

By the Committees on Transportation; 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 extending the date for local governments to adopt plan
13 amendments to implement a financially feasible capital
14 improvements element; extending the date for prohibiting
15 future land use map amendments if a local government does
16 not adopt and transmit its annual update to the capital
17 improvements element; revising standards for the future
18 land use plan in a local comprehensive plan; including a
19 provision encouraging rural counties to adopt a rural sub-
20 element as part of their future land use plan; revising
21 standards for the housing element of a local comprehensive
22 plan; requiring certain counties to certify that they have
23 adopted a plan for ensuring affordable workforce housing
24 before obtaining certain funding; authorizing the state
25 land planning agency to amend administrative rules
26 relating to planning criteria to allow for varying local
27 conditions; deleting exemptions from the limitation on the
28 frequency of plan amendments; extending the deadline for
29 local governments to adopt a public school facilities

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30 element and interlocal agreement; providing legislative
31 findings concerning the need to preserve agricultural land
32 and protect rural agricultural communities from adverse
33 changes in the agricultural economy; defining the term
34 "rural agricultural industrial center"; authorizing a
35 landowner within a rural agricultural industrial center to
36 apply for an amendment to the comprehensive plan to expand
37 an existing center; providing requirements for such an
38 application; providing a rebuttable presumption that such
39 an amendment is consistent with state rule; providing
40 certain exceptions to the approval of such an amendment;
41 deleting provisions encouraging local governments to
42 develop a community vision and to designate an urban
43 service boundary; amending s. 163.31771, F.S.; requiring a
44 local government to amend its comprehensive plan to allow
45 accessory dwelling units in an area zoned for single-
46 family residential use; prohibiting such units from being
47 treated as new units if there is a land use restriction
48 agreement that restricts use to affordable housing;
49 prohibiting accessory dwelling units from being located on
50 certain land; amending s. 163.3178, F.S.; revising
51 provisions relating to coastal management and coastal
52 high-hazard areas; providing factors for demonstrating the
53 compliance of a comprehensive plan amendment with rule
54 provisions relating to coastal areas; amending s.
55 163.3180, F.S.; revising concurrency requirements;
56 specifying municipal areas for transportation concurrency
57 exception areas; revising provisions relating to the
58 Strategic Intermodal System; deleting a requirement for

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59 | local governments to annually submit a summary of de
60 | minimus records; increasing the percentage of
61 | transportation impacts that must be reserved for urban
62 | redevelopment; requiring concurrency management systems to
63 | be coordinated with the appropriate metropolitan planning
64 | organization; revising regional impact proportionate share
65 | provisions to allow for improvements outside the
66 | jurisdiction in certain circumstances; providing for the
67 | determination of mitigation to include credit for certain
68 | mitigation provided under an earlier phase, calculated at
69 | present value; defining the terms "present value" and
70 | "backlogged transportation facility"; revising the
71 | calculation of school capacity to include relocatables
72 | used by a school district; providing a minimum state
73 | availability standard for school concurrency; providing
74 | that a developer may not be required to reduce or
75 | eliminate backlog or address class size reduction;
76 | requiring charter schools to be considered as a mitigation
77 | option under certain circumstances; requiring school
78 | districts to include relocatables in their calculation of
79 | school capacity in certain circumstances; providing for an
80 | Urban Placemaking Initiative Pilot Project Program;
81 | providing for designating certain local governments as
82 | urban placemaking initiative pilot projects; providing
83 | purposes, requirements, criteria, procedures, and
84 | limitations for such local governments, the pilot
85 | projects, and the program; authorizing a methodology based
86 | on vehicle and miles traveled for calculating
87 | proportionate fair-share methodology; providing

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88 transportation concurrency incentives for private
89 developers; providing for recommendations for the
90 establishment of a uniform mobility fee methodology to
91 replace the current transportation concurrency management
92 system; amending s. 163.31801, F.S.; requiring the
93 provision of notice before the imposition of an increased
94 impact fee; providing that the provision of notice is not
95 required before decreasing or eliminating an impact fee;
96 amending s. 163.3184, F.S.; requiring that potential
97 applicants for a future land use map amendment applying to
98 50 or more acres conduct two meetings to present, discuss,
99 and solicit public comment on the proposed amendment;
100 requiring that one such meeting be conducted before the
101 application is filed and the second meeting be conducted
102 before adoption of the plan amendment; providing notice
103 and procedure requirements for such meetings; requiring
104 that applicants for a plan amendment applying to more than
105 11 acres but less than 50 acres conduct a meeting before
106 the application is filed and encouraging a second meeting
107 within a specified period before the local government's
108 scheduled adoption hearing; providing for notice of such
109 meeting; requiring that an applicant file with the local
110 government a written certification attesting to certain
111 information; exempting small-scale amendments from
112 requirements related to meetings; revising a time period
113 for comments on plan amendments; revising a time period
114 for requesting state planning agency review of plan
115 amendments; revising a time period for the state land
116 planning agency to identify written comments on plan

