, with adjoining  
1874 buildings open to the street and with parking not interfering  
1875 with pedestrian, transit, automobile, and truck travel modes.

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1876 (c) Local governments may establish multimodal level-of-  
1877 service standards that rely primarily on nonvehicular modes of  
1878 transportation within the district, if ~~when~~ justified by an  
1879 analysis demonstrating that the existing and planned community  
1880 design will provide an adequate level of mobility within the  
1881 district based upon professionally accepted multimodal level-of-  
1882 service methodologies. The analysis must also demonstrate that  
1883 the capital improvements required to promote community design are  
1884 financially feasible over the development or redevelopment  
1885 timeframe for the district and that community design features  
1886 within the district provide convenient interconnection for a  
1887 multimodal transportation system. Local governments may issue  
1888 development permits in reliance upon all planned community design  
1889 capital improvements that are financially feasible over the  
1890 development or redevelopment timeframe for the district, without  
1891 regard to the period of time between development or redevelopment  
1892 and the scheduled construction of the capital improvements. A  
1893 determination of financial feasibility shall be based upon  
1894 currently available funding or funding sources that could  
1895 reasonably be expected to become available over the planning  
1896 period.

1897 (d) Local governments may reduce impact fees or local  
1898 access fees for development within multimodal transportation  
1899 districts based on the reduction of vehicle trips per household  
1900 or vehicle miles of travel expected from the development pattern  
1901 planned for the district.

1902 (e) By December 1, 2007, the Department of Transportation,  
1903 in consultation with the state land planning agency and  
1904 interested local governments, may designate a study area for

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1905 | conducting a pilot project to determine the benefits of and  
1906 | barriers to establishing a regional multimodal transportation  
1907 | concurrency district that extends over more than one local  
1908 | government jurisdiction. If designated:

1909 |       1. The study area must be in a county that has a population  
1910 | of at least 1,000 persons per square mile, be within an urban  
1911 | service area, and have the consent of the local governments  
1912 | within the study area. The Department of Transportation and the  
1913 | state land planning agency shall provide technical assistance.

1914 |       2. The local governments within the study area and the  
1915 | Department of Transportation, in consultation with the state land  
1916 | planning agency, shall cooperatively create a multimodal  
1917 | transportation plan that meets the requirements of this section.  
1918 | The multimodal transportation plan must include viable local  
1919 | funding options and incorporate community design features,  
1920 | including a range of mixed land uses and densities and  
1921 | intensities, which will reduce the number of automobile trips or  
1922 | vehicle miles of travel while supporting an integrated,  
1923 | multimodal transportation system.

1924 |       3. To effectuate the multimodal transportation concurrency  
1925 | district, participating local governments may adopt appropriate  
1926 | comprehensive plan amendments.

1927 |       4. The Department of Transportation, in consultation with  
1928 | the state land planning agency, shall submit a report by March 1,  
1929 | 2009, to the Governor, the President of the Senate, and the  
1930 | Speaker of the House of Representatives on the status of the  
1931 | pilot project. The report must identify any factors that support  
1932 | or limit the creation and success of a regional multimodal  
1933 | transportation district including intergovernmental coordination.

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1934           (16) FAIR-SHARE MITIGATION.--It is the intent of the  
1935 Legislature to provide a method by which the impacts of  
1936 development on transportation facilities can be mitigated by the  
1937 cooperative efforts of the public and private sectors. The  
1938 methodology used to calculate proportionate fair-share mitigation  
1939 under this section shall be as provided for in subsection (12),  
1940 or a vehicle and people-miles-traveled methodology or an  
1941 alternative methodology shall be used which is identified by the  
1942 local government as a part of its comprehensive plan and ensures  
1943 that development impacts on transportation facilities are  
1944 mitigated.

1945           (a) By December 1, 2006, each local government shall adopt  
1946 by ordinance a methodology for assessing proportionate fair-share  
1947 mitigation options. By December 1, 2005, the Department of  
1948 Transportation shall develop a model transportation concurrency  
1949 management ordinance that has ~~with~~ methodologies for assessing  
1950 proportionate fair-share mitigation options.

1951           (b)~~1.~~ In its transportation concurrency management system,  
1952 a local government shall, ~~by December 1, 2006,~~ include  
1953 methodologies to be applied in calculating ~~that will be applied~~  
1954 ~~to calculate~~ proportionate fair-share mitigation.

1955           1. A developer may choose to satisfy all transportation  
1956 concurrency requirements by contributing or paying proportionate  
1957 fair-share mitigation if transportation facilities or facility  
1958 segments identified as mitigation for traffic impacts are  
1959 specifically identified for funding in the 5-year schedule of  
1960 capital improvements in the capital improvements element of the  
1961 local plan or the long-term concurrency management system or if  
1962 such contributions or payments to such facilities or segments are

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1963 reflected in the 5-year schedule of capital improvements in the  
1964 next regularly scheduled update of the capital improvements  
1965 element. Updates to the 5-year capital improvements element which  
1966 reflect proportionate fair-share contributions may not be found  
1967 not in compliance based on ss. 163.3164(32) and 163.3177(3) if  
1968 additional contributions, payments or funding sources are  
1969 reasonably anticipated during a period not to exceed 10 years to  
1970 fully mitigate impacts on the transportation facilities.

1971 2. Proportionate fair-share mitigation shall be applied as  
1972 a credit against impact fees to the extent that all or a portion  
1973 of the proportionate fair-share mitigation is used to address the  
1974 same capital infrastructure improvements contemplated by the  
1975 local government's impact fee ordinance.

1976 (c) Proportionate fair-share mitigation includes, without  
1977 limitation, separately or collectively, private funds,  
1978 contributions of land, and construction and contribution of  
1979 facilities and may include public funds as determined by the  
1980 local government. Proportionate fair-share mitigation may be  
1981 directed toward one or more specific transportation improvements  
1982 reasonably related to the mobility demands created by the  
1983 development and such improvements may address one or more modes  
1984 of travel. The fair market value of the proportionate fair-share  
1985 mitigation may ~~shall~~ not differ based on the form of mitigation.  
1986 A local government may not require a development to pay more than  
1987 its proportionate fair-share contribution regardless of the  
1988 method of mitigation. Proportionate fair-share mitigation shall  
1989 be limited to ensure that a development meeting the requirements  
1990 of this section mitigates its impact on the transportation system

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1991 | but is not responsible for the additional cost of reducing or  
1992 | eliminating backlogs.

1993 |       (d) This subsection does not require a local government to  
1994 | approve a development that is not otherwise qualified for  
1995 | approval pursuant to the applicable local comprehensive plan and  
1996 | land development regulations.

1997 |       (e) Mitigation for development impacts to facilities on the  
1998 | Strategic Intermodal System made pursuant to this subsection  
1999 | requires the concurrence of the Department of Transportation.

2000 |       (f) If the funds in an adopted 5-year capital improvements  
2001 | element are insufficient to fully fund construction of a  
2002 | transportation improvement required by the local government's  
2003 | concurrency management system, a local government and a developer  
2004 | may still enter into a binding proportionate-share agreement  
2005 | authorizing the developer to construct that amount of development  
2006 | on which the proportionate share is calculated if the  
2007 | proportionate-share amount in the ~~such~~ agreement is sufficient to  
2008 | pay for one or more improvements which will, in the opinion of  
2009 | the governmental entity or entities maintaining the  
2010 | transportation facilities, significantly benefit the impacted  
2011 | transportation system. The improvements funded by the  
2012 | proportionate-share component must be adopted into the 5-year  
2013 | capital improvements schedule of the comprehensive plan at the  
2014 | next annual capital improvements element update. The funding of  
2015 | any improvements that significantly benefit the impacted  
2016 | transportation system satisfies concurrency requirements as a  
2017 | mitigation of the development's impact upon the overall  
2018 | transportation system even if there remains a failure of  
2019 | concurrency on other impacted facilities.

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2020 (g) Except as provided in subparagraph (b)1., this section  
2021 ~~does may~~ not prohibit the state land planning agency ~~Department~~  
2022 ~~of Community Affairs~~ from finding other portions of the capital  
2023 improvements element amendments not in compliance as provided in  
2024 this chapter.

2025 (h) ~~The provisions of~~ This subsection does ~~de~~ not apply to  
2026 a development of regional impact satisfying the requirements of  
2027 subsection (12).

2028 (i) If a developer has contributed funds, lands, or other  
2029 mitigation required by a development order to address the  
2030 transportation impacts of a particular phase or stage of  
2031 development that is not subject to s. 380.06, all transportation  
2032 impacts attributable to that phase or stage of development shall  
2033 be deemed fully mitigated in any subsequent monitoring or  
2034 transportation analysis for any phase or state of development.

2035 (17) TRANSPORTATION CONCURRENCY INCENTIVES.--The  
2036 Legislature finds that allowing private-sector entities to  
2037 finance, construct, and improve public transportation facilities  
2038 can provide significant benefits to the public by facilitating  
2039 transportation without the need for additional public tax  
2040 revenues. In order to encourage the more efficient and proactive  
2041 provision of transportation improvements by the private sector,  
2042 if a developer or property owner voluntarily contributes right-  
2043 of-way and physically constructs or expands a state  
2044 transportation facility or segment, and such construction or  
2045 expansion:

2046 (a) Improves traffic flow, capacity, or safety, the  
2047 voluntary contribution may be applied as a credit for that  
2048 property owner or developer against any future transportation

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2049 concurrency requirements pursuant to this chapter if the  
2050 transportation improvement is identified in the 5-year work plan  
2051 of the Department of Transportation, and such contributions and  
2052 credits are set forth in a legally binding agreement executed by  
2053 the property owner or developer, the local government of the  
2054 jurisdiction in which the facility is located, and the Department  
2055 of Transportation.

2056 (b) Is identified in the capital improvement schedule,  
2057 meets the requirements in this section, and is set forth in a  
2058 legally binding agreement between the property owner or developer  
2059 and the applicable local government, the contribution to the  
2060 local government collector and the arterial system may be applied  
2061 as credit against any future transportation concurrency  
2062 requirements under this chapter.

2063 (18) TRANSPORTATION MOBILITY FEE.--The Legislature finds  
2064 that the existing transportation concurrency system has not  
2065 adequately addressed the state's transportation needs in an  
2066 effective, predictable, and equitable manner and is not producing  
2067 a sustainable transportation system for the state. The current  
2068 system is complex, lacks uniformity among jurisdictions, is too  
2069 focused on roadways to the detriment of desired land use patterns  
2070 and transportation alternatives, and frequently prevents the  
2071 attainment of important growth management goals. The state,  
2072 therefore, should consider a different transportation concurrency  
2073 approach that uses a mobility fee based on vehicle and people  
2074 miles traveled. Therefore, the Legislature directs the state land  
2075 planning agency to study and develop a methodology for a mobility  
2076 fee system as follows:



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2077        (a) The state land planning agency, in consultation with  
2078 the Department of Transportation, shall convene a study group  
2079 that includes representatives from the Department of  
2080 Transportation, regional planning councils, local governments,  
2081 the development community, land use and transportation  
2082 professionals, and the Legislature to develop a uniform mobility  
2083 fee methodology for statewide application to replace the existing  
2084 transportation concurrency management system. The methodology  
2085 shall be based on the amount, distribution, and timing of the  
2086 vehicle and people miles traveled, professionally accepted  
2087 standards and practices in the fields of land use and  
2088 transportation planning, and the requirements of constitutional  
2089 and statutory law. The mobility fee shall be designed to provide  
2090 for mobility needs, ensure that development provides mitigation  
2091 for its impacts on the transportation system, and promote  
2092 compact, mixed-use, and energy-efficient development. The  
2093 mobility fee shall be used to fund improvements to the  
2094 transportation system.

2095        (b) By February 15, 2009, the state land planning agency  
2096 shall provide a report to the Legislature containing  
2097 recommendations concerning an appropriate uniform mobility fee  
2098 methodology and whether a mobility fee system should be applied  
2099 statewide or to more limited geographic areas, a schedule to  
2100 amend comprehensive plans and land development rules to  
2101 incorporate the mobility fee, a system for collecting and  
2102 allocating mobility fees among state and local transportation  
2103 facilities, and whether and how mobility fees should replace,  
2104 revise, or supplement transportation impact fees.

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2105        ~~(19)~~~~(17)~~ A local government and the developer of affordable  
2106 workforce housing units developed in accordance with s.  
2107 380.06(19) or s. 380.0651(3) may identify an employment center or  
2108 centers in close proximity to the affordable workforce housing  
2109 units. If at least 50 percent of the units are occupied by an  
2110 employee or employees of an identified employment center or  
2111 centers, all of the affordable workforce housing units are exempt  
2112 from transportation concurrency requirements, and the local  
2113 government may not reduce any transportation trip-generation  
2114 entitlements of an approved development-of-regional-impact  
2115 development order. As used in this subsection, the term "close  
2116 proximity" means 5 miles from the nearest point of the  
2117 development of regional impact to the nearest point of the  
2118 employment center, and the term "employment center" means a place  
2119 of employment that employs at least 25 or more full-time  
2120 employees.

2121        Section 8. Subsection (3), subsection (4), paragraphs (a)  
2122 and (d) of subsection (6), paragraph (a) of subsection (7),  
2123 paragraphs (b) and (c) of subsection (15), and subsections (17),  
2124 (18), and (19) of section 163.3184, Florida Statutes, are amended  
2125 to read:

2126        163.3184 Process for adoption of comprehensive plan or plan  
2127 amendment.--

2128        (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
2129 AMENDMENT.--

2130        (a) Before filing an application for a future land use map  
2131 amendment, the applicant must conduct a neighborhood meeting to  
2132 present, discuss, and solicit public comment on the proposed  
2133 amendment. Such meeting shall be conducted at least 30 days but

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2134 no more than 60 days before the application for the amendment is  
2135 filed with the local government. At a minimum, the meeting shall  
2136 be noticed and conducted in accordance with each of the following  
2137 requirements:

2138 1. Notice of the meeting shall be:

2139 a. Mailed at least 10 days but no more than 14 days before  
2140 the date of the meeting to all property owners owning property  
2141 within 500 feet of the property subject to the proposed  
2142 amendment, according to information maintained by the county tax  
2143 assessor. Such information shall conclusively establish the  
2144 required recipients;

2145 b. Published in accordance with s. 125.66(4)(b)2. or s.  
2146 166.041(3)(c)2.b.;

2147 c. Posted on the jurisdiction's website, if available; and

2148 d. Mailed to all persons on the list of homeowners' or  
2149 condominium associations maintained by the jurisdiction, if any.

2150 2. The meeting shall be conducted at an accessible and  
2151 convenient location.

2152 3. A sign-in list of all attendees at each meeting must be  
2153 maintained.

2154

2155 This section applies to applications for a map amendment filed  
2156 after January 1, 2009.

2157 (b) At least 15 days but no more than 45 days before the  
2158 local governing body's scheduled adoption hearing, the applicant  
2159 shall conduct a second noticed community or neighborhood meeting  
2160 for the purpose of presenting and discussing the map amendment  
2161 application, including any changes made to the proposed amendment  
2162 following the first community or neighborhood meeting. Notice by

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2163 United States mail at least 10 days but no more than 14 days  
2164 before the meeting is required only for persons who signed in at  
2165 the preapplication meeting and persons whose names are on the  
2166 sign-in sheet from the transmittal hearing conducted pursuant to  
2167 paragraph (15) (c). Otherwise, notice shall be given by newspaper  
2168 advertisement in accordance with s. 125.66(4) (b)2. and s.  
2169 166.041(3) (c)2.b. Before the adoption hearing, the applicant  
2170 shall file with the local government a written certification or  
2171 verification that the second meeting has been noticed and  
2172 conducted in accordance with this section. This section applies  
2173 to applications for a map amendment filed after January 1, 2009.

2174 (c) The requirement for neighborhood meetings as provided  
2175 in this section does not apply to small-scale amendments as  
2176 defined in s. 163.3187(2) (d) unless a local government, by  
2177 ordinance, adopts a procedure for holding a neighborhood meeting  
2178 as part of the small-scale amendment process. In no event shall  
2179 more than one such meeting be required.

2180 (d) ~~(a)~~ Each local governing body shall transmit the  
2181 complete proposed comprehensive plan or plan amendment to the  
2182 state land planning agency, the appropriate regional planning  
2183 council and water management district, the Department of  
2184 Environmental Protection, the Department of State, and the  
2185 Department of Transportation, and, in the case of municipal  
2186 plans, to the appropriate county, and, in the case of county  
2187 plans, to the Fish and Wildlife Conservation Commission and the  
2188 Department of Agriculture and Consumer Services, immediately  
2189 following a public hearing pursuant to subsection (15) as  
2190 specified in the state land planning agency's procedural rules.  
2191 The local governing body shall also transmit a copy of the

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2192 complete proposed comprehensive plan or plan amendment to any  
2193 other unit of local government or government agency in the state  
2194 that has filed a written request with the governing body for the  
2195 plan or plan amendment. The local government may request a review  
2196 by the state land planning agency pursuant to subsection (6) at  
2197 the time of the transmittal of an amendment.

2198 (e)~~(b)~~ A local governing body shall not transmit portions  
2199 of a plan or plan amendment unless it has previously provided to  
2200 all state agencies designated by the state land planning agency a  
2201 complete copy of its adopted comprehensive plan pursuant to  
2202 subsection (7) and as specified in the agency's procedural rules.  
2203 In the case of comprehensive plan amendments, the local governing  
2204 body shall transmit to the state land planning agency, the  
2205 appropriate regional planning council and water management  
2206 district, the Department of Environmental Protection, the  
2207 Department of State, and the Department of Transportation, and,  
2208 in the case of municipal plans, to the appropriate county and, in  
2209 the case of county plans, to the Fish and Wildlife Conservation  
2210 Commission and the Department of Agriculture and Consumer  
2211 Services the materials specified in the state land planning  
2212 agency's procedural rules and, in cases in which the plan  
2213 amendment is a result of an evaluation and appraisal report  
2214 adopted pursuant to s. 163.3191, a copy of the evaluation and  
2215 appraisal report. Local governing bodies shall consolidate all  
2216 proposed plan amendments into a single submission for each of the  
2217 two plan amendment adoption dates during the calendar year  
2218 pursuant to s. 163.3187.

2219 (f)~~(e)~~ A local government may adopt a proposed plan  
2220 amendment previously transmitted pursuant to this subsection,

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2221 unless review is requested or otherwise initiated pursuant to  
2222 subsection (6).

2223 (g) ~~(d)~~ In cases in which a local government transmits  
2224 multiple individual amendments that can be clearly and legally  
2225 separated and distinguished for the purpose of determining  
2226 whether to review the proposed amendment, and the state land  
2227 planning agency elects to review several or a portion of the  
2228 amendments and the local government chooses to immediately adopt  
2229 the remaining amendments not reviewed, the amendments immediately  
2230 adopted and any reviewed amendments that the local government  
2231 subsequently adopts together constitute one amendment cycle in  
2232 accordance with s. 163.3187(1).

2233 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies  
2234 specified in paragraph (3)(a) shall provide comments to the state  
2235 land planning agency within 30 days after receipt by the state  
2236 land planning agency of the complete proposed plan amendment. If  
2237 the plan or plan amendment includes or relates to the public  
2238 school facilities element pursuant to s. 163.3177(12), the state  
2239 land planning agency shall submit a copy to the Office of  
2240 Educational Facilities of the Commissioner of Education for  
2241 review and comment. The appropriate regional planning council  
2242 shall also provide its written comments to the state land  
2243 planning agency within 45 ~~30~~ days after receipt by the state land  
2244 planning agency of the complete proposed plan amendment and shall  
2245 specify any objections, recommendations for modifications, and  
2246 comments of any other regional agencies to which the regional  
2247 planning council may have referred the proposed plan amendment.  
2248 Written comments submitted by the public within 30 days after  
2249 notice of transmittal by the local government of the proposed

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2250 | plan amendment will be considered as if submitted by governmental  
2251 | agencies. All written agency and public comments must be made  
2252 | part of the file maintained under subsection (2).

2253 |       (6) STATE LAND PLANNING AGENCY REVIEW.--

2254 |       (a) The state land planning agency shall review a proposed  
2255 | plan amendment upon request of a regional planning council,  
2256 | affected person, or local government transmitting the plan  
2257 | amendment. The request from the regional planning council or  
2258 | affected person must be received within 45 ~~30~~ days after  
2259 | transmittal of the proposed plan amendment pursuant to subsection  
2260 | (3). A regional planning council or affected person requesting a  
2261 | review shall do so by submitting a written request to the agency  
2262 | with a notice of the request to the local government and any  
2263 | other person who has requested notice.

2264 |       (d) The state land planning agency review shall identify  
2265 | all written communications with the agency regarding the proposed  
2266 | plan amendment. If the state land planning agency does not issue  
2267 | such a review, it shall identify in writing to the local  
2268 | government all written communications received 45 ~~30~~ days after  
2269 | transmittal. The written identification must include a list of  
2270 | all documents received or generated by the agency, which list  
2271 | must be of sufficient specificity to enable the documents to be  
2272 | identified and copies requested, if desired, and the name of the  
2273 | person to be contacted to request copies of any identified  
2274 | document. The list of documents must be made a part of the public  
2275 | records of the state land planning agency.

2276 |       (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN  
2277 | OR AMENDMENTS AND TRANSMITTAL.--

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2278 (a) The local government shall review the written comments  
2279 submitted to it by the state land planning agency, and any other  
2280 person, agency, or government. Any comments, recommendations, or  
2281 objections and any reply to them are ~~shall be~~ public documents, a  
2282 part of the permanent record in the matter, and admissible in any  
2283 proceeding in which the comprehensive plan or plan amendment may  
2284 be at issue. The local government, upon receipt of written  
2285 comments from the state land planning agency, shall have 120 days  
2286 to adopt, or adopt with changes, the proposed comprehensive plan  
2287 or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan~~  
2288 ~~amendments other than those proposed pursuant to s. 163.3191,~~ the  
2289 ~~local government shall have 60 days to adopt the amendment, adopt~~  
2290 ~~the amendment with changes, or determine that it will not adopt~~  
2291 ~~the amendment.~~ The adoption of the proposed plan or plan  
2292 amendment or the determination not to adopt a plan amendment,  
2293 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~  
2294 shall be made in the course of a public hearing pursuant to  
2295 subsection (15). If a local government fails to adopt the  
2296 comprehensive plan or plan amendment within the period set forth  
2297 in this subsection, the plan or plan amendment shall be deemed  
2298 abandoned and may not be considered until the next available  
2299 amendment cycle pursuant to this section and s. 163.3187.  
2300 However, if the applicant or local government, before the  
2301 expiration of the period, certifies in writing to the state land  
2302 planning agency that the applicant is proceeding in good faith to  
2303 address the items raised in the agency report issued pursuant to  
2304 paragraph (6) (f) or agency comments issued pursuant to s.  
2305 163.32465(4), and such certification specifically identifies the  
2306 items being addressed, the state land planning agency may grant



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2307 one or more extensions not to exceed a total of 360 days  
2308 following the date of the issuance of the agency report or  
2309 comments if the request is justified by good and sufficient cause  
2310 as determined by the agency. When any such extension is pending,  
2311 the applicant shall file with the local government and state land  
2312 planning agency a status report every 60 days specifically  
2313 identifying the items being addressed and the manner in which  
2314 such items are being addressed. The local government shall  
2315 transmit the complete adopted comprehensive plan or plan  
2316 amendment, including the names and addresses of persons compiled  
2317 pursuant to paragraph (15)(c), to the state land planning agency  
2318 as specified in the agency's procedural rules within 10 working  
2319 days after adoption. The local governing body shall also transmit  
2320 a copy of the adopted comprehensive plan or plan amendment to the  
2321 regional planning agency and to any other unit of local  
2322 government or governmental agency in the state that has filed a  
2323 written request with the governing body for a copy of the plan or  
2324 plan amendment.

2325 (15) PUBLIC HEARINGS.--

2326 (b) The local governing body shall hold at least two  
2327 advertised public hearings on the proposed comprehensive plan or  
2328 plan amendment as follows:

2329 1. The first public hearing shall be held at the  
2330 transmittal stage pursuant to subsection (3). It shall be held on  
2331 a weekday at least 7 days after the day that the first  
2332 advertisement is published.

2333 2. The second public hearing shall be held at the adoption  
2334 stage pursuant to subsection (7). It shall be held on a weekday  
2335 at least 5 days after the day that the second advertisement is

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2336 published. The comprehensive plan or plan amendment to be  
2337 considered for adoption must be available to the public at least  
2338 5 days before the date of the hearing, and must be posted at  
2339 least 5 days before the date of the hearing on the local  
2340 government's website if one is maintained. The proposed  
2341 comprehensive plan amendment may not be altered during the 5 days  
2342 before the hearing if such alteration increases the permissible  
2343 density, intensity, or height, or decreases the minimum buffers,  
2344 setbacks, or open space. If the amendment is altered in this  
2345 manner during the 5-day period or at the public hearing, the  
2346 public hearing shall be continued to the next meeting of the  
2347 local governing body. As part of the adoption package, the local  
2348 government shall certify in writing to the state land planning  
2349 agency that it has complied with this subsection.

2350 (c) The local government shall provide a sign-in form at  
2351 the transmittal hearing and at the adoption hearing for persons  
2352 to provide their names, ~~and~~ mailing and electronic addresses. The  
2353 sign-in form must advise that any person providing the requested  
2354 information will receive a courtesy informational statement  
2355 concerning publications of the state land planning agency's  
2356 notice of intent. The local government shall add to the sign-in  
2357 form the name and address of any person who submits written  
2358 comments concerning the proposed plan or plan amendment during  
2359 the time period between the commencement of the transmittal  
2360 hearing and the end of the adoption hearing. It is the  
2361 responsibility of the person completing the form or providing  
2362 written comments to accurately, completely, and legibly provide  
2363 all information needed in order to receive the courtesy  
2364 informational statement.

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2365           ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~  
2366 ~~AMENDMENTS.--A local government that has adopted a community~~  
2367 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~  
2368 ~~may adopt a plan amendment related to map amendments solely to~~  
2369 ~~property within an urban service boundary in the manner described~~  
2370 ~~in subsections (1), (2), (7), (14), (15), and (16) and s.~~  
2371 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~  
2372 ~~regional agency review is eliminated. The department may not~~  
2373 ~~issue an objections, recommendations, and comments report on~~  
2374 ~~proposed plan amendments or a notice of intent on adopted plan~~  
2375 ~~amendments; however, affected persons, as defined by paragraph~~  
2376 ~~(1)(a), may file a petition for administrative review pursuant to~~  
2377 ~~the requirements of s. 163.3187(3)(a) to challenge the compliance~~  
2378 ~~of an adopted plan amendment. This subsection does not apply to~~  
2379 ~~any amendment within an area of critical state concern, to any~~  
2380 ~~amendment that increases residential densities allowable in high-~~  
2381 ~~hazard coastal areas as defined in s. 163.3178(2)(h), or to a~~  
2382 ~~text change to the goals, policies, or objectives of the local~~  
2383 ~~government's comprehensive plan. Amendments submitted under this~~  
2384 ~~subsection are exempt from the limitation on the frequency of~~  
2385 ~~plan amendments in s. 163.3187.~~

2386           ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A~~  
2387 ~~municipality that has a designated urban infill and redevelopment~~  
2388 ~~area under s. 163.2517 may adopt a plan amendment related to map~~  
2389 ~~amendments solely to property within a designated urban infill~~  
2390 ~~and redevelopment area in the manner described in subsections~~  
2391 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and~~  
2392 ~~e., 2., and 3., such that state and regional agency review is~~  
2393 ~~eliminated. The department may not issue an objections,~~

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2394 ~~recommendations, and comments report on proposed plan amendments~~  
2395 ~~or a notice of intent on adopted plan amendments; however,~~  
2396 ~~affected persons, as defined by paragraph (1) (a), may file a~~  
2397 ~~petition for administrative review pursuant to the requirements~~  
2398 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~  
2399 ~~plan amendment. This subsection does not apply to any amendment~~  
2400 ~~within an area of critical state concern, to any amendment that~~  
2401 ~~increases residential densities allowable in high-hazard coastal~~  
2402 ~~areas as defined in s. 163.3178(2) (h), or to a text change to the~~  
2403 ~~goals, policies, or objectives of the local government's~~  
2404 ~~comprehensive plan. Amendments submitted under this subsection~~  
2405 ~~are exempt from the limitation on the frequency of plan~~  
2406 ~~amendments in s. 163.3187.~~

2407 (17)~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any  
2408 local government that identifies in its comprehensive plan the  
2409 types of housing developments and conditions for which it will  
2410 consider plan amendments that are consistent with the local  
2411 housing incentive strategies identified in s. 420.9076 and  
2412 authorized by the local government may expedite consideration of  
2413 such plan amendments. At least 30 days before ~~prior to~~ adopting a  
2414 plan amendment pursuant to this subsection, the local government  
2415 shall notify the state land planning agency of its intent to  
2416 adopt such an amendment, and the notice shall include the local  
2417 government's evaluation of site suitability and availability of  
2418 facilities and services. A plan amendment considered under this  
2419 subsection shall require only a single public hearing before the  
2420 local governing body, which shall be a plan amendment adoption  
2421 hearing as described in subsection (7). The public notice of the  
2422 hearing required under subparagraph (15) (b)2. must include a

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2423 statement that the local government intends to use the expedited  
2424 adoption process authorized under this subsection. The state land  
2425 planning agency shall issue its notice of intent required under  
2426 subsection (8) within 30 days after determining that the  
2427 amendment package is complete. Any further proceedings shall be  
2428 governed by subsections (9)-(16).