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117 amendments for local governments; providing that an
118 amendment is deemed abandoned under certain circumstances;
119 authorizing the state land planning agency to grant
120 extensions; requiring that a comprehensive plan or
121 amendment to be adopted be available to the public;
122 prohibiting certain types of changes to a plan amendment
123 during a specified period before the hearing thereupon;
124 requiring that the local government certify certain
125 information to the state land planning agency; deleting
126 exemptions from the limitation on the frequency of
127 amendments of comprehensive plans; deleting provisions
128 relating to community vision and urban boundary amendments
129 to conform to changes made by the act; amending s.
130 163.3187, F.S.; limiting the adoption of certain plan
131 amendments to twice per calendar year; limiting the
132 adoption of certain plan amendments to once per calendar
133 year; authorizing local governments to adopt certain plan
134 amendments at any time during a calendar year without
135 regard for restrictions on frequency; deleting certain
136 types of amendments from the list of amendments eligible
137 for adoption at any time during a calendar year; deleting
138 exemptions from frequency limitations; providing
139 circumstances under which small-scale amendments become
140 effective; amending s. 163.3245, F.S.; revising provisions
141 relating to optional sector plans; authorizing all local
142 government to adopt optional sector plans into their
143 comprehensive plan; increasing the size of the area to
144 which sector plans apply; deleting certain restrictions on
145 a local government upon entering into sector plans;

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146 deleting an annual monitoring report submitted by a host
147 local government that has adopted a sector plan and a
148 status report submitted by the department on optional
149 sector plans; amending s. 163.3246, F.S.; discontinuing
150 the Local Government Comprehensive Planning Certification
151 Program except for currently certified local governments;
152 retaining an exemption from DRI review for a certified
153 community in certain circumstances; amending s. 163.32465,
154 F.S.; revising provisions relating to the state review of
155 comprehensive plans; providing additional types of
156 amendments to which the alternative state review applies;
157 providing a 30-day period for agency comments begins when
158 the state land planning agency notifies the local
159 government that the plan amendment package is complete;
160 requiring adoption of a plan amendment within 120 days of
161 receipt of agency comments or the plan amendment is deemed
162 abandoned; revising the effective date of adopted plan
163 amendments; providing procedural rulemaking authority to
164 the state land planning agency; amending s. 163.340, F.S.;;
165 defining the term "blighted area" to include land
166 previously used as a military facility; renumbering and
167 amending s. 166.0451, F.S.; requiring municipalities to
168 certify that they have prepared a list of county-owned
169 property appropriate for affordable housing before
170 obtaining certain funding; amending s. 253.034, F.S.;;
171 requiring that a manager of conservation lands report to
172 the Board of Trustees of the Internal Improvement Trust
173 Fund at specified intervals regarding those lands not
174 being used for the purpose for which they were originally

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175 leased; requiring that the Division of State Lands
176 annually submit to the President of the Senate and the
177 Speaker of the House of Representatives a copy of the
178 state inventory identifying all nonconservation lands;
179 requiring the division to publish a copy of the annual
180 inventory on its website and notify by electronic mail the
181 executive head of the governing body of each local
182 government having lands in the inventory within its
183 jurisdiction; amending s. 288.975, F.S.; deleting
184 exemptions from the frequency limitations on comprehensive
185 plan amendments; amending s. 380.06, F.S.; providing a 3-
186 year extension for the buildout, commencement, and
187 expiration dates of developments of regional impact and
188 Florida Quality Developments, including associated local
189 permits; providing an exception from development-of-
190 regional-impact review; amending s. 380.0651, F.S.;
191 providing an exemption from development-of-regional impact
192 review; amending s. 1002.33, F.S.; restricting facilities
193 from providing space to charter schools unless such use is
194 consistent with the local comprehensive plan; prohibiting
195 the expansion of certain facilities to accommodate for a
196 charter school unless such use is consistent with the
197 local comprehensive plan; creating s. 1011.775, F.S.;
198 requiring that each district school board prepare an
199 inventory list of certain real property on or before a
200 specified date and at specified intervals thereafter;
201 requiring that such list include certain information;
202 requiring that the district school board review the list
203 at a public meeting and make certain determinations;

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204 requiring that the board state its intended use for
205 certain property; authorizing the board to revise the list
206 at the conclusion of the public meeting; requiring that
207 the board adopt a resolution; authorizing the board to
208 offer certain properties for sale and use the proceeds for
209 specified purposes; authorizing the board to make the
210 property available for the production and preservation of
211 permanent affordable housing; defining the term
212 "affordable" for specified purposes; repealing s. 339.282,
213 F.S., relating to transportation concurrency incentives;
214 amending s. 1013.372, F.S.; requiring that certain charter
215 schools serve as public shelters at the request of the
216 local emergency management agency; amending ss. 163.3217,
217 163.3182, and 171.203, F.S.; deleting exemptions from the
218 limitation on the frequency of amendments of comprehensive
219 plans; providing an effective date.

220

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

222

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

225 70.51 Land use and environmental dispute resolution.--

226 (26) A special magistrate's recommendation under this
227 section constitutes data in support of, and a support document
228 for, a comprehensive plan or comprehensive plan amendment, but is
229 not, in and of itself, dispositive of a determination of
230 compliance with chapter 163. ~~Any comprehensive plan amendment~~
231 ~~necessary to carry out the approved recommendation of a special~~
232 ~~magistrate under this section is exempt from the twice-a-year~~

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

235 Section 2. Section 125.379, Florida Statutes, is
236 transferred, renumbered as section 163.32431, Florida Statutes,
237 and amended to read:

238 163.32431 ~~125.379~~ Disposition of county property for
239 affordable housing.--

240 (1) By July 1, 2007, and every 3 years thereafter, each
241 county shall prepare an inventory list of all real property
242 within its jurisdiction to which the county holds fee simple
243 title that is appropriate for use as affordable housing. The
244 inventory list must include the address and legal description of
245 each ~~such~~ real property and specify whether the property is
246 vacant or improved. The governing body of the county must review
247 the inventory list at a public hearing and may revise it at the
248 conclusion of the public hearing. The governing body of the
249 county shall adopt a resolution that includes an inventory list
250 of the ~~such~~ property following the public hearing.

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

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262 | this section, the term "affordable" has the same meaning as in s.
263 | 420.0004(3).

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

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

271 | 163.3174 Local planning agency.--

272 | (1) The governing body of each local government,
273 | individually or in combination as provided in s. 163.3171, shall
274 | designate and by ordinance establish a "local planning agency,"
275 | unless the agency is otherwise established by law.

276 | Notwithstanding any special act to the contrary, all local
277 | planning agencies or equivalent agencies that first review
278 | rezoning and comprehensive plan amendments in each municipality
279 | and county shall include a representative of the school district
280 | appointed by the school board as a nonvoting member ~~of the local~~
281 | ~~planning agency or equivalent agency~~ to attend those meetings at
282 | which the agency considers comprehensive plan amendments and
283 | rezonings that would, if approved, increase residential density
284 | on the property that is the subject of the application. However,
285 | this subsection does not prevent the ~~governing body of the~~ local
286 | government from granting voting status to the school board
287 | member. Members of the local governing body may not serve on
288 | ~~designate itself as~~ the local planning agency pursuant to this
289 | subsection, except in a municipality having a population of 5,000
290 | or fewer with the addition of a nonvoting school board

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291 ~~representative.~~ The local governing body shall notify the state
292 land planning agency of the establishment of its local planning
293 agency. All local planning agencies shall provide opportunities
294 for involvement by applicable community college boards, which may
295 be accomplished by formal representation, membership on technical
296 advisory committees, or other appropriate means. The local
297 planning agency shall prepare the comprehensive plan or plan
298 amendment after hearings to be held after public notice and shall
299 make recommendations to the local governing body regarding the
300 adoption or amendment of the plan. The local planning agency may
301 be a local planning commission, the planning department of the
302 local government, or other instrumentality, including a
303 countywide planning entity established by special act or a
304 council of local government officials created pursuant to s.
305 163.02, provided the composition of the council is fairly
306 representative of all the governing bodies in the county or
307 planning area; however:

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

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

317 Section 4. Paragraph (b) of subsection (3), paragraph (a)
318 of subsection (4), paragraphs (a), (c), (f), (g), and (h) of
319 subsection (6), paragraph (i) of subsection (10), paragraph (i)

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320 of subsection (12), and subsections (13) and (14) of section
321 163.3177, Florida Statutes, are amended to read:

322 163.3177 Required and optional elements of comprehensive
323 plan; studies and surveys.--

324 (3)

325 (b)1. The capital improvements element must be reviewed on
326 an annual basis and modified as necessary in accordance with s.
327 163.3187 or s. 163.3189 in order to maintain a financially
328 feasible 5-year schedule of capital improvements. Corrections and
329 modifications concerning costs; revenue sources; or acceptance of
330 facilities pursuant to dedications which are consistent with the
331 plan may be accomplished by ordinance and shall not be deemed to
332 be amendments to the local comprehensive plan. A copy of the
333 ordinance shall be transmitted to the state land planning agency.
334 An amendment to the comprehensive plan is required to update the
335 schedule on an annual basis or to eliminate, defer, or delay the
336 construction for any facility listed in the 5-year schedule. All
337 public facilities must be consistent with the capital
338 improvements element. Amendments to implement this section must
339 be adopted and transmitted no later than December 1, 2009 ~~2008~~.
340 Thereafter, a local government may not amend its future land use
341 map, except for plan amendments to meet new requirements under
342 this part and emergency amendments pursuant to s. 163.3187(1)(a),
343 after December 1, 2009 ~~2008~~, and every year thereafter, unless
344 and until the local government has adopted the annual update and
345 it has been transmitted to the state land planning agency.

346 2. Capital improvements element amendments adopted after
347 the effective date of this act shall require only a single public
348 hearing before the governing board which shall be an adoption

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349 hearing as described in s. 163.3184(7). Such amendments are not
350 subject to the requirements of s. 163.3184(3)-(6).

351 (4) (a) Coordination of the local comprehensive plan with
352 the comprehensive plans of adjacent municipalities, the county,
353 adjacent counties, or the region; with the appropriate water
354 management district's regional water supply plans approved
355 pursuant to s. 373.0361; with adopted rules pertaining to
356 designated areas of critical state concern; and with the state
357 comprehensive plan shall be a major objective of the local
358 comprehensive planning process. To that end, in the preparation
359 of a comprehensive plan or element thereof, and in the
360 comprehensive plan or element as adopted, the governing body
361 shall include a specific policy statement indicating the
362 relationship of the proposed development of the area to the
363 comprehensive plans of adjacent municipalities, the county,
364 adjacent counties, or the region and to the state comprehensive
365 plan, as the case may require and as such adopted plans or plans
366 in preparation may exist.

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

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

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378 | land use map.

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

386 | 2. The future land use plan shall be based upon surveys,
387 | studies, and data regarding the area, including the amount of
388 | land required to accommodate anticipated growth; the projected
389 | population of the area; the character of undeveloped land; the
390 | availability of water supplies, public facilities, and services;
391 | the need for redevelopment, including the renewal of blighted
392 | areas and the elimination of nonconforming uses which are
393 | inconsistent with the character of the community; the
394 | compatibility of uses on lands adjacent to or closely proximate
395 | to military installations; the discouragement of urban sprawl;
396 | energy-efficient land use patterns that reduce vehicle miles
397 | traveled; and, in rural communities, the need for job creation,
398 | capital investment, and economic development that will strengthen
399 | and diversify the community's economy.