2429 Section 9. Section 163.3187, Florida Statutes, is amended  
2430 to read:

2431 163.3187 Amendment of adopted comprehensive plan.--

2432 (1) Comprehensive plan amendments may be adopted by simple  
2433 majority vote of the governing body of the local government,  
2434 except a super majority vote of the members of the governing body  
2435 of the local government present at the hearing is required to  
2436 adopt any text amendment, except for:

2437 (a) Special area text policies associated with a future  
2438 land use map amendment;

2439 (b) Text amendments to the schedule of capital  
2440 improvements;

2441 (c) Text amendments that implement recommendations in an  
2442 evaluation and appraisal report; and

2443 (d) Text amendments required to implement a new statutory  
2444 requirement not previously incorporated into the comprehensive  
2445 plan.

2446 (2) Amendments to comprehensive plans may be transmitted  
2447 and adopted pursuant to this part ~~may be made~~ not more than once  
2448 ~~two times~~ during any calendar year, with the following exceptions  
2449 except:

2450 (a) Local governments may transmit and adopt the following  
2451 comprehensive plan amendments twice per calendar year:

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2452 1. Future land use map amendments and special area policies  
2453 associated with those map amendments for land within areas  
2454 designated in the comprehensive plan for downtown revitalization  
2455 pursuant to s. 163.3164(25), urban redevelopment pursuant to s.  
2456 163.3164(26), urban infill development pursuant to s.  
2457 163.3164(27), urban infill and redevelopment pursuant to s.  
2458 163.2517, or an urban service area pursuant to s.  
2459 163.3180(5) (b) 5.

2460 2. Future land use map amendments within an area designated  
2461 by the Governor as a rural area of critical economic concern  
2462 under s. 288.0656(7) for the duration of such designation. Before  
2463 the adoption of such an amendment, the local government must  
2464 obtain written certification from the Office of Tourism, Trade,  
2465 and Economic Development that the plan amendment furthers the  
2466 economic objectives set forth in the executive order issued under  
2467 s. 288.0656(7).

2468 3. Any local government comprehensive plan amendment  
2469 establishing or implementing a rural land stewardship area  
2470 pursuant to the provisions of s. 163.3177(11) (d) or a sector plan  
2471 pursuant to the provisions of s. 163.3245.

2472 (b) The following amendments may be adopted by the local  
2473 government at any time during a calendar year without regard for  
2474 the frequency restrictions set forth in paragraph (a):

2475 1. Any local government comprehensive plan ~~In the case of~~  
2476 ~~an emergency, comprehensive plan amendments may be made more~~  
2477 ~~often than twice during the calendar year if the additional plan~~  
2478 amendment enacted in case of emergency which receives the  
2479 approval of all of the members of the governing body. "Emergency"  
2480 means any occurrence or threat ~~thereof~~ whether accidental or

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2481 natural, caused by humankind, in war or peace, which results or  
2482 may result in substantial injury or harm to the population or  
2483 substantial damage to or loss of property or public funds.

2484 2.~~(b)~~ Any local government comprehensive plan amendments  
2485 directly related to a proposed development of regional impact,  
2486 including changes which have been determined to be substantial  
2487 deviations and including Florida Quality Developments pursuant to  
2488 s. 380.061, may be initiated by a local planning agency and  
2489 considered by the local governing body at the same time as the  
2490 application for development approval using the procedures  
2491 provided for local plan amendment in this section and applicable  
2492 local ordinances, ~~without regard to statutory or local ordinance~~  
2493 ~~limits on the frequency of consideration of amendments to the~~  
2494 ~~local comprehensive plan. Nothing in this subsection shall be~~  
2495 ~~deemed to require favorable consideration of a plan amendment~~  
2496 ~~solely because it is related to a development of regional impact.~~

2497 3.~~(c)~~ Any Local government comprehensive plan amendments  
2498 directly related to proposed small scale development activities  
2499 may be ~~approved without regard to statutory limits on the~~  
2500 ~~frequency of consideration of amendments to the local~~  
2501 ~~comprehensive plan.~~ A small scale development amendment may be  
2502 adopted only under the following conditions:

2503 4.1. ~~The proposed amendment involves a use of 10 acres or~~  
2504 fewer and:

2505 a. The cumulative annual effect of the acreage for all  
2506 small scale development amendments adopted by the local  
2507 government shall not exceed:

2508 (I) A maximum of 120 acres in a local government that  
2509 contains areas specifically designated in the local comprehensive

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2510 plan for urban infill, urban redevelopment, or downtown  
2511 revitalization as defined in s. 163.3164, urban infill and  
2512 redevelopment areas designated under s. 163.2517, transportation  
2513 concurrency exception areas approved pursuant to s. 163.3180(5),  
2514 or regional activity centers and urban central business districts  
2515 approved pursuant to s. 380.06(2)(e); however, amendments under  
2516 this paragraph may be applied to no more than 60 acres annually  
2517 of property outside the designated areas listed in this sub-sub-  
2518 subparagraph. ~~Amendments adopted pursuant to paragraph (k) shall~~  
2519 ~~not be counted toward the acreage limitations for small scale~~  
2520 ~~amendments under this paragraph.~~

2521 (II) A maximum of 80 acres in a local government that does  
2522 not contain any of the designated areas set forth in sub-sub-  
2523 subparagraph (I).

2524 (III) A maximum of 120 acres in a county established  
2525 pursuant to s. 9, Art. VIII of the State Constitution.

2526 b. The proposed amendment does not involve the same  
2527 property granted a change within the prior 12 months.

2528 c. The proposed amendment does not involve the same owner's  
2529 property within 200 feet of property granted a change within the  
2530 prior 12 months.

2531 d. The proposed amendment does not involve a text change to  
2532 the goals, policies, and objectives of the local government's  
2533 comprehensive plan, but only proposes a land use change to the  
2534 future land use map for a site-specific small scale development  
2535 activity.

2536 e. The property that is the subject of the proposed  
2537 amendment is not located within an area of critical state  
2538 concern, unless the project subject to the proposed amendment



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2539 involves the construction of affordable housing units meeting the  
2540 criteria of s. 420.0004(3), and is located within an area of  
2541 critical state concern designated by s. 380.0552 or by the  
2542 Administration Commission pursuant to s. 380.05(1). Such  
2543 amendment is not subject to the density limitations of sub-  
2544 subparagraph f., and shall be reviewed by the state land planning  
2545 agency for consistency with the principles for guiding  
2546 development applicable to the area of critical state concern  
2547 where the amendment is located and is ~~shall~~ not ~~become~~ effective  
2548 until a final order is issued under s. 380.05(6).

2549 f. If the proposed amendment involves a residential land  
2550 use, the residential land use has a density of 10 units or less  
2551 per acre or the proposed future land use category allows a  
2552 maximum residential density of the same or less than the maximum  
2553 residential density allowable under the existing future land use  
2554 category, except that this limitation does not apply to small  
2555 scale amendments involving the construction of affordable housing  
2556 units meeting the criteria of s. 420.0004(3) on property which  
2557 will be the subject of a land use restriction agreement, or small  
2558 scale amendments described in sub-sub-subparagraph a.(I) that are  
2559 designated in the local comprehensive plan for urban infill,  
2560 urban redevelopment, or downtown revitalization as defined in s.  
2561 163.3164, urban infill and redevelopment areas designated under  
2562 s. 163.2517, transportation concurrency exception areas approved  
2563 pursuant to s. 163.3180(5), or regional activity centers and  
2564 urban central business districts approved pursuant to s.  
2565 380.06(2)(e).

2566 5.2-a. A local government that proposes to consider a plan  
2567 amendment pursuant to this paragraph is not required to comply

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2568 with the procedures and public notice requirements of s.  
2569 163.3184(15)(c) for such plan amendments if the local government  
2570 complies with the provisions in s. 125.66(4)(a) for a county or  
2571 in s. 166.041(3)(c) for a municipality. If a request for a plan  
2572 amendment under this paragraph is initiated by other than the  
2573 local government, public notice is required.

2574 b. The local government shall send copies of the notice and  
2575 amendment to the state land planning agency, the regional  
2576 planning council, and any other person or entity requesting a  
2577 copy. This information shall also include a statement identifying  
2578 any property subject to the amendment that is located within a  
2579 coastal high-hazard area as identified in the local comprehensive  
2580 plan.

2581 ~~6.3.~~ Small scale development amendments adopted pursuant to  
2582 this paragraph require only one public hearing before the  
2583 governing board, which shall be an adoption hearing as described  
2584 in s. 163.3184(7), and are not subject to the requirements of s.  
2585 163.3184(3)-(6) unless the local government elects to have them  
2586 subject to those requirements.

2587 ~~7.4.~~ If the small scale development amendment involves a  
2588 site within an area that is designated by the Governor as a rural  
2589 area of critical economic concern under s. 288.0656(7) for the  
2590 duration of such designation, the 10-acre limit listed in  
2591 subparagraph 1. shall be increased by 100 percent to 20 acres.  
2592 The local government approving the small scale plan amendment  
2593 shall certify to the Office of Tourism, Trade, and Economic  
2594 Development that the plan amendment furthers the economic  
2595 objectives set forth in the executive order issued under s.  
2596 288.0656(7), and the property subject to the plan amendment shall

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2597 | undergo public review to ensure that all concurrency requirements  
2598 | and federal, state, and local environmental permit requirements  
2599 | are met.

2600 |     ~~8.(d)~~ Any comprehensive plan amendment required by a  
2601 | compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~  
2602 | ~~without regard to statutory limits on the frequency of adoption~~  
2603 | ~~of amendments to the comprehensive plan.~~

2604 |     ~~(e)~~ A comprehensive plan amendment for location of a state  
2605 | correctional facility. Such an amendment may be made at any time  
2606 | and does not count toward the limitation on the frequency of plan  
2607 | amendments.

2608 |     ~~9.(f)~~ Any comprehensive plan amendment that changes the  
2609 | schedule in the capital improvements element, and any amendments  
2610 | directly related to the schedule, ~~may be made once in a calendar~~  
2611 | ~~year on a date different from the two times provided in this~~  
2612 | ~~subsection~~ when necessary to coincide with the adoption of the  
2613 | local government's budget and capital improvements program.

2614 |     ~~(g)~~ Any local government comprehensive plan amendments  
2615 | directly related to proposed redevelopment of brownfield areas  
2616 | designated under s. 376.80 ~~may be approved without regard to~~  
2617 | ~~statutory limits on the frequency of consideration of amendments~~  
2618 | ~~to the local comprehensive plan.~~

2619 |     ~~10.(h)~~ Any comprehensive plan amendments for port  
2620 | transportation facilities and projects that are eligible for  
2621 | funding by the Florida Seaport Transportation and Economic  
2622 | Development Council pursuant to s. 311.07.

2623 |     ~~(i)~~ A comprehensive plan amendment for the purpose of  
2624 | designating an urban infill and redevelopment area under s.

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2625 ~~163.2517 may be approved without regard to the statutory limits~~  
2626 ~~on the frequency of amendments to the comprehensive plan.~~

2627 11.(j) Any comprehensive plan amendment to establish public  
2628 school concurrency pursuant to s. 163.3180(13), including, but  
2629 not limited to, adoption of a public school facilities element  
2630 pursuant to s. 163.3177(12) and adoption of amendments to the  
2631 capital improvements element and intergovernmental coordination  
2632 element. In order to ensure the consistency of local government  
2633 public school facilities elements within a county, such elements  
2634 must ~~shall~~ be prepared and adopted on a similar time schedule.

2635 ~~(k) A local comprehensive plan amendment directly related~~  
2636 ~~to providing transportation improvements to enhance life safety~~  
2637 ~~on Controlled Access Major Arterial Highways identified in the~~  
2638 ~~Florida Intrastate Highway System, in counties as defined in s.~~  
2639 ~~125.011, where such roadways have a high incidence of traffic~~  
2640 ~~accidents resulting in serious injury or death. Any such~~  
2641 ~~amendment shall not include any amendment modifying the~~  
2642 ~~designation on a comprehensive development plan land use map nor~~  
2643 ~~any amendment modifying the allowable densities or intensities of~~  
2644 ~~any land.~~

2645 ~~(l) A comprehensive plan amendment to adopt a public~~  
2646 ~~educational facilities element pursuant to s. 163.3177(12) and~~  
2647 ~~future land-use map amendments for school siting may be approved~~  
2648 ~~notwithstanding statutory limits on the frequency of adopting~~  
2649 ~~plan amendments.~~

2650 ~~(m) A comprehensive plan amendment that addresses criteria~~  
2651 ~~or compatibility of land uses adjacent to or in close proximity~~  
2652 ~~to military installations in a local government's future land use~~

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2653 ~~element does not count toward the limitation on the frequency of~~  
2654 ~~the plan amendments.~~

2655 ~~(n) Any local government comprehensive plan amendment~~  
2656 ~~establishing or implementing a rural land stewardship area~~  
2657 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

2658 ~~(o) A comprehensive plan amendment that is submitted by an~~  
2659 ~~area designated by the Governor as a rural area of critical~~  
2660 ~~economic concern under s. 288.0656(7) and that meets the economic~~  
2661 ~~development objectives may be approved without regard to the~~  
2662 ~~statutory limits on the frequency of adoption of amendments to~~  
2663 ~~the comprehensive plan.~~

2664 ~~(p) Any local government comprehensive plan amendment that~~  
2665 ~~is consistent with the local housing incentive strategies~~  
2666 ~~identified in s. 420.9076 and authorized by the local government.~~

2667 12. Any local government comprehensive plan amendment  
2668 adopted pursuant to a final order issued by the Administration  
2669 Commission or Florida Land and Water Adjudicatory Commission.

2670 13. A future land use map amendment including not more than  
2671 20 acres within an area designated by the Governor as a rural  
2672 area of critical economic concern under s. 288.0656(7) for the  
2673 duration of such designation. Before the adoption of such an  
2674 amendment, the local government shall obtain from the Office of  
2675 Tourism, Trade, and Economic Development written certification  
2676 that the plan amendment furthers the economic objectives set  
2677 forth in the executive order issued under s. 288.0656(7). The  
2678 property subject to the plan amendment is subject to all  
2679 concurrency requirements and federal, state, and local  
2680 environmental permit requirements.

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2681        14. Future land use map amendments and any associated  
2682 special area policies that exist for affordable housing and  
2683 qualify for expedited review under s. 163.32461.