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

405 | 4. The future land use plan element shall include criteria
406 | ~~to be used~~ to achieve the compatibility of adjacent or closely

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407 proximate lands with military installations.

408 5. Counties are encouraged to adopt a rural sub-element as
409 a part of the future land use plan. The sub-element shall apply
410 to all lands classified in the future land use plan as
411 predominantly agricultural, rural, open, open-rural, or a
412 substantively equivalent land use. The rural sub-element shall
413 include goals, objectives, and policies that enhance rural
414 economies, promote the viability of agriculture, provide for
415 appropriate economic development, discourage urban sprawl, and
416 ensure the protection of natural resources. The rural sub-element
417 shall generally identify anticipated areas of rural,
418 agricultural, and conservation and areas that may be considered
419 for conversion to urban land use and appropriate sites for
420 affordable housing. The rural sub-element shall also generally
421 identify areas that may be considered for rural land stewardship
422 areas, sector planning, or new communities or towns in accordance
423 with subsection (11) and s. 163.3245(2). ~~In addition,~~ For rural
424 communities, the amount of land designated for future planned
425 industrial use shall be based upon surveys and studies that
426 reflect the need for job creation, capital investment, and the
427 necessity to strengthen and diversify the local economies, and
428 ~~may shall~~ not be limited solely by the projected population of
429 the rural community.

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

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

435 8. For coastal counties, the future land use element must

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436 include, without limitation, regulatory incentives and criteria
437 that encourage the preservation of recreational and commercial
438 working waterfronts as defined in s. 342.07.

439 9. The future land use element must clearly identify the
440 land use categories in which public schools are an allowable use.
441 When delineating such ~~the~~ land use categories ~~in which public~~
442 ~~schools are an allowable use~~, a local government shall include in
443 the categories sufficient land proximate to residential
444 development to meet the projected needs for schools in
445 coordination with public school boards and may establish
446 differing criteria for schools of different type or size. Each
447 local government shall include lands contiguous to existing
448 school sites, to the maximum extent possible, within the land use
449 categories in which public schools are an allowable use. ~~The~~
450 ~~failure by a local government to comply with these school siting~~
451 ~~requirements will result in the prohibition of~~ The local
452 government may not ~~government's ability to~~ amend the local
453 comprehensive plan, except for plan amendments described in s.
454 163.3187(1)(b), until the school siting requirements are met.
455 ~~Amendments proposed by a local government for purposes of~~
456 ~~identifying the land use categories in which public schools are~~
457 ~~an allowable use are exempt from the limitation on the frequency~~
458 ~~of plan amendments contained in s. 163.3187.~~ The future land use
459 element shall include criteria that encourage the location of
460 schools proximate to urban residential areas to the extent
461 possible and shall require that the local government seek to
462 collocate public facilities, such as parks, libraries, and
463 community centers, with schools to the extent possible and to
464 encourage the use of elementary schools as focal points for

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465 neighborhoods. For schools serving predominantly rural counties,
466 defined as a county having ~~with~~ a population of 100,000 or fewer,
467 an agricultural land use category shall be eligible for the
468 location of public school facilities if the local comprehensive
469 plan contains school siting criteria and the location is
470 consistent with such criteria. Local governments required to
471 update or amend their comprehensive plan to include criteria and
472 address compatibility of adjacent or closely proximate lands with
473 existing military installations in their future land use plan
474 element shall transmit the update or amendment to the department
475 by June 30, 2006.

476 (c) A general sanitary sewer, solid waste, drainage,
477 potable water, and natural groundwater aquifer recharge element
478 correlated to principles and guidelines for future land use,
479 indicating ways to provide for future potable water, drainage,
480 sanitary sewer, solid waste, and aquifer recharge protection
481 requirements for the area. The element may be a detailed
482 engineering plan including a topographic map depicting areas of
483 prime groundwater recharge. The element shall describe the
484 problems and needs and the general facilities that will be
485 required for solution of the problems and needs. The element
486 shall also include a topographic map depicting any areas adopted
487 by a regional water management district as prime groundwater
488 recharge areas for the Floridan or Biscayne aquifers. These areas
489 shall be given special consideration when the local government is
490 engaged in zoning or considering future land use for said
491 designated areas. For areas served by septic tanks, soil surveys
492 shall be provided which indicate the suitability of soils for
493 septic tanks. Within 18 months after the governing board approves

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494 an updated regional water supply plan, the element must
495 incorporate the alternative water supply project or projects
496 selected by the local government from those identified in the
497 regional water supply plan pursuant to s. 373.0361(2) (a) or
498 proposed by the local government under s. 373.0361(7) (b). If a
499 local government is located within two water management
500 districts, the local government shall adopt its comprehensive
501 plan amendment within 18 months after the later updated regional
502 water supply plan. The element must identify such alternative
503 water supply projects and traditional water supply projects and
504 conservation and reuse necessary to meet the water needs
505 identified in s. 373.0361(2) (a) within the local government's
506 jurisdiction and include a work plan, covering at least a 10 year
507 planning period, for building public, private, and regional water
508 supply facilities, including development of alternative water
509 supplies, which are identified in the element as necessary to
510 serve existing and new development. The work plan shall be
511 updated, at a minimum, every 5 years within 18 months after the
512 governing board of a water management district approves an
513 updated regional water supply plan. ~~Amendments to incorporate the~~
514 ~~work plan do not count toward the limitation on the frequency of~~
515 ~~adoption of amendments to the comprehensive plan.~~ Local
516 governments, public and private utilities, regional water supply
517 authorities, special districts, and water management districts
518 are encouraged to cooperatively plan for the development of
519 multijurisdictional water supply facilities that are sufficient
520 to meet projected demands for established planning periods,
521 including the development of alternative water sources to
522 supplement traditional sources of groundwater and surface water

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523 supplies.

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

526 a. The provision of housing for all current and anticipated
527 future residents of the jurisdiction.

528 b. The elimination of substandard dwelling conditions.

529 c. The structural and aesthetic improvement of existing
530 housing.

531 d. The provision of adequate sites for future housing,
532 including affordable workforce housing as defined in s.

533 380.0651(3)(j), housing for low-income, very low-income, and

534 moderate-income families, mobile homes, senior affordable

535 housing, and group home facilities and foster care facilities,

536 with supporting infrastructure and public facilities. This

537 includes compliance with the applicable public lands provision

538 under s. 163.32431 or s. 163.32432.

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

542 f. The formulation of housing implementation programs.

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

547 (I)h. By July 1, 2008, each county in which the gap between
548 the buying power of a family of four and the median county home
549 sale price exceeds \$170,000, as determined by the Florida Housing
550 Finance Corporation, and which is not designated as an area of
551 critical state concern shall adopt a plan for ensuring affordable

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552 workforce housing. At a minimum, the plan shall identify adequate
553 sites for such housing. For purposes of this sub-subparagraph,
554 the term "workforce housing" means housing that is affordable to
555 natural persons or families whose total household income does not
556 exceed 140 percent of the area median income, adjusted for
557 household size.

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

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

576 3.2. To assist local governments in housing data collection
577 and analysis and assure uniform and consistent information
578 regarding the state's housing needs, the state land planning
579 agency shall conduct an affordable housing needs assessment for
580 all local jurisdictions on a schedule that coordinates the

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581 implementation of the needs assessment with the evaluation and
582 appraisal reports required by s. 163.3191. Each local government
583 shall use ~~utilize~~ the data and analysis from the needs assessment
584 as one basis for the housing element of its local comprehensive
585 plan. The agency shall allow a local government ~~the option~~ to
586 perform its own needs assessment, if it uses the methodology
587 established by the agency by rule.

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

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

598 b. Continued existence of viable populations of all species
599 of wildlife and marine life.

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

603 d. Avoidance of irreversible and irretrievable loss of
604 coastal zone resources.

605 e. Ecological planning principles and assumptions to be
606 used in the determination of suitability and extent of permitted
607 development.

608 f. Proposed management and regulatory techniques.

609 g. Limitation of public expenditures that subsidize

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610 development in high-hazard coastal areas.

611 h. Protection of human life against the effects of natural
612 disasters.

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

616 j. Preservation, including sensitive adaptive use of
617 historic and archaeological resources.

618 2. As part of this element, a local government that has a
619 coastal management element in its comprehensive plan is
620 encouraged to adopt recreational surface water use policies that
621 include applicable criteria for and consider such factors as
622 natural resources, manatee protection needs, protection of
623 working waterfronts and public access to the water, and
624 recreation and economic demands. Criteria for manatee protection
625 in the recreational surface water use policies should reflect
626 applicable guidance outlined in the Boat Facility Siting Guide
627 prepared by the Fish and Wildlife Conservation Commission. ~~If the~~
628 ~~local government elects to adopt recreational surface water use~~
629 ~~policies by comprehensive plan amendment, such comprehensive plan~~
630 ~~amendment is exempt from the provisions of s. 163.3187(1).~~ Local
631 governments that wish to adopt recreational surface water use
632 policies may be eligible for assistance with the development of
633 such policies through the Florida Coastal Management Program. The
634 Office of Program Policy Analysis and Government Accountability
635 shall submit a report on the adoption of recreational surface
636 water use policies under this subparagraph to the President of
637 the Senate, the Speaker of the House of Representatives, and the
638 majority and minority leaders of the Senate and the House of

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639 Representatives no later than December 1, 2010.

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

656 a. The intergovernmental coordination element shall provide
657 for procedures to identify and implement joint planning areas,
658 especially for the purpose of annexation, municipal
659 incorporation, and joint infrastructure service areas.

660 b. The intergovernmental coordination element shall provide
661 for recognition of campus master plans prepared pursuant to s.
662 1013.30.

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

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668 | purpose.

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

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

693 | 4.a. Local governments must execute an interlocal agreement
694 | with the district school board, the county, and nonexempt
695 | municipalities pursuant to s. 163.31777. The local government
696 | shall amend the intergovernmental coordination element to provide

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697 that coordination between the local government and school board
698 is pursuant to the agreement and shall state the obligations of
699 the local government under the agreement.

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

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

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

714 a. Identifies all existing or proposed interlocal service
715 delivery agreements regarding the following: education; sanitary
716 sewer; public safety; solid waste; drainage; potable water; parks
717 and recreation; and transportation facilities.