2684        (3)~~(2)~~ Comprehensive plans may only be amended in such a  
2685 way as to preserve the internal consistency of the plan pursuant  
2686 to s. 163.3177(2). Corrections, updates, or modifications of  
2687 current costs which were set out as part of the comprehensive  
2688 plan shall not, for the purposes of this act, be deemed to be  
2689 amendments.

2690        (4)~~(3)~~(a) The state land planning agency shall not review  
2691 or issue a notice of intent for small scale development  
2692 amendments which satisfy the requirements of paragraph (2) (b) 3.  
2693 ~~(1) (e)~~. Any affected person may file a petition with the Division  
2694 of Administrative Hearings pursuant to ss. 120.569 and 120.57 to  
2695 request a hearing to challenge the compliance of a small scale  
2696 development amendment with this act within 30 days following the  
2697 local government's adoption of the amendment, shall serve a copy  
2698 of the petition on the local government, and shall furnish a copy  
2699 to the state land planning agency. An administrative law judge  
2700 shall hold a hearing in the affected jurisdiction not less than  
2701 30 days nor more than 60 days following the filing of a petition  
2702 and the assignment of an administrative law judge. The parties to  
2703 a hearing held pursuant to this subsection shall be the  
2704 petitioner, the local government, and any intervenor. In the  
2705 proceeding, the local government's determination that the small  
2706 scale development amendment is in compliance is presumed to be  
2707 correct. The local government's determination shall be sustained  
2708 unless it is shown by a preponderance of the evidence that the  
2709 amendment is not in compliance with the requirements of this act.

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2710 In any proceeding initiated pursuant to this subsection, the  
2711 state land planning agency may intervene.

2712 (b)1. If the administrative law judge recommends that the  
2713 small scale development amendment be found not in compliance, the  
2714 administrative law judge shall submit the recommended order to  
2715 the Administration Commission for final agency action. If the  
2716 administrative law judge recommends that the small scale  
2717 development amendment be found in compliance, the administrative  
2718 law judge shall submit the recommended order to the state land  
2719 planning agency.

2720 2. If the state land planning agency determines that the  
2721 plan amendment is not in compliance, the agency shall submit,  
2722 within 30 days following its receipt, the recommended order to  
2723 the Administration Commission for final agency action. If the  
2724 state land planning agency determines that the plan amendment is  
2725 in compliance, the agency shall enter a final order within 30  
2726 days following its receipt of the recommended order.

2727 (c) Small scale development amendments shall not become  
2728 effective until 31 days after adoption. If challenged within 30  
2729 days after adoption, small scale development amendments shall not  
2730 become effective until the state land planning agency or the  
2731 Administration Commission, respectively, issues a final order  
2732 determining that the adopted small scale development amendment is  
2733 in compliance. However, a small-scale amendment shall not become  
2734 effective until it has been rendered to the state land planning  
2735 agency as required by sub-subparagraph (1) (d)2.b. and the state  
2736 land planning agency has certified to the local government in  
2737 writing that the amendment qualifies as a small-scale amendment.

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2738        (5)~~(4)~~ Each governing body shall transmit to the state land  
2739 planning agency a current copy of its comprehensive plan not  
2740 later than December 1, 1985. Each governing body shall also  
2741 transmit copies of any amendments it adopts to its comprehensive  
2742 plan so as to continually update the plans on file with the state  
2743 land planning agency.

2744        (6)~~(5)~~ Nothing in this part is intended to prohibit or  
2745 limit the authority of local governments to require that a person  
2746 requesting an amendment pay some or all of the cost of public  
2747 notice.

2748        (7)~~(6)~~(a) A ~~No~~ local government may not amend its  
2749 comprehensive plan after the date established by the state land  
2750 planning agency for adoption of its evaluation and appraisal  
2751 report unless it has submitted its report or addendum to the  
2752 state land planning agency as prescribed by s. 163.3191, except  
2753 for plan amendments described in paragraph (2) (b) 2. ~~(1) (b)~~ or  
2754 paragraph (2) (b) 10. ~~(1) (h)~~.

2755        (b) A local government may amend its comprehensive plan  
2756 after it has submitted its adopted evaluation and appraisal  
2757 report and for a period of 1 year after the initial determination  
2758 of sufficiency regardless of whether the report has been  
2759 determined to be insufficient.

2760        (c) A local government may not amend its comprehensive  
2761 plan, except for plan amendments described in paragraph (2) (b) 2.  
2762 ~~(1) (b)~~, if the 1-year period after the initial sufficiency  
2763 determination of the report has expired and the report has not  
2764 been determined to be sufficient.

2765        (d) When the state land planning agency has determined that  
2766 the report has sufficiently addressed all pertinent provisions of



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2767 | s. 163.3191, the local government may amend its comprehensive  
2768 | plan without the limitations imposed by paragraph (a) or  
2769 | paragraph (c).

2770 | (e) Any plan amendment which a local government attempts to  
2771 | adopt in violation of paragraph (a) or paragraph (c) is invalid,  
2772 | but such invalidity may be overcome if the local government  
2773 | readopts the amendment and transmits the amendment to the state  
2774 | land planning agency pursuant to s. 163.3184(7) after the report  
2775 | is determined to be sufficient.

2776 | Section 10. Section 163.3245, Florida Statutes, is amended  
2777 | to read:

2778 | 163.3245 Optional sector plans.--

2779 | (1) In recognition of the benefits of large-scale  
2780 | ~~conceptual long-range planning for the buildout of an area, and~~  
2781 | ~~detailed planning for specific areas, as a demonstration project,~~  
2782 | ~~the requirements of s. 380.06 may be addressed as identified by~~  
2783 | ~~this section for up to five~~ local governments or combinations of  
2784 | local governments may ~~which~~ adopt into their ~~the~~ comprehensive  
2785 | plans ~~plan~~ an optional sector plan in accordance with this  
2786 | section. This section is intended to further the intent of s.  
2787 | 163.3177(11), ~~which~~ supports innovative and flexible planning and  
2788 | development strategies, ~~and~~ the purposes of this part, ~~and~~ part I  
2789 | of chapter 380, and to avoid duplication of effort in terms of  
2790 | the level of data and analysis required for a development of  
2791 | regional impact, ~~while~~ ensuring the adequate mitigation of  
2792 | impacts to applicable regional resources and facilities,  
2793 | including those within the jurisdiction of other local  
2794 | governments, as would otherwise be provided. Optional sector  
2795 | plans are intended for substantial geographic areas which include

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2796 including at least 10,000 contiguous ~~5,000~~ acres of one or more  
2797 local governmental jurisdictions and ~~are~~ to emphasize urban form  
2798 and protection of regionally significant resources and  
2799 facilities. ~~The state land planning agency may approve optional~~  
2800 ~~sector plans of less than 5,000 acres based on local~~  
2801 ~~circumstances if it is determined that the plan would further the~~  
2802 ~~purposes of this part and part I of chapter 380. Preparation of~~  
2803 ~~an optional sector plan is authorized by agreement between the~~  
2804 ~~state land planning agency and the applicable local governments~~  
2805 ~~under s. 163.3171(4). An optional sector plan may be adopted~~  
2806 ~~through one or more comprehensive plan amendments under s.~~  
2807 ~~163.3184. However, an optional sector plan may not be authorized~~  
2808 ~~in an area of critical state concern.~~

2809 (2) ~~The state land planning agency may enter into an~~  
2810 ~~agreement to authorize preparation of an optional sector plan~~  
2811 ~~upon the request of one or more local governments based on~~  
2812 ~~consideration of problems and opportunities presented by existing~~  
2813 ~~development trends; the effectiveness of current comprehensive~~  
2814 ~~plan provisions; the potential to further the state comprehensive~~  
2815 ~~plan, applicable strategic regional policy plans, this part, and~~  
2816 ~~part I of chapter 380; and those factors identified by s.~~  
2817 ~~163.3177(10)(i). The applicable regional planning council shall~~  
2818 ~~conduct a scoping meeting with affected local governments and~~  
2819 ~~those agencies identified in s. 163.3184(4) before the local~~  
2820 ~~government may consider the sector plan amendments for~~  
2821 ~~transmittal execution of the agreement authorized by this~~  
2822 ~~section. The purpose of this meeting is to assist the state land~~  
2823 ~~planning agency and the local government in identifying the~~  
2824 ~~identification of the relevant planning issues to be addressed~~

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2825 and the data and resources available to assist in the preparation  
2826 of the subsequent plan amendments. The regional planning council  
2827 shall make written recommendations to the state land planning  
2828 agency and affected local governments relating to, ~~including~~  
2829 ~~whether a sustainable sector plan would be appropriate. The~~  
2830 ~~agreement must define~~ the geographic area to be subject to the  
2831 sector plan, the planning issues that will be emphasized,  
2832 requirements for intergovernmental coordination to address  
2833 extrajurisdictional impacts, supporting application materials  
2834 including data and analysis, and procedures for public  
2835 participation. ~~An agreement may address previously adopted sector~~  
2836 ~~plans that are consistent with the standards in this section.~~  
2837 ~~Before executing an agreement under this subsection, the local~~  
2838 ~~government shall hold a duly noticed public workshop to review~~  
2839 ~~and explain to the public the optional sector planning process~~  
2840 ~~and the terms and conditions of the proposed agreement. The local~~  
2841 ~~government shall hold a duly noticed public hearing to execute~~  
2842 ~~the agreement.~~ All meetings between the state land planning  
2843 agency department and the local government must be open to the  
2844 public.

2845 (3) Optional sector planning encompasses two levels:  
2846 adoption under s. 163.3184 of a conceptual long-term overlay plan  
2847 as part of buildout overlay ~~to the comprehensive plan, having no~~  
2848 ~~immediate effect on the issuance of development orders or the~~  
2849 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~  
2850 detailed specific area plans that implement the conceptual long-  
2851 term overlay plan ~~buildout overlay~~ and authorize issuance of  
2852 development orders, and within which s. 380.06 is waived. Upon  
2853 adoption of a conceptual long-term overlay plan, the underlying

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2854 future land use designations may be used only if consistent with  
2855 the plan and its implementing goals, objectives, and policies.  
2856 ~~Until such time as a detailed specific area plan is adopted, the~~  
2857 ~~underlying future land use designations apply.~~

2858 (a) In addition to the other requirements of this chapter,  
2859 a conceptual long-term overlay plan adopted pursuant to s.  
2860 163.3184 buildout overlay must include maps and text supported by  
2861 data and analysis that address the following:

2862 1. A long-range conceptual overlay plan framework map that,  
2863 at a minimum, identifies the maximum and minimum amounts,  
2864 densities, intensities, and types of allowable development and  
2865 generally depicts ~~anticipated~~ areas of urban, agricultural,  
2866 rural, and conservation land use.

2867 2. A general identification of regionally significant  
2868 public facilities ~~consistent with chapter 9J-2, Florida~~  
2869 ~~Administrative Code~~, irrespective of local governmental  
2870 jurisdiction, necessary to support buildout of the anticipated  
2871 future land uses, and policies setting forth the procedures to be  
2872 used to address and mitigate these impacts as part of the  
2873 adoption of detailed specific area plans.

2874 3. A general identification of regionally significant  
2875 natural resources and policies ensuring the protection and  
2876 conservation of these resources ~~consistent with chapter 9J-2,~~  
2877 ~~Florida Administrative Code.~~

2878 4. Principles and guidelines that address the urban form  
2879 and interrelationships of anticipated future land uses, and a  
2880 ~~discussion, at the applicant's option, of the extent, if any, to~~  
2881 ~~which the plan will address~~ restoring key ecosystems, achieving a  
2882 more clean, healthy environment, limiting urban sprawl within the

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2883 sector plan and surrounding area, providing affordable and  
2884 workforce housing, promoting energy-efficient land use patterns,  
2885 protecting wildlife and natural areas, advancing the efficient  
2886 use of land and other resources, and creating quality communities  
2887 and jobs.

2888 5. Identification of general procedures to ensure  
2889 intergovernmental coordination to address extrajurisdictional  
2890 impacts from the long-range conceptual overlay plan framework  
2891 ~~map~~.

2892 (b) In addition to the other requirements of this chapter,  
2893 including those in paragraph (a), the detailed specific area  
2894 plans must include:

2895 1. An area of adequate size to accommodate a level of  
2896 development which achieves a functional relationship between a  
2897 ~~full~~ range of land uses within the area and encompasses ~~to~~  
2898 ~~encompass~~ at least 1,000 acres. ~~The state land planning agency~~  
2899 ~~may approve detailed specific area plans of less than 1,000 acres~~  
2900 ~~based on local circumstances if it is determined that the plan~~  
2901 ~~furtheres the purposes of this part and part I of chapter 380.~~

2902 2. Detailed identification and analysis of the minimum and  
2903 maximum amounts, densities, intensities, distribution, extent,  
2904 and location of future land uses.

2905 3. Detailed identification of regionally significant public  
2906 facilities, including public facilities outside the jurisdiction  
2907 of the host local government, anticipated impacts of future land  
2908 uses on those facilities, and required improvements consistent  
2909 with the policies accompanying the plan and, for transportation,  
2910 with rule 9J-2.045 ~~chapter 9J-2~~, Florida Administrative Code.

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2911 4. Public facilities necessary for the short term,  
2912 including developer contributions in a financially feasible 5-  
2913 year capital improvement schedule of the affected local  
2914 government.

2915 5. Detailed analysis and identification of specific  
2916 measures to assure the protection of regionally significant  
2917 natural resources and other important resources both within and  
2918 outside the host jurisdiction, ~~including those regionally~~  
2919 ~~significant resources identified in chapter 9J-2, Florida~~  
2920 ~~Administrative Code.~~

2921 6. Principles and guidelines that address the urban form  
2922 and interrelationships of anticipated future land uses ~~and a~~  
2923 ~~discussion, at the applicant's option, of the extent, if any, to~~  
2924 ~~which the plan will address~~ restoring key ecosystems, achieving a  
2925 more clean, healthy environment, limiting urban sprawl, providing  
2926 affordable and workforce housing, promoting energy-efficient land  
2927 use patterns, protecting wildlife and natural areas, advancing  
2928 the efficient use of land and other resources, and creating  
2929 quality communities and jobs.

2930 7. Identification of specific procedures to ensure  
2931 intergovernmental coordination that addresses ~~to address~~  
2932 extrajurisdictional impacts of the detailed specific area plan.

2933 (c) This subsection does ~~may not be construed to~~ prevent  
2934 preparation and approval of the optional sector plan and detailed  
2935 specific area plan concurrently or in the same submission.