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

723 7. Within 6 months after submission of the report, the
724 Department of Community Affairs shall, through the appropriate
725 regional planning council, coordinate a meeting of all local

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726 governments within the regional planning area to discuss the
727 reports and potential strategies to remedy any identified
728 deficiencies or duplications.

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

734 (10) The Legislature recognizes the importance and
735 significance of chapter 9J-5, Florida Administrative Code, the
736 Minimum Criteria for Review of Local Government Comprehensive
737 Plans and Determination of Compliance of the Department of
738 Community Affairs that will be used to determine compliance of
739 local comprehensive plans. The Legislature reserved unto itself
740 the right to review chapter 9J-5, Florida Administrative Code,
741 and to reject, modify, or take no action relative to this rule.
742 Therefore, pursuant to subsection (9), the Legislature hereby has
743 reviewed chapter 9J-5, Florida Administrative Code, and expresses
744 the following legislative intent:

745 (i) The Legislature recognizes that due to varying local
746 conditions, local governments have different planning needs that
747 cannot be addressed by one uniform set of minimum planning
748 criteria. Therefore, the state land planning agency may amend
749 chapter 9J-5, Florida Administrative Code, to establish different
750 minimum criteria that are applicable to local governments based
751 on the following factors:

- 752 1. Current and projected population.
753 2. Size of the local jurisdiction.
754 3. Amount and nature of undeveloped land.

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755 4. The scale of public services provided by the local
756 government.

757
758 The state land planning agency ~~department~~ shall take into account
759 the factors delineated in rule 9J-5.002(2), Florida
760 Administrative Code, as it provides assistance to local
761 governments and applies the rule in specific situations with
762 regard to the detail of the data and analysis required.

763 (12) A public school facilities element adopted to
764 implement a school concurrency program shall meet the
765 requirements of this subsection. Each county and each
766 municipality within the county, unless exempt or subject to a
767 waiver, must adopt a public school facilities element that is
768 consistent with those adopted by the other local governments
769 within the county and enter the interlocal agreement pursuant to
770 s. 163.31777.

771 (i) The state land planning agency shall establish a phased
772 schedule for adoption of the public school facilities element and
773 the required updates to the public schools interlocal agreement
774 pursuant to s. 163.31777. The schedule shall provide for each
775 county and local government within the county to adopt the
776 element and update to the agreement no later than December 1,
777 2009 ~~2008~~. Plan amendments to adopt a public school facilities
778 element are exempt from the provisions of s. 163.3187(1).

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

780 1. There are a number of agricultural industrial facilities
781 in the state that process, produce, or aid in the production or
782 distribution of a variety of agriculturally based products, such
783 as fruits, vegetables, timber, and other crops, as well as

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784 juices, paper, and building materials. These agricultural
785 industrial facilities may have a significant amount of existing
786 associated infrastructure that is used for the processing,
787 production, or distribution of agricultural products.

788 2. Such rural agricultural industrial facilities often are
789 located within or near communities in which the economy is
790 largely dependent upon agriculture and agriculturally based
791 products. These facilities significantly enhance the economy of
792 such communities. However, these agriculturally based communities
793 often are socioeconomically challenged and many such communities
794 have been designated as rural areas of critical economic concern.
795 If these existing agricultural industrial facilities are lost and
796 or not replaced with other job-creating enterprises, these
797 agriculturally based communities may lose a substantial amount of
798 their economies.

799 3. The state has a compelling interest in preserving the
800 viability of agriculture and protecting rural agricultural
801 communities and the state from the economic upheaval that could
802 result from short-term or long-term adverse changes in the
803 agricultural economy. To protect such communities and promote
804 viable agriculture for the long term, it is essential to
805 encourage and permit diversification of exiting rural
806 agricultural industrial facilities by providing for jobs that are
807 not solely dependent upon but are compatible with and complement
808 existing agricultural operations and to encourage the creation
809 and expansion of industries that use agricultural products in
810 innovative or new ways. However, the expansion and
811 diversification of these existing facilities must be accomplished
812 in a manner that does not promote urban sprawl into surrounding

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813 agricultural and rural areas.

814 (b) As used in this subsection, the term "rural
815 agricultural industrial center" means a developed parcel of land
816 in an unincorporated area on which there exists an operating
817 agricultural industrial facility or facilities that employ at
818 least 200 full-time employees in the aggregate and that are used
819 for processing and preparing for transport a farm product, as
820 defined in s. 163.3162, or any biomass material that could be
821 used, directly or indirectly, for the production of fuel,
822 renewable energy, bioenergy, or alternative fuel as defined by
823 state law. The center may also include land contiguous to the
824 facility site which is not used for the cultivation of crops, but
825 on which other existing activities essential to the operation of
826 such facility or facilities are located or conducted. The parcel
827 of land must be located within or in reasonable proximity to a
828 rural area of critical economic concern.

829 (c) A landowner within a rural agricultural industrial
830 center may apply for an amendment to the local government
831 comprehensive plan for the purpose of designating and expanding
832 the existing agricultural industrial uses or facilities located
833 in the center or expanding the existing center to include
834 industrial uses or facilities that are not dependent upon but are
835 compatible with agriculture and the existing uses and facilities.
836 An application for a comprehensive plan amendment under this
837 paragraph:

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

841 2. Must propose a project that would create, upon

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842 completion, at least 50 new full-time jobs;

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

847 4. Must contain goals, objectives, and policies that will
848 prevent urban sprawl in the areas surrounding the expanded
849 center, or demonstrate that the local government comprehensive
850 plan contains such provisions; and

851 5. Must contain goals, objectives, and policies that will
852 ensure that any adverse environmental impacts of the expanded
853 center will be adequately addressed and mitigated, or demonstrate
854 that the local government comprehensive plan contains such
855 provisions.