2936 ~~(4) The host local government shall submit a monitoring~~  
2937 ~~report to the state land planning agency and applicable regional~~  
2938 ~~planning council on an annual basis after adoption of a detailed~~  
2939 ~~specific area plan. The annual monitoring report must provide~~

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2940 ~~summarized information on development orders issued, development~~  
2941 ~~that has occurred, public facility improvements made, and public~~  
2942 ~~facility improvements anticipated over the upcoming 5 years.~~

2943 (4) ~~(5)~~ If ~~When~~ a plan amendment adopting a detailed  
2944 specific area plan has become effective under ss. 163.3184 and  
2945 163.3189(2), the provisions of s. 380.06 do not apply to  
2946 development within the geographic area of the detailed specific  
2947 area plan. However, any development-of-regional-impact  
2948 development order that is vested from the detailed specific area  
2949 plan may be enforced under s. 380.11.

2950 (a) The local government adopting the detailed specific  
2951 area plan is primarily responsible for monitoring and enforcing  
2952 the detailed specific area plan. Local governments may ~~shall~~ not  
2953 issue any permits or approvals or provide any extensions of  
2954 services to development that are not consistent with the detailed  
2955 sector area plan.

2956 (b) If the state land planning agency has reason to believe  
2957 that a violation of any detailed specific area plan, or of any  
2958 agreement entered into under this section, has occurred or is  
2959 about to occur, it may institute an administrative or judicial  
2960 proceeding to prevent, abate, or control the conditions or  
2961 activity creating the violation, ~~using~~ the procedures in s.  
2962 380.11.

2963 ~~(c) In instituting an administrative or judicial proceeding~~  
2964 ~~involving an optional sector plan or detailed specific area plan,~~  
2965 ~~including a proceeding pursuant to paragraph (b), the complaining~~  
2966 ~~party shall comply with the requirements of s. 163.3215(4), (5),~~  
2967 ~~(6), and (7).~~

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2968           ~~(6) Beginning December 1, 1999, and each year thereafter,~~  
2969 ~~the department shall provide a status report to the Legislative~~  
2970 ~~Committee on Intergovernmental Relations regarding each optional~~  
2971 ~~sector plan authorized under this section.~~

2972           (5)~~(7)~~ This section does ~~may not be construed to~~ abrogate  
2973 the rights of any person under this chapter.

2974           Section 11. Section 163.3246, Florida Statutes, is amended  
2975 to read:

2976           163.3246 Local Government Comprehensive Planning  
2977 Certification Program.--

2978           (1) The Legislature finds that ~~There is created~~ the Local  
2979 Government Comprehensive Planning Certification Program has had a  
2980 low level of interest from and participation by local  
2981 governments. New approaches, such as the Alternative State Review  
2982 Process Pilot Program, provide a more effective approach to  
2983 expediting and streamlining comprehensive plan amendment review.  
2984 Therefore, the Local Government Comprehensive Planning  
2985 Certification Program is discontinued and no additional local  
2986 governments may be certified. The municipalities of Freeport,  
2987 Lakeland, Miramar, and Orlando may continue to adopt amendments  
2988 in accordance with this section and their certification agreement  
2989 or certification notice. ~~to be administered by the Department of~~  
2990 ~~Community Affairs. The purpose of the program is to create a~~  
2991 ~~certification process for local governments who identify a~~  
2992 ~~geographic area for certification within which they commit to~~  
2993 ~~directing growth and who, because of a demonstrated record of~~  
2994 ~~effectively adopting, implementing, and enforcing its~~  
2995 ~~comprehensive plan, the level of technical planning experience~~  
2996 ~~exhibited by the local government, and a commitment to implement~~



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2997 ~~exemplary planning practices, require less state and regional~~  
2998 ~~oversight of the comprehensive plan amendment process. The~~  
2999 ~~purpose of the certification area is to designate areas that are~~  
3000 ~~contiguous, compact, and appropriate for urban growth and~~  
3001 ~~development within a 10-year planning timeframe. Municipalities~~  
3002 ~~and counties are encouraged to jointly establish the~~  
3003 ~~certification area, and subsequently enter into joint~~  
3004 ~~certification agreement with the department.~~

3005 ~~(2) In order to be eligible for certification under the~~  
3006 ~~program, the local government must:~~

3007 ~~(a) Demonstrate a record of effectively adopting,~~  
3008 ~~implementing, and enforcing its comprehensive plan;~~

3009 ~~(b) Demonstrate technical, financial, and administrative~~  
3010 ~~expertise to implement the provisions of this part without state~~  
3011 ~~oversight;~~

3012 ~~(c) Obtain comments from the state and regional review~~  
3013 ~~agencies regarding the appropriateness of the proposed~~  
3014 ~~certification;~~

3015 ~~(d) Hold at least one public hearing soliciting public~~  
3016 ~~input concerning the local government's proposal for~~  
3017 ~~certification; and~~

3018 ~~(e) Demonstrate that it has adopted programs in its local~~  
3019 ~~comprehensive plan and land development regulations which:~~

3020 ~~1. Promote infill development and redevelopment, including~~  
3021 ~~prioritized and timely permitting processes in which applications~~  
3022 ~~for local development permits within the certification area are~~  
3023 ~~acted upon expeditiously for proposed development that is~~  
3024 ~~consistent with the local comprehensive plan.~~

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3025 ~~2. Promote the development of housing for low-income and~~  
3026 ~~very-low-income households or specialized housing to assist~~  
3027 ~~elderly and disabled persons to remain at home or in independent~~  
3028 ~~living arrangements.~~

3029 ~~3. Achieve effective intergovernmental coordination and~~  
3030 ~~address the extrajurisdictional effects of development within the~~  
3031 ~~certified area.~~

3032 ~~4. Promote economic diversity and growth while encouraging~~  
3033 ~~the retention of rural character, where rural areas exist, and~~  
3034 ~~the protection and restoration of the environment.~~

3035 ~~5. Provide and maintain public urban and rural open space~~  
3036 ~~and recreational opportunities.~~

3037 ~~6. Manage transportation and land uses to support public~~  
3038 ~~transit and promote opportunities for pedestrian and nonmotorized~~  
3039 ~~transportation.~~

3040 ~~7. Use design principles to foster individual community~~  
3041 ~~identity, create a sense of place, and promote pedestrian-~~  
3042 ~~oriented safe neighborhoods and town centers.~~

3043 ~~8. Redevelop blighted areas.~~

3044 ~~9. Adopt a local mitigation strategy and have programs to~~  
3045 ~~improve disaster preparedness and the ability to protect lives~~  
3046 ~~and property, especially in coastal high-hazard areas.~~

3047 ~~10. Encourage clustered, mixed-use development that~~  
3048 ~~incorporates greenspace and residential development within~~  
3049 ~~walking distance of commercial development.~~

3050 ~~11. Encourage urban infill at appropriate densities and~~  
3051 ~~intensities and separate urban and rural uses and discourage~~  
3052 ~~urban sprawl while preserving public open space and planning for~~

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3053 ~~buffer-type land uses and rural development consistent with their~~  
3054 ~~respective character along and outside the certification area.~~

3055 ~~12. Assure protection of key natural areas and agricultural~~  
3056 ~~lands that are identified using state and local inventories of~~  
3057 ~~natural areas. Key natural areas include, but are not limited to:~~

3058 ~~a. Wildlife corridors.~~

3059 ~~b. Lands with high native biological diversity, important~~  
3060 ~~areas for threatened and endangered species, species of special~~  
3061 ~~concern, migratory bird habitat, and intact natural communities.~~

3062 ~~c. Significant surface waters and springs, aquatic~~  
3063 ~~preserves, wetlands, and outstanding Florida waters.~~

3064 ~~d. Water resources suitable for preservation of natural~~  
3065 ~~systems and for water resource development.~~

3066 ~~e. Representative and rare native Florida natural systems.~~

3067 ~~13. Ensure the cost-efficient provision of public~~  
3068 ~~infrastructure and services.~~

3069 ~~(3) Portions of local governments located within areas of~~  
3070 ~~critical state concern cannot be included in a certification~~  
3071 ~~area.~~

3072 ~~(4) A local government or group of local governments~~  
3073 ~~seeking certification of all or part of a jurisdiction or~~  
3074 ~~jurisdictions must submit an application to the department which~~  
3075 ~~demonstrates that the area sought to be certified meets the~~  
3076 ~~criteria of subsections (2) and (5). The application shall~~  
3077 ~~include copies of the applicable local government comprehensive~~  
3078 ~~plan, land development regulations, interlocal agreements, and~~  
3079 ~~other relevant information supporting the eligibility criteria~~  
3080 ~~for designation. Upon receipt of a complete application, the~~  
3081 ~~department must provide the local government with an initial~~

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3082 ~~response to the application within 90 days after receipt of the~~  
3083 ~~application.~~

3084 ~~(5) If the local government meets the eligibility criteria~~  
3085 ~~of subsection (2), the department shall certify all or part of a~~  
3086 ~~local government by written agreement, which shall be considered~~  
3087 ~~final agency action subject to challenge under s. 120.569.~~

3088 (2) The agreement for the municipalities of Lakeland,  
3089 Miramar, and Orlando must include the following components:

3090 (a) The basis for certification.

3091 (b) The boundary of the certification area, which  
3092 encompasses areas that are contiguous, compact, appropriate for  
3093 urban growth and development, and in which public infrastructure  
3094 exists ~~is existing~~ or is planned within a 10-year planning  
3095 timeframe. The certification area must ~~is required to~~ include  
3096 sufficient land to accommodate projected population growth,  
3097 housing demand, including choice in housing types and  
3098 affordability, job growth and employment, appropriate densities  
3099 and intensities of use to be achieved in new development and  
3100 redevelopment, existing or planned infrastructure, including  
3101 transportation and central water and sewer facilities. The  
3102 certification area must be adopted as part of the local  
3103 government's comprehensive plan.

3104 (c) A demonstration that the capital improvements plan  
3105 governing the certified area is updated annually.

3106 (d) A visioning plan or a schedule for the development of a  
3107 visioning plan.

3108 (e) A description of baseline conditions related to the  
3109 evaluation criteria in paragraph (g) in the certified area.

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3110 (f) A work program setting forth specific planning  
3111 strategies and projects that will be undertaken to achieve  
3112 improvement in the baseline conditions as measured by the  
3113 criteria identified in paragraph (g).

3114 (g) Criteria to evaluate the effectiveness of the  
3115 certification process in achieving the community-development  
3116 goals for the certification area including:

3117 1. Measuring the compactness of growth, expressed as the  
3118 ratio between population growth and land consumed;

3119 2. Increasing residential density and intensities of use;

3120 3. Measuring and reducing vehicle miles traveled and  
3121 increasing the interconnectedness of the street system,  
3122 pedestrian access, and mass transit;

3123 4. Measuring the balance between the location of jobs and  
3124 housing;

3125 5. Improving the housing mix within the certification area,  
3126 including the provision of mixed-use neighborhoods, affordable  
3127 housing, and the creation of an affordable housing program if  
3128 ~~such~~ a program is not already in place;

3129 6. Promoting mixed-use developments as an alternative to  
3130 single-purpose centers;

3131 7. Promoting clustered development having dedicated open  
3132 space;

3133 8. Linking commercial, educational, and recreational uses  
3134 directly to residential growth;

3135 9. Reducing per capita water and energy consumption;

3136 10. Prioritizing environmental features to be protected and  
3137 adopting measures or programs to protect identified features;

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3138 11. Reducing hurricane shelter deficits and evacuation  
3139 times and implementing the adopted mitigation strategies; and

3140 12. Improving coordination between the local government and  
3141 school board.

3142 (h) A commitment to change any land development regulations  
3143 that restrict compact development and adopt alternative design  
3144 codes that encourage desirable densities and intensities of use  
3145 and patterns of compact development identified in the agreement.

3146 (i) A plan for increasing public participation in  
3147 comprehensive planning and land use decisionmaking which includes  
3148 outreach to neighborhood and civic associations through community  
3149 planning initiatives.

3150 (j) A demonstration that the intergovernmental coordination  
3151 element of the local government's comprehensive plan includes  
3152 joint processes for coordination between the school board and  
3153 local government pursuant to s. 163.3177(6)(h)2. and other  
3154 requirements of law.

3155 (k) A method of addressing the extrajurisdictional effects  
3156 of development within the certified area, which is integrated by  
3157 amendment into the intergovernmental coordination element of the  
3158 local government comprehensive plan.

3159 (l) A requirement for the annual reporting to the state  
3160 land planning agency ~~department~~ of plan amendments adopted during  
3161 the year, and the progress of the local government in meeting the  
3162 terms and conditions of the certification agreement. Prior to the  
3163 deadline for the annual report, the local government must hold a  
3164 public hearing soliciting public input on the progress of the  
3165 local government in satisfying the terms of the certification  
3166 agreement.

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3167 (m) An expiration date that is within ~~no later than~~ 10  
3168 years after execution of the agreement.

3169 ~~(6) The department may enter up to eight new certification~~  
3170 ~~agreements each fiscal year. The department shall adopt~~  
3171 ~~procedural rules governing the application and review of local~~  
3172 ~~government requests for certification. Such procedural rules may~~  
3173 ~~establish a phased schedule for review of local government~~  
3174 ~~requests for certification.~~

3175 (3) For the municipality of Freeport, the notice of  
3176 certification shall include the following components:

3177 (a) The boundary of the certification area.

3178 (b) A report to the state land planning agency according to  
3179 the schedule provided in the written notice. The monitoring  
3180 report shall, at a minimum, include the number of amendments to  
3181 the comprehensive plan adopted by the local government, the  
3182 number of plan amendments challenged by an affected person, and  
3183 the disposition of those challenges.

3184 (c) Notwithstanding any other subsections, the municipality  
3185 of Freeport shall remain certified for as long as it is  
3186 designated as a rural area of critical economic concern.

3187 (4) If the municipality of Freeport does not request that  
3188 the state land planning agency review the developments of  
3189 regional impact that are proposed within the certified area, an  
3190 application for approval of a development order within the  
3191 certified area shall be exempt from review under s. 380.06,  
3192 subject to the following:

3193 (a) Concurrent with filing an application for development  
3194 approval with the local government, a developer proposing a  
3195 project that would have been subject to review pursuant to s.

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3196 380.06 shall notify in writing the regional planning council that  
3197 has jurisdiction.

3198 (b) The regional planning council shall coordinate with the  
3199 developer and the local government to ensure that all concurrency  
3200 requirements as well as federal, state, and local environmental  
3201 permit requirements are met.

3202 (5) (7) The state land planning agency ~~department~~ shall  
3203 revoke the local government's certification if it determines that  
3204 the local government is not substantially complying with the  
3205 terms of the agreement.

3206 (6) (8) An affected person, as defined in s. 163.3184(1) ~~by~~  
3207 ~~s. 163.3184(1) (a)~~, may petition for an administrative hearing  
3208 alleging that a local government is not substantially complying  
3209 with the terms of the agreement, using the procedures and  
3210 timeframes for notice and conditions precedent described in s.  
3211 163.3213. Such ~~a~~ petition must be filed within 30 days after the  
3212 annual public hearing required by paragraph (2) (1) ~~(5) (1)~~.

3213 (7) (9) (a) ~~Upon certification~~ All comprehensive plan  
3214 amendments associated with the area certified must be adopted and  
3215 reviewed in the manner described in ss. 163.3184(1), (2), (7),  
3216 (14), (15), and (16) and 163.3187, such that state and regional  
3217 agency review is eliminated. The state land planning agency  
3218 ~~department~~ may not issue any objections, recommendations, and  
3219 comments report on proposed plan amendments or a notice of intent  
3220 on adopted plan amendments; however, affected persons, as defined  
3221 in s. 163.3184(1) ~~by s. 163.3184(1) (a)~~, may file a petition for  
3222 administrative review pursuant to ~~the requirements of~~ s.  
3223 163.3187(3) (a) to challenge the compliance of an adopted plan  
3224 amendment.



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3225 (b) Plan amendments that change the boundaries of the  
3226 certification area; propose a rural land stewardship area  
3227 pursuant to s. 163.3177(11) (d); propose an optional sector plan  
3228 pursuant to s. 163.3245; propose a school facilities element;  
3229 update a comprehensive plan based on an evaluation and appraisal  
3230 report; impact lands outside the certification boundary;  
3231 implement new statutory requirements that require specific  
3232 comprehensive plan amendments; or increase hurricane evacuation  
3233 times or the need for shelter capacity on lands within the  
3234 coastal high-hazard area shall be reviewed pursuant to ss.  
3235 163.3184 and 163.3187.

3236 ~~(10) Notwithstanding subsections (2), (4), (5), (6), and~~  
3237 ~~(7), any municipality designated as a rural area of critical~~  
3238 ~~economic concern pursuant to s. 288.0656 which is located within~~  
3239 ~~a county eligible to levy the Small County Surtax under s.~~  
3240 ~~212.055(3) shall be considered certified during the effectiveness~~  
3241 ~~of the designation of rural area of critical economic concern.~~  
3242 ~~The state land planning agency shall provide a written notice of~~  
3243 ~~certification to the local government of the certified area,~~  
3244 ~~which shall be considered final agency action subject to~~  
3245 ~~challenge under s. 120.569. The notice of certification shall~~  
3246 ~~include the following components:~~

3247 ~~(a) The boundary of the certification area.~~

3248 ~~(b) A requirement that the local government submit either~~  
3249 ~~an annual or biennial monitoring report to the state land~~  
3250 ~~planning agency according to the schedule provided in the written~~  
3251 ~~notice. The monitoring report shall, at a minimum, include the~~  
3252 ~~number of amendments to the comprehensive plan adopted by the~~

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3253 ~~local government, the number of plan amendments challenged by an~~  
3254 ~~affected person, and the disposition of those challenges.~~

3255 ~~(11) If the local government of an area described in~~  
3256 ~~subsection (10) does not request that the state land planning~~  
3257 ~~agency review the developments of regional impact that are~~  
3258 ~~proposed within the certified area, an application for approval~~  
3259 ~~of a development order within the certified area shall be exempt~~  
3260 ~~from review under s. 380.06, subject to the following:~~

3261 ~~(a) Concurrent with filing an application for development~~  
3262 ~~approval with the local government, a developer proposing a~~  
3263 ~~project that would have been subject to review pursuant to s.~~  
3264 ~~380.06 shall notify in writing the regional planning council with~~  
3265 ~~jurisdiction.~~

3266 ~~(b) The regional planning council shall coordinate with the~~  
3267 ~~developer and the local government to ensure that all concurrency~~  
3268 ~~requirements as well as federal, state, and local environmental~~  
3269 ~~permit requirements are met.~~

3270 ~~(8)(12)~~ A local government's certification shall be  
3271 reviewed by the local government and the state land planning  
3272 agency department as part of the evaluation and appraisal process  
3273 pursuant to s. 163.3191. Within 1 year after the deadline for the  
3274 local government to update its comprehensive plan based on the  
3275 evaluation and appraisal report, the state land planning agency  
3276 department shall renew or revoke the certification. The local  
3277 government's failure to adopt a timely evaluation and appraisal  
3278 report, ~~failure to~~ adopt an evaluation and appraisal report found  
3279 to be sufficient, or ~~failure to~~ timely adopt amendments based on  
3280 an evaluation and appraisal report found to be in compliance by  
3281 the state land planning agency department shall be cause for

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3282 revoking the certification agreement. The state land planning  
3283 agency's department's decision to renew or revoke is shall be  
3284 considered agency action subject to challenge under s. 120.569.

3285 ~~(13) The department shall, by July 1 of each odd-numbered~~  
3286 ~~year, submit to the Governor, the President of the Senate, and~~  
3287 ~~the Speaker of the House of Representatives a report listing~~  
3288 ~~certified local governments, evaluating the effectiveness of the~~  
3289 ~~certification, and including any recommendations for legislative~~  
3290 ~~actions.~~

3291 ~~(14) The Office of Program Policy Analysis and Government~~  
3292 ~~Accountability shall prepare a report evaluating the~~  
3293 ~~certification program, which shall be submitted to the Governor,~~  
3294 ~~the President of the Senate, and the Speaker of the House of~~  
3295 ~~Representatives by December 1, 2007.~~

3296 Section 12. Section 163.32461, Florida Statutes, is created  
3297 to read:

3298 163.32461 Affordable housing growth strategies.--

3299 (1) LEGISLATIVE INTENT.--The Legislature recognizes the  
3300 acute need to increase the availability of affordable housing in  
3301 the state consistent this section, the state comprehensive plan,  
3302 and the State Housing Strategy Act. The Legislature also  
3303 recognizes that construction costs increase as the result of  
3304 regulatory delays in approving the development of affordable  
3305 housing. The Legislature further recognizes that the state's  
3306 growth management laws can be amended in a manner that encourages  
3307 the development of affordable housing. Therefore, it is the  
3308 intent of the Legislature that state review of comprehensive plan  
3309 amendments and local government review of development proposals  
3310 that provide for affordable housing be streamlined and expedited.

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3311 (2) DEFINITIONS.--For purposes of this section, the term:  
3312 (a) "Density bonus" means an increase in the number of on-  
3313 site, market-rate units that provide an incentive for the  
3314 construction of affordable housing.  
3315 (b) "Development" has the same meaning as in s. 380.04.  
3316 (c) "Long-term affordable housing unit" means housing that  
3317 is affordable to individuals or families whose total annual  
3318 household income does not exceed 120 percent of the area median  
3319 income adjusted for household size or, if located in a county in  
3320 which the median purchase price for an existing single-family  
3321 home exceeds the statewide median purchase price for such home,  
3322 does not exceed 140 percent of the area median income adjusted  
3323 for family size. The unit shall be subject to a rental, deed, or  
3324 other restriction to ensure that it meets the income limits  
3325 provided in this paragraph for at least 30 years.  
3326 (3) OPTIONAL EXPEDITED REVIEW IN COUNTIES HAVING A  
3327 POPULATION GREATER THAN 75,000.--In counties having a population  
3328 greater than 75,000 and municipalities within those counties, a  
3329 future land use map amendment for a proposed residential  
3330 development or mixed-use development requiring that at least 15  
3331 percent of the residential units are long-term affordable housing  
3332 units is subject to the alternative state review process in s.  
3333 163.32465(3)-(6). Any special area plan policies or map notations  
3334 directly related to the map amendment may be adopted at the same  
3335 time and in the same manner as the map amendment.  
3336 (4) OPTIONAL EXPEDITED REVIEW IN COUNTIES HAVING A  
3337 POPULATION urban redevelopment pursuant to s. 163.3164(26), OF  
3338 FEWER THAN 75,000.--In a county having a population of fewer than  
3339 75,000 persons, a future land use map amendment for a proposed

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3340 residential development or mixed-use development is subject to  
3341 the alternative state review process in s. 163.32465(3)-(6) if:

3342 (a) The development is located in an area identified as  
3343 appropriate for affordable housing in an adopted rural sub-  
3344 element that meets the requirements of s. 163.3177(6) (a); and

3345 (b) The amendment requires that at least 15 percent of the  
3346 residential units are long-term affordable housing units. Any  
3347 special area plan policies or map notations directly related to  
3348 the map amendment may be adopted at the same time and in the same  
3349 manner as the map amendment. The state land planning agency shall  
3350 provide funding, contingent upon a legislative appropriation, to  
3351 counties that undertake the process of preparing a rural sub-  
3352 element that satisfies the requirements of s. 163.3177(6) (a).

3353 (5) UNIFIED APPLICATION AND EXPEDITED REVIEW.--

3354 (a) Each local government shall by July 1, 2009, establish  
3355 a process for the unified and expedited review of an application  
3356 for development approval for a residential development or mixed-  
3357 use development in which at least 15 percent of the residential  
3358 units are long-term affordable housing units. The process shall  
3359 combine plan amendment and rezoning approval at the local level  
3360 and shall include, at a minimum:

3361 1. A unified application. Each local government shall  
3362 provide for a unified application for all comprehensive plan  
3363 amendment and rezoning related to a residential development or  
3364 mixed-use development in which at least 15 percent of the  
3365 residential units are long-term affordable housing units. Local  
3366 governments are encouraged to adopt requirements for a  
3367 preapplication conference with an applicant to coordinate the  
3368 completion and submission of the application. Local governments

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3369 are also encouraged to assign the coordination for review of a  
3370 unified application to one employee.

3371 2. Procedures for expedited review. Each local government  
3372 shall adopt procedures that require an expedited review of a  
3373 unified application. At a minimum, these procedures must ensure  
3374 that:

3375 a. Within 10 days after receiving a unified application,  
3376 the local government provides written notification to an  
3377 applicant stating the application is complete or requests in  
3378 writing any specific information needed to complete the  
3379 application.

3380 b. The local planning agency holds its hearing on a unified  
3381 application and the governing body of the local government holds  
3382 its first public hearing on whether to transmit the comprehensive  
3383 plan amendment portion of a unified application under s.  
3384 163.32465(4) (a) within 45 days after the application is  
3385 determined to be complete.

3386 c. For plan amendments that have been transmitted to the  
3387 state land planning agency under sub-subparagraph b., the  
3388 governing body of a local government holds its second public  
3389 hearing on whether to adopt the comprehensive plan amendment  
3390 simultaneously with a hearing on any necessary rezoning ordinance  
3391 within 30 days after the expiration of the 30-day period allowed  
3392 for receipt of agency comments under s. 163.32465(4) (b).

3393 (b) This subsection does not apply to development within a  
3394 rural land-stewardship area, within optional sector plan, within  
3395 coastal high-hazard area, within an area of critical state  
3396 concern, or on lands identified as environmentally sensitive in  
3397 the local comprehensive plan.

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3398       (6) EXPEDITED SUBDIVISIONS, SITE PLANS, AND BUILDING  
3399 PERMITS.--Each local government shall adopt procedures to ensure  
3400 that applications for subdivision, site plan approval, and  
3401 building permits for a development in which 15 percent of the  
3402 units are long-term affordable housing units are approved,  
3403 approved with conditions, or denied within a specified number of  
3404 days that is 50 percent of the average number of days the local  
3405 government normally takes to process such application.

3406       (7) REQUIRED DENSITY BONUSES FOR DONATED LAND.--Each local  
3407 government shall amend its comprehensive plan by July 1, 2009, to  
3408 provide a 15-percent density bonus if the land is donated for the  
3409 development of affordable housing. The comprehensive plan shall  
3410 establish a minimum number of acres that must be donated in order  
3411 to receive the bonus.

3412       (a) The density bonus:

3413       1. Must be a 15 percent increase above the allowable number  
3414 of residential units and shall apply to land identified by the  
3415 developer and approved by the local government;

3416       2. May be used only on land within an area designated as an  
3417 urban service area in the local comprehensive plan; and

3418       3. May not be used on land within a coastal high-hazard  
3419 area or an area of critical state concern or on lands identified  
3420 as environmentally sensitive in the local comprehensive plan.

3421       (b) The land donated for affordable housing does not have  
3422 to be collocated with the land receiving the density bonus, but  
3423 both parcels must be located within the local government's  
3424 jurisdiction for the density bonus to apply. The donated land  
3425 must be suitable for development as housing and must be conveyed  
3426 to the local government in fee simple. The local government may

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3427 transfer all or a portion of the donated land to a nonprofit  
3428 organization, such as a community land trust, housing authority,  
3429 or community redevelopment agency to be used for the development  
3430 and preservation of permanently affordable housing in a project  
3431 in which at least 30 percent of the residential units are  
3432 affordable.

3433 (8) REQUIRED DENSITY BONUSES.--Each local government shall  
3434 amend its comprehensive plan by July 1, 2009, to provide a 15-  
3435 percent density bonus above the allowable number of residential  
3436 units for a residential development or a mixed-use development  
3437 that is located within 2 miles of an existing employment center  
3438 or an employment center that has received site plan approval. At  
3439 least 15 percent of any residential units developed under this  
3440 subsection must be long-term affordable housing units.

3441 (a) The density bonus:

3442 1. May be used only on land within an area designated as an  
3443 urban service area in the local comprehensive plan; and

3444 2. May not be used on land within a coastal high-hazard  
3445 area or an area of critical state concern or on lands identified  
3446 as environmentally sensitive in the local comprehensive plan.

3447 (b) For purposes of this subsection, the term "employment  
3448 center" means a place of employment, or multiple places of  
3449 employment that are contiguously located, which employ 100 or  
3450 more full-time employees and is located within an urban service  
3451 area, approved sector plan, or area designated as a rural area of  
3452 critical economic concern under s. 288.0656.

3453 (9) CALCULATION OF AFFORDABLE UNITS.--When calculating the  
3454 number of long-term affordable housing units under this section,  
3455 a fraction of 0.5 or more shall be rounded up to the next whole



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3456 number and a fraction of less than 0.5 shall be rounded down to  
3457 the next lower whole number.

3458 (10) PENALTY.-- As a precondition to receiving any state  
3459 affordable housing funding or allocation for any project or  
3460 program within the local government's jurisdiction, a local  
3461 government must, by July 1 of each year, provide certification  
3462 that the local government is in compliance with this section.