856
857 An amendment that meets the requirements of this subsection is
858 presumed to be consistent with rule 9J-5.006(5), Florida
859 Administrative Code. This presumption may be rebutted by a
860 preponderance of the evidence.

861 (d) This subsection does not apply to an optional sector
862 plan adopted pursuant to s. 163.3245 or to a rural land
863 stewardship area designated pursuant to subsection (11). Local
864 governments are encouraged to develop a community vision that
865 provides for sustainable growth, recognizes its fiscal
866 constraints, and protects its natural resources. At the request
867 of a local government, the applicable regional planning council
868 shall provide assistance in the development of a community
869 vision.

870 ~~(a) As part of the process of developing a community vision~~

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871 ~~under this section, the local government must hold two public~~
872 ~~meetings with at least one of those meetings before the local~~
873 ~~planning agency. Before those public meetings, the local~~
874 ~~government must hold at least one public workshop with~~
875 ~~stakeholder groups such as neighborhood associations, community~~
876 ~~organizations, businesses, private property owners, housing and~~
877 ~~development interests, and environmental organizations.~~

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

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

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

884 ~~3. Preservation of open space, environmentally sensitive~~
885 ~~lands, and agricultural lands;~~

886 ~~4. Appropriate areas and standards for mixed-use~~
887 ~~development;~~

888 ~~5. Appropriate areas and standards for high density~~
889 ~~commercial and residential development;~~

890 ~~6. Appropriate areas and standards for economic development~~
891 ~~opportunities and employment centers;~~

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

893 ~~8. An efficient, interconnected multimodal transportation~~
894 ~~system; and~~

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

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

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900 1. ~~Strategies to preserve open space and environmentally~~
901 ~~sensitive lands, and to encourage a healthy agricultural economy,~~
902 ~~including innovative planning and development strategies, such as~~
903 ~~the transfer of development rights;~~

904 2. ~~Incentives for mixed-use development, including~~
905 ~~increased height and intensity standards for buildings that~~
906 ~~provide residential use in combination with office or commercial~~
907 ~~space;~~

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

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

911 5. ~~Strategies to provide mobility within the community and~~
912 ~~to protect the Strategic Intermodal System, including the~~
913 ~~development of a transportation corridor management plan under s.~~
914 ~~337.273.~~

915 (d) ~~The community vision must reflect the community's~~
916 ~~shared concept for growth and development of the community,~~
917 ~~including visual representations depicting the desired land use~~
918 ~~patterns and character of the community during a 10-year planning~~
919 ~~timeframe. The community vision must also take into consideration~~
920 ~~economic viability of the vision and private property interests.~~

921 (e) ~~After the workshops and public meetings required under~~
922 ~~paragraph (a) are held, the local government may amend its~~
923 ~~comprehensive plan to include the community vision as a component~~
924 ~~in the plan. This plan amendment must be transmitted and adopted~~
925 ~~pursuant to the procedures in ss. 163.3184 and 163.3189 at public~~
926 ~~hearings of the governing body other than those identified in~~
927 ~~paragraph (a).~~

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

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929 ~~from the limitation on the frequency of plan amendments in s.~~
930 ~~163.3187.~~

931 ~~(g) A local government that has developed a community~~
932 ~~vision or completed a visioning process after July 1, 2000, and~~
933 ~~before July 1, 2005, which substantially accomplishes the goals~~
934 ~~set forth in this subsection and the appropriate goals, policies,~~
935 ~~or objectives have been adopted as part of the comprehensive plan~~
936 ~~or reflected in subsequently adopted land development regulations~~
937 ~~and the plan amendment incorporating the community vision as a~~
938 ~~component has been found in compliance is eligible for the~~
939 ~~incentives in s. 163.3184(17).~~

940 ~~(14) Local governments are also encouraged to designate an~~
941 ~~urban service boundary. This area must be appropriate for~~
942 ~~compact, contiguous urban development within a 10-year planning~~
943 ~~timeframe. The urban service area boundary must be identified on~~
944 ~~the future land use map or map series. The local government shall~~
945 ~~demonstrate that the land included within the urban service~~
946 ~~boundary is served or is planned to be served with adequate~~
947 ~~public facilities and services based on the local government's~~
948 ~~adopted level of service standards by adopting a 10-year~~
949 ~~facilities plan in the capital improvements element which is~~
950 ~~financially feasible. The local government shall demonstrate that~~
951 ~~the amount of land within the urban service boundary does not~~
952 ~~exceed the amount of land needed to accommodate the projected~~
953 ~~population growth at densities consistent with the adopted~~
954 ~~comprehensive plan within the 10-year planning timeframe.~~

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

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958 ~~Before those public meetings, the local government must hold at~~
959 ~~least one public workshop with stakeholder groups such as~~
960 ~~neighborhood associations, community organizations, businesses,~~
961 ~~private property owners, housing and development interests, and~~
962 ~~environmental organizations.~~

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

969 ~~2. This subsection does not prohibit new development~~
970 ~~outside an urban service boundary. However, a local government~~
971 ~~that establishes an urban service boundary under this subsection~~
972 ~~is encouraged to require a full-cost-accounting analysis for any~~
973 ~~new development outside the boundary and to consider the results~~
974 ~~of that analysis when adopting a plan amendment for property~~
975 ~~outside the established urban service boundary.~~