3463 Section 13. Paragraphs (a) and (b) of subsection (1),  
3464 subsections (2) and (3), paragraph (b) of subsection (4),  
3465 paragraph (a) of subsection (5), paragraph (g) of subsection (6),  
3466 and subsections (7) and (8) of section 163.32465, Florida  
3467 Statutes, are amended to read:

3468 163.32465 State review of local comprehensive plans in  
3469 urban areas.--

3470 (1) LEGISLATIVE FINDINGS.--

3471 (a) The Legislature finds that local governments in this  
3472 state have a wide diversity of resources, conditions, abilities,  
3473 and needs. The Legislature also finds that the needs and  
3474 resources of urban areas are different from those of rural areas  
3475 and that different planning and growth management approaches,  
3476 strategies, and techniques are required in urban areas. The state  
3477 role in overseeing growth management should reflect this  
3478 diversity and should vary based on local government conditions,  
3479 capabilities, needs, and the extent and type of development.  
3480 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced  
3481 state oversight of local comprehensive planning is justified for  
3482 some local governments in urban areas and for certain types of  
3483 development.

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3484 (b) The Legislature finds and declares that ~~this~~ state's  
3485 urban areas require a reduced level of state oversight because of  
3486 their high degree of urbanization and the planning capabilities  
3487 and resources of many of their local governments. An alternative  
3488 state review process that is adequate to protect issues of  
3489 regional or statewide importance should be created for  
3490 appropriate local governments in these areas and for certain  
3491 types of development. Further, the Legislature finds that  
3492 development, including urban infill and redevelopment, should be  
3493 encouraged in these urban areas. The Legislature finds that an  
3494 alternative process for amending local comprehensive plans in  
3495 these areas should be established with an objective of  
3496 streamlining the process and recognizing local responsibility and  
3497 accountability.

3498 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT  
3499 PROGRAM.--Pinellas and Broward Counties, and the municipalities  
3500 within these counties, and Jacksonville, Miami, Tampa, and  
3501 Hialeah shall follow the ~~an~~ alternative state review process  
3502 provided in this section. Municipalities within the pilot  
3503 counties may elect, by super majority vote of the governing body,  
3504 not to participate in the pilot program. The alternative state  
3505 review process shall also apply to:

3506 (a) Future land use map amendments and associated special  
3507 area policies within areas designated in a comprehensive plan for  
3508 downtown revitalization pursuant to s. 163.3164(25), urban  
3509 redevelopment pursuant to s. 163.3164(26), urban infill  
3510 development pursuant to s. 163.3164(27), urban infill and  
3511 redevelopment pursuant to s. 163.2517, or an urban service area  
3512 pursuant to s. 163.3180(5)(b)5;

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3513 (b) Affordable housing amendments that qualify under s.  
3514 163.32461; and

3515 (c) Future land use map amendments within an area  
3516 designated by the Governor as a rural area of critical economic  
3517 concern under s. 288.0656(7) for the duration of such  
3518 designation. Before the adoption of such an amendment, the local  
3519 government must obtain written certification from the Office of  
3520 Tourism, Trade, and Economic Development that the plan amendment  
3521 furtheres the economic objectives set forth in the executive order  
3522 issued under s. 288.0656(7).

3523 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS  
3524 UNDER THE PILOT PROGRAM.--

3525 (a) Plan amendments adopted by the pilot program  
3526 jurisdictions shall follow the alternate, expedited process in  
3527 subsections (4) and (5), except as set forth in paragraphs (b)-  
3528 (f) ~~(b)-(e)~~ of this subsection.

3529 (b) Amendments that qualify as small-scale development  
3530 amendments may continue to be adopted by the pilot program  
3531 jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(e)~~ and  
3532 (3).

3533 (c) Plan amendments that propose a rural land stewardship  
3534 area pursuant to s. 163.3177(11)(d); propose an optional sector  
3535 plan; update a comprehensive plan based on an evaluation and  
3536 appraisal report; implement ~~new~~ statutory requirements not  
3537 previously incorporated into a comprehensive plan; or new plans  
3538 for newly incorporated municipalities are subject to state review  
3539 as set forth in s. 163.3184.

3540 (d) Pilot program jurisdictions are ~~shall be~~ subject to the  
3541 frequency, voting, and timing requirements for plan amendments

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3542 set forth in ss. 163.3187 and 163.3191, except as ~~where~~ otherwise  
3543 stated in this section.

3544 (e) The mediation and expedited hearing provisions in s.  
3545 163.3189(3) apply to all plan amendments adopted by the pilot  
3546 program jurisdictions.

3547 (f) All amendments adopted under this section must comply  
3548 with ss. 163.3184(3)(a) and 163.3184(15)(b)2.

3549 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR  
3550 PILOT PROGRAM.--

3551 (b) The agencies and local governments specified in  
3552 paragraph (a) may provide comments regarding the amendment or  
3553 amendments to the local government. The regional planning council  
3554 review and comment shall be limited to effects on regional  
3555 resources or facilities identified in the strategic regional  
3556 policy plan and extrajurisdictional impacts that would be  
3557 inconsistent with the comprehensive plan of the affected local  
3558 government. A regional planning council may ~~shall~~ not review and  
3559 comment on a proposed comprehensive plan amendment prepared by  
3560 such council unless the plan amendment has been changed by the  
3561 local government subsequent to the preparation of the plan  
3562 amendment by the regional planning council. County comments on  
3563 municipal comprehensive plan amendments shall be primarily in the  
3564 context of the relationship and effect of the proposed plan  
3565 amendments on the county plan. Municipal comments on county plan  
3566 amendments shall be primarily in the context of the relationship  
3567 and effect of the amendments on the municipal plan. State agency  
3568 comments may include technical guidance on issues of agency  
3569 jurisdiction as it relates to the requirements of this part. Such  
3570 comments must ~~shall~~ clearly identify issues that, if not

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3571 | resolved, may result in an agency challenge to the plan  
3572 | amendment. For the purposes of this pilot program, agencies are  
3573 | encouraged to focus potential challenges on issues of regional or  
3574 | statewide importance. Agencies and local governments must  
3575 | transmit their comments to the affected local government, if  
3576 | issued, within 30 days after such that they are received by the  
3577 | local government not later than thirty days from the date on  
3578 | which the state land planning agency notifies the affected local  
3579 | government that the plan amendment package is complete agency or  
3580 | government received the amendment or amendments. Any comments  
3581 | from the agencies and local governments must also be transmitted  
3582 | to the state land planning agency.

3583 | (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT  
3584 | AREAS.--

3585 | (a) The local government shall hold its second public  
3586 | hearing, which shall be a hearing on whether to adopt one or more  
3587 | comprehensive plan amendments, on a weekday at least 5 days after  
3588 | the day the second advertisement is published pursuant to ~~the~~  
3589 | ~~requirements of~~ chapter 125 or chapter 166. Adoption of  
3590 | comprehensive plan amendments must be by ordinance ~~and requires~~  
3591 | ~~an affirmative vote of a majority of the members of the governing~~  
3592 | ~~body present at the second hearing. The hearing must be conducted~~  
3593 | and the amendment adopted within 120 days after receipt of the  
3594 | agency comments pursuant to s. 163.3246(4)(b). If a local  
3595 | government fails to adopt the plan amendment within the timeframe  
3596 | set forth in this subsection, the plan amendment is deemed  
3597 | abandoned and the plan amendment may not be considered until the  
3598 | next available amendment cycle pursuant to s. 163.3187.

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3599 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT  
3600 PROGRAM.--

3601 (g) An amendment adopted under the expedited provisions of  
3602 this section shall not become effective until completion of the  
3603 time period available to the state land planning agency for  
3604 administrative challenge under s. 163.32465(6) (a) ~~31 days after~~  
3605 ~~adoption~~. If timely challenged, an amendment shall not become  
3606 effective until the state land planning agency or the  
3607 Administration Commission enters a final order determining that  
3608 the adopted amendment is ~~to be~~ in compliance.

3609 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL  
3610 GOVERNMENTS.--Local governments and specific areas that are ~~have~~  
3611 ~~been~~ designated for alternate review process pursuant to ss.  
3612 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this  
3613 section.

3614 (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state land  
3615 planning agency may adopt procedural ~~Agencies shall not~~  
3616 ~~promulgate~~ rules to administer ~~implement~~ this section ~~program~~  
3617 ~~program~~.

3618 Section 14. Section 166.0451, Florida Statutes, is  
3619 renumbered as section 163.32432, Florida Statutes, and amended to  
3620 read:

3621 163.32432 ~~166.0451~~ Disposition of municipal property for  
3622 affordable housing.--

3623 (1) By July 1, 2007, and every 3 years thereafter, each  
3624 municipality shall prepare an inventory list of all real property  
3625 within its jurisdiction to which the municipality holds fee  
3626 simple title that is appropriate for use as affordable housing.  
3627 The inventory list must include the address and legal description

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3628 of each ~~such~~ property and specify whether the property is vacant  
3629 or improved. The governing body of the municipality must review  
3630 the inventory list at a public hearing and may revise it at the  
3631 conclusion of the public hearing. Following the public hearing,  
3632 the governing body of the municipality shall adopt a resolution  
3633 that includes an inventory list of such property.

3634 (2) The properties identified as appropriate for use as  
3635 affordable housing on the inventory list adopted by the  
3636 municipality may be offered for sale and the proceeds may be used  
3637 to purchase land for the development of affordable housing or to  
3638 increase the local government fund earmarked for affordable  
3639 housing, or may be sold with a restriction that requires the  
3640 development of the property as permanent affordable housing, or  
3641 may be donated to a nonprofit housing organization for the  
3642 construction of permanent affordable housing. Alternatively, the  
3643 municipality may otherwise make the property available for use  
3644 for the production and preservation of permanent affordable  
3645 housing. For purposes of this section, the term "affordable" has  
3646 the same meaning as in s. 420.0004(3).

3647 (3) As a precondition to receiving any state affordable  
3648 housing funding or allocation for any project or program within  
3649 the municipality's jurisdiction, a municipality must, by July 1  
3650 of each year, provide certification that the inventory and any  
3651 update required by this section is complete.

3652 Section 15. Paragraph (c) of subsection (6) of section  
3653 253.034, Florida Statutes, is amended, and paragraph (d) is added  
3654 to subsection (8) of that section, to read:

3655 253.034 State-owned lands; uses.--

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3656 (6) The Board of Trustees of the Internal Improvement Trust  
3657 Fund shall determine which lands, the title to which is vested in  
3658 the board, may be surplus. For conservation lands, the board  
3659 shall make a determination that the lands are no longer needed  
3660 for conservation purposes and may dispose of them by an  
3661 affirmative vote of at least three members. In the case of a land  
3662 exchange involving the disposition of conservation lands, the  
3663 board must determine by an affirmative vote of at least three  
3664 members that the exchange will result in a net positive  
3665 conservation benefit. For all other lands, the board shall make a  
3666 determination that the lands are no longer needed and may dispose  
3667 of them by an affirmative vote of at least three members.

3668 (c) At least every 5 ~~10~~ years, as a component of each land  
3669 management plan or land use plan and in a form and manner  
3670 prescribed by rule by the board, each manager shall evaluate and  
3671 indicate to the board those lands that are not being used for the  
3672 purpose for which they were originally leased. For conservation  
3673 lands, the council shall review and shall recommend to the board  
3674 whether such lands should be retained in public ownership or  
3675 disposed of by the board. For nonconservation lands, the division  
3676 shall review such lands and shall recommend to the board whether  
3677 such lands should be retained in public ownership or disposed of  
3678 by the board.

3679 (8)

3680 (d) Beginning December 1, 2008, the Division of State Lands  
3681 shall annually submit to the President of the Senate and the  
3682 Speaker of the House of Representatives a copy of the state  
3683 inventory that identifies all nonconservation lands, including  
3684 lands that meet the surplus requirements of subsection (6) and



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3685 lands purchased by the state, a state agency, or a water  
3686 management district which are not essential or necessary for  
3687 conservation purposes. The division shall also publish a copy of  
3688 the annual inventory on its website and notify by electronic mail  
3689 the executive head of the governing body of each local government  
3690 that has lands in the inventory within its jurisdiction.

3691 Section 16. Subsection (5) and paragraph (d) of subsection  
3692 (12) of section 288.975, Florida Statutes, are amended to read:

3693 288.975 Military base reuse plans.--

3694 (5) At the discretion of the host local government, the  
3695 provisions of this act may be complied with through the adoption  
3696 of the military base reuse plan as a separate component of the  
3697 local government comprehensive plan or through simultaneous  
3698 amendments to all pertinent portions of the local government  
3699 comprehensive plan. Once adopted and approved in accordance with  
3700 this section, the military base reuse plan shall be considered to  
3701 be part of the host local government's comprehensive plan and  
3702 shall be thereafter implemented, amended, and reviewed in  
3703 accordance with ~~the provisions of part II of chapter 163. Local~~  
3704 ~~government comprehensive plan amendments necessary to initially~~  
3705 ~~adopt the military base reuse plan shall be exempt from the~~  
3706 ~~limitation on the frequency of plan amendments contained in s.~~  
3707 ~~163.3187(2).~~

3708 (12) Following receipt of a petition, the petitioning party  
3709 or parties and the host local government shall seek resolution of  
3710 the issues in dispute. The issues in dispute shall be resolved as  
3711 follows:

3712 (d) Within 45 days after receiving the report from the  
3713 state land planning agency, the Administration Commission shall

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3714 take action to resolve the issues in dispute. In deciding upon a  
3715 proper resolution, the Administration Commission shall consider  
3716 the nature of the issues in dispute, any requests for a formal  
3717 administrative hearing pursuant to chapter 120, the compliance of  
3718 the parties with this section, the extent of the conflict between  
3719 the parties, the comparative hardships and the public interest  
3720 involved. If the Administration Commission incorporates in its  
3721 final order a term or condition that requires any local  
3722 government to amend its local government comprehensive plan, the  
3723 local government shall amend its plan within 60 days after the  
3724 issuance of the order. ~~Such amendment or amendments shall be~~  
3725 ~~exempt from the limitation of the frequency of plan amendments~~  
3726 ~~contained in s. 163.3187(2), and~~ A public hearing on such  
3727 amendment or amendments pursuant to s. 163.3184(15) (b)1. is ~~shall~~  
3728 not ~~be~~ required. The final order of the Administration Commission  
3729 is subject to appeal pursuant to s. 120.68. If the order of the  
3730 Administration Commission is appealed, the time for the local  
3731 government to amend its plan is ~~shall be~~ tolled during the  
3732 pendency of any local, state, or federal administrative or  
3733 judicial proceeding relating to the military base reuse plan.

3734 Section 17. Paragraph (e) of subsection (15), paragraph (c)  
3735 of subsection (19), and paragraph (l) of subsection (24) of  
3736 section 380.06, Florida Statutes, is amended, and paragraph (v)  
3737 is added to subsection (24) of that section, to read:

3738 380.06 Developments of regional impact.--

3739 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

3740 (e)1. A local government shall not include, as a  
3741 development order condition for a development of regional impact,  
3742 any requirement that a developer contribute or pay for land

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3743 acquisition or construction or expansion of public facilities or  
3744 portions thereof unless the local government has enacted a local  
3745 ordinance which requires other development not subject to this  
3746 section to contribute its proportionate share of the funds, land,  
3747 or public facilities necessary to accommodate any impacts having  
3748 a rational nexus to the proposed development, and the need to  
3749 construct new facilities or add to the present system of public  
3750 facilities must be reasonably attributable to the proposed  
3751 development.

3752 2. A local government shall not approve a development of  
3753 regional impact that does not make adequate provision for the  
3754 public facilities needed to accommodate the impacts of the  
3755 proposed development unless the local government includes in the  
3756 development order a commitment by the local government to provide  
3757 these facilities consistently with the development schedule  
3758 approved in the development order; however, a local government's  
3759 failure to meet the requirements of subparagraph 1. and this  
3760 subparagraph shall not preclude the issuance of a development  
3761 order where adequate provision is made by the developer for the  
3762 public facilities needed to accommodate the impacts of the  
3763 proposed development. Any funds or lands contributed by a  
3764 developer must be expressly designated and used to accommodate  
3765 impacts reasonably attributable to the proposed development. If a  
3766 developer has contributed funds, lands, or other mitigation  
3767 required by a development order to address the transportation  
3768 impacts of a particular phase or stage of development, all  
3769 transportation impacts attributable to that phase or stage of  
3770 development shall be deemed fully mitigated in any subsequent

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3771 monitoring or transportation analysis for any phase or state of  
3772 development.

3773 3. The Department of Community Affairs and other state and  
3774 regional agencies involved in the administration and  
3775 implementation of this act shall cooperate and work with units of  
3776 local government in preparing and adopting local impact fee and  
3777 other contribution ordinances.

3778 (19) SUBSTANTIAL DEVIATIONS.--

3779 (c) An extension of the date of buildout of a development,  
3780 or any phase thereof, by more than 7 years is presumed to create  
3781 a substantial deviation subject to further development-of-  
3782 regional-impact review. An extension of the date of buildout, or  
3783 any phase thereof, of more than 5 years but not more than 7 years  
3784 is presumed not to create a substantial deviation. The extension  
3785 of the date of buildout of an areawide development of regional  
3786 impact by more than 5 years but less than 10 years is presumed  
3787 not to create a substantial deviation. These presumptions may be  
3788 rebutted by clear and convincing evidence at the public hearing  
3789 held by the local government. An extension of 5 years or less is  
3790 not a substantial deviation. For the purpose of calculating when  
3791 a buildout or phase date has been exceeded, the time shall be  
3792 tolled during the pendency of administrative or judicial  
3793 proceedings relating to development permits. Any extension of the  
3794 buildout date of a project or a phase thereof shall automatically  
3795 extend the commencement date of the project, the termination date  
3796 of the development order, the expiration date of the development  
3797 of regional impact, and the phases thereof if applicable by a  
3798 like period of time. In recognition of the current and 2008 ~~2007~~  
3799 real estate market conditions, all development order, phase,

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3800 buildout, commencement, and expiration dates, and all related  
3801 local government approvals, for projects that are developments of  
3802 regional impact or Florida Quality Developments and under active  
3803 construction on July 1, 2007, or for which a development order  
3804 was adopted after January 1, 2006, regardless of whether active  
3805 construction has commenced are extended for 3 years regardless of  
3806 any prior extension. The 3-year extension is not a substantial  
3807 deviation, is not subject to further development-of-regional-  
3808 impact review, and may not be considered when determining whether  
3809 a subsequent extension is a substantial deviation under this  
3810 subsection. This extension shall also apply to all local  
3811 government approvals including agreements, certificates, and  
3812 permits related to the project.

3813 (24) STATUTORY EXEMPTIONS.--

3814 (1) Any proposed development within an urban service  
3815 boundary established as part of a local comprehensive plan under  
3816 s. 163.3187 ~~s. 163.3177(14)~~ is exempt from ~~the provisions of~~ this  
3817 section if the local government having jurisdiction over the area  
3818 where the development is proposed has adopted the urban service  
3819 boundary, has entered into a binding agreement with jurisdictions  
3820 that would be impacted and with the Department of Transportation  
3821 regarding the mitigation of impacts on state and regional  
3822 transportation facilities, and has adopted a proportionate share  
3823 methodology pursuant to s. 163.3180(16).

3824 (v) Any proposed development of up to an additional 150  
3825 percent of the office development threshold located within 5  
3826 miles of a state-sponsored biotechnical research facility is  
3827 exempt from this section.

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3829 If a use is exempt from review as a development of regional  
3830 impact under paragraphs (a)-(t) and (v), but will be part of a  
3831 larger project that is subject to review as a development of  
3832 regional impact, the impact of the exempt use must be included in  
3833 the review of the larger project.

3834 Section 18. Paragraph (h) of subsection (3) of section  
3835 380.0651, Florida Statutes, is amended to read:

3836 380.0651 Statewide guidelines and standards.--

3837 (3) The following statewide guidelines and standards shall  
3838 be applied in the manner described in s. 380.06(2) to determine  
3839 whether the following developments shall be required to undergo  
3840 development-of-regional-impact review:

3841 (h) Multiuse development.--Any proposed development with  
3842 two or more land uses where the sum of the percentages of the  
3843 appropriate thresholds identified in chapter 28-24, Florida  
3844 Administrative Code, or this section for each land use in the  
3845 development is equal to or greater than 145 percent. Any proposed  
3846 development with three or more land uses, one of which is  
3847 residential and contains at least 100 dwelling units or 15  
3848 percent of the applicable residential threshold, whichever is  
3849 greater, where the sum of the percentages of the appropriate  
3850 thresholds identified in chapter 28-24, Florida Administrative  
3851 Code, or this section for each land use in the development is  
3852 equal to or greater than 160 percent. This threshold is in  
3853 addition to, and does not preclude, a development from being  
3854 required to undergo development-of-regional-impact review under  
3855 any other threshold. This threshold does not apply to  
3856 developments within 5 miles of a state-sponsored biotechnical  
3857 facility.

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3858 Section 19. Paragraph (c) of subsection (18) of section  
3859 1002.33, Florida Statutes, is amended to read:

3860 1002.33 Charter schools.--

3861 (18) FACILITIES.--

3862 (c) Any facility, or portion thereof, used to house a  
3863 charter school whose charter has been approved by the sponsor and  
3864 the governing board, pursuant to subsection (7), ~~is shall be~~  
3865 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
3866 community service, museum, performing arts, theatre, cinema,  
3867 church, community college, college, and university facilities may  
3868 provide space to charter schools within their facilities if such  
3869 use is consistent with the local comprehensive plan ~~under their~~  
3870 ~~preexisting zoning and land use designations.~~

3871 Section 20. Section 1011.775, Florida Statutes, is created  
3872 to read:

3873 1011.775 Disposition of district school board property for  
3874 affordable housing.--

3875 (1) On or before July 1, 2009, and every 3 years  
3876 thereafter, each district school board shall prepare an inventory  
3877 list of all real property within its jurisdiction to which the  
3878 district holds fee simple title and which is not included in the  
3879 5-year district facilities work plan. The inventory list must  
3880 include the address and legal description of each such property  
3881 and specify whether the property is vacant or improved. The  
3882 district school board must review the inventory list at a public  
3883 meeting and determine if any property is surplus property and  
3884 appropriate for affordable housing. For real property that is not  
3885 included in the 5-year district facilities work plan and that is  
3886 not determined appropriate to be surplus property for affordable

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3887 housing, the board shall state in the inventory list the public  
3888 purpose for which the board intends to use the property. The  
3889 board may revise the list at the conclusion of the public  
3890 meeting. Following the public meeting, the district school board  
3891 shall adopt a resolution that includes the inventory list.

3892 (2) Notwithstanding ss. 1013.28 and 1002.33(18) (e), the  
3893 properties identified as appropriate for use as affordable  
3894 housing on the inventory list adopted by the district school  
3895 board may be offered for sale and the proceeds may be used to  
3896 purchase land for the development of affordable housing or to  
3897 increase the local government fund earmarked for affordable  
3898 housing, sold with a restriction that requires the development of  
3899 the property as permanent affordable housing, or donated to a  
3900 nonprofit housing organization for the construction of permanent  
3901 affordable housing. Alternatively, the district school board may  
3902 otherwise make the property available for the production and  
3903 preservation of permanent affordable housing. For purposes of  
3904 this section, the term "affordable" has the same meaning as in s.  
3905 420.0004.

3906 Section 21. Sections 339.282 and 420.615, Florida Statutes,  
3907 are repealed.

3908 Section 22. Subsections (13) and (15) of section 1013.33,  
3909 Florida Statutes, are amended to read:

3910 1013.33 Coordination of planning with local governing  
3911 bodies.--

3912 (13) A local governing body may not deny the site applicant  
3913 based on adequacy of the site plan as it relates solely to the  
3914 needs of the school. If the site is consistent with the  
3915 comprehensive plan's land use policies and categories in which



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3916 public schools are identified as allowable uses, the local  
3917 government may not deny the application but it may impose  
3918 reasonable development standards and conditions in accordance  
3919 with s. 1013.51(1) and consider the site plan and its adequacy as  
3920 it relates to environmental concerns, health, safety and welfare,  
3921 and effects on adjacent property. Standards and conditions may  
3922 not be imposed which exceed or conflict with those established in  
3923 this chapter, any state requirements for educational facilities,  
3924 or the Florida Building Code, unless mutually agreed and  
3925 consistent with the interlocal agreement required by subsections  
3926 (2)-(8) and consistent with maintaining a balanced, financially  
3927 feasible school district facilities work plan.

3928 (15) Existing schools shall be considered consistent with  
3929 the applicable local government comprehensive plan adopted under  
3930 part II of chapter 163. If a board submits an application to  
3931 expand an existing school site, the local governing body may  
3932 impose reasonable development standards and conditions on the  
3933 expansion only, and in a manner consistent with s. 1013.51(1) and  
3934 any state requirements for educational facilities. Standards and  
3935 conditions may not be imposed which exceed or conflict with those  
3936 established in this chapter or the Florida Building Code, unless  
3937 mutually agreed upon. Such agreement must be made with the  
3938 consideration of maintaining the financial feasibility of the  
3939 school district facilities work plan. Local government review or  
3940 approval is not required for:

3941 (a) The placement of temporary or portable classroom  
3942 facilities; or

3943 (b) Proposed renovation or construction on existing school  
3944 sites, with the exception of construction that changes the

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3945 primary use of a facility, includes stadiums, or results in a  
3946 greater than 5 percent increase in student capacity, or as  
3947 mutually agreed upon, pursuant to an interlocal agreement adopted  
3948 in accordance with subsections (2)-(8).

3949 Section 23. Subsection (4) is added to section 1013.372,  
3950 Florida Statutes, to read:

3951 1013.372 Education facilities as emergency shelters.--

3952 (4) Any charter school satisfying the requirements of s.  
3953 163.3180(13)(e)2. shall serve as a public shelter for emergency  
3954 management purposes at the request of the local emergency  
3955 management agency. This subsection does not apply to a charter  
3956 school located in an identified category 1, 2, or 3 evacuation  
3957 zone or if the regional planning council region in which the  
3958 county where the charter school is located does not have a  
3959 hurricane shelter deficit as determined by the Department of  
3960 Community Affairs.

3961 Section 24. Paragraph (b) of subsection (2) of section  
3962 163.3217, Florida Statutes, is amended to read:

3963 163.3217 Municipal overlay for municipal incorporation.--

3964 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL  
3965 OVERLAY.--

3966 (b)~~1~~. A municipal overlay shall be adopted as an amendment  
3967 to the local government comprehensive plan as prescribed by s.  
3968 163.3184.

3969 ~~2. A county may consider the adoption of a municipal~~  
3970 ~~overlay without regard to the provisions of s. 163.3187(1)~~  
3971 ~~regarding the frequency of adoption of amendments to the local~~  
3972 ~~comprehensive plan.~~

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3973 Section 25. Subsection (4) of section 163.3182, Florida  
3974 Statutes, is amended to read:

3975 163.3182 Transportation concurrency backlogs.--

3976 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

3977 ~~(a)~~ Each transportation concurrency backlog authority shall  
3978 adopt a transportation concurrency backlog plan as a part of the  
3979 local government comprehensive plan within 6 months after the  
3980 creation of the authority. The plan shall:

3981 (a)1. Identify all transportation facilities that have been  
3982 designated as deficient and require the expenditure of moneys to  
3983 upgrade, modify, or mitigate the deficiency.

3984 (b)2. Include a priority listing of all transportation  
3985 facilities that have been designated as deficient and do not  
3986 satisfy concurrency requirements pursuant to s. 163.3180, and the  
3987 applicable local government comprehensive plan.

3988 (c)3. Establish a schedule for financing and construction  
3989 of transportation concurrency backlog projects that will  
3990 eliminate transportation concurrency backlogs within the  
3991 jurisdiction of the authority within 10 years after the  
3992 transportation concurrency backlog plan adoption. The schedule  
3993 shall be adopted as part of the local government comprehensive  
3994 plan.

3995 ~~(b) The adoption of the transportation concurrency backlog~~  
3996 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

3997 Section 26. Subsection (11) of section 171.203, Florida  
3998 Statutes, is amended to read:

3999 171.203 Interlocal service boundary agreement.--The  
4000 governing body of a county and one or more municipalities or  
4001 independent special districts within the county may enter into an

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4002 interlocal service boundary agreement under this part. The  
4003 governing bodies of a county, a municipality, or an independent  
4004 special district may develop a process for reaching an interlocal  
4005 service boundary agreement which provides for public  
4006 participation in a manner that meets or exceeds the requirements  
4007 of subsection (13), or the governing bodies may use the process  
4008 established in this section.

4009 (11) (a) A municipality that is a party to an interlocal  
4010 service boundary agreement that identifies an unincorporated area  
4011 for municipal annexation under s. 171.202(11) (a) shall adopt a  
4012 municipal service area as an amendment to its comprehensive plan  
4013 to address future possible municipal annexation. The state land  
4014 planning agency shall review the amendment for compliance with  
4015 part II of chapter 163. The proposed plan amendment must contain:

- 4016 1. A boundary map of the municipal service area.
- 4017 2. Population projections for the area.
- 4018 3. Data and analysis supporting the provision of public  
4019 facilities for the area.

4020 (b) This part does not authorize the state land planning  
4021 agency to review, evaluate, determine, approve, or disapprove a  
4022 municipal ordinance relating to municipal annexation or  
4023 contraction.

4024 ~~(c) Any amendment required by paragraph (a) is exempt from~~  
4025 ~~the twice per year limitation under s. 163.3187.~~

4026 Section 27. This act shall take effect July 1, 2008.