976 ~~(c) Amendments submitted under this subsection are exempt~~
977 ~~from the limitation on the frequency of plan amendments in s.~~
978 ~~163.3187.~~

979 ~~(d) A local government that has adopted an urban service~~
980 ~~boundary before July 1, 2005, which substantially accomplishes~~
981 ~~the goals set forth in this subsection is not required to comply~~
982 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
983 ~~to be eligible for the incentives under s. 163.3184(17). In order~~
984 ~~to satisfy the provisions of this paragraph, the local government~~
985 ~~must secure a determination from the state land planning agency~~
986 ~~that the urban service boundary adopted before July 1, 2005,~~

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987 ~~substantially complies with the criteria of this subsection,~~
988 ~~based on data and analysis submitted by the local government to~~
989 ~~support this determination. The determination by the state land~~
990 ~~planning agency is not subject to administrative challenge.~~

991 Section 5. Subsections (3), (4), (5), and (6) of section
992 163.31771, Florida Statutes, are amended to read:

993 163.31771 Accessory dwelling units.--

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

999 (4) If the local government amends its comprehensive plan
1000 pursuant to ~~adopts an ordinance under~~ this section, an
1001 application for a building permit to construct an accessory
1002 dwelling unit must include an affidavit from the applicant which
1003 attests that the unit will be rented at an affordable rate to an
1004 extremely-low-income, very-low-income, low-income, or moderate-
1005 income person or persons.

1006 (5) Each accessory dwelling unit allowed by the
1007 comprehensive plan ~~an ordinance adopted under this section~~ shall
1008 apply toward satisfying the affordable housing component of the
1009 housing element in the local government's comprehensive plan
1010 under s. 163.3177(6)(f), and if such unit is subject to a
1011 recorded land use restriction agreement restricting its use to
1012 affordable housing, the unit may not be treated as a new unit for
1013 purposes of transportation concurrency or impact fees. Accessory
1014 dwelling units may not be located on land within a coastal high-
1015 hazard area, an area of critical state concern, or on lands

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1016 identified as environmentally sensitive in the local
1017 comprehensive plan.

1018 ~~(6) The Department of Community Affairs shall evaluate the~~
1019 ~~effectiveness of using accessory dwelling units to address a~~
1020 ~~local government's shortage of affordable housing and report to~~
1021 ~~the Legislature by January 1, 2007. The report must specify the~~
1022 ~~number of ordinances adopted by a local government under this~~
1023 ~~section and the number of accessory dwelling units that were~~
1024 ~~created under these ordinances.~~

1025 Section 6. Paragraph (h) of subsection (2) and subsection
1026 (9) of section 163.3178, Florida Statutes, are amended to read:

1027 163.3178 Coastal management.--

1028 (2) Each coastal management element required by s.
1029 163.3177(6)(g) shall be based on studies, surveys, and data; be
1030 consistent with coastal resource plans prepared and adopted
1031 pursuant to general or special law; and contain:

1032 (h) Designation of coastal high-hazard areas and the
1033 criteria for mitigation for a comprehensive plan amendment in a
1034 coastal high-hazard area as provided ~~defined~~ in subsection (9).
1035 The coastal high-hazard area is the area seaward of ~~below~~ the
1036 elevation of the category 1 storm surge line as established by a
1037 Sea, Lake, and Overland Surges from Hurricanes (SLOSH)
1038 computerized storm surge model. Except as demonstrated by site-
1039 specific, reliable data and analysis, the coastal high-hazard
1040 area includes all lands within the area from the mean low-water
1041 line to the inland extent of the category 1 storm surge area.
1042 Such area is depicted by, but not limited to, the areas
1043 illustrated in the most current SLOSH Storm Surge Atlas.
1044 Application of mitigation and the application of development and

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1045 redevelopment policies, pursuant to s. 380.27(2), and any rules
1046 adopted thereunder, shall be at the discretion of the local
1047 government.

1048 (9) ~~(a)~~ Local governments may elect to comply with state
1049 coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6.
1050 and 7., Florida Administrative Code, through the process provided
1051 in this section.

1052 (a) A proposed comprehensive plan amendment shall be found
1053 in compliance ~~with state coastal high-hazard provisions pursuant~~
1054 ~~to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ if:

1055 1. The area subject to the amendment is not:
1056 a. Within a designated area of critical state concern;
1057 b. Inclusive of areas within the FEMA velocity zones;
1058 c. Subject to coastal erosion;
1059 d. Seaward of the coastal construction control line; or
1060 e. Subject to repetitive damage from coastal storms and
1061 floods.

1062 2. The local government has adopted the following as a part
1063 of its comprehensive plan:

1064 a. Hazard mitigation strategies that reduce, replace, or
1065 eliminate unsafe structures and properties subject to repetitive
1066 losses from coastal storms or floods.

1067 b. Measures that reduce exposure to hazards including:

1068 (I) Relocation;

1069 (II) Structural modifications of threatened infrastructure;

1070 (III) Provisions for operational or capacity improvements
1071 to maintain hurricane evacuation clearance times within

1072 established limits; and

1073 (IV) Prohibiting public expenditures for capital

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1074 improvements that subsidize increased densities and intensities
1075 of development within the coastal high-hazard area.

1076 c. A postdisaster redevelopment plan.

1077 3.a. The adopted level of service for out-of-county
1078 hurricane evacuation clearance time is maintained for a category
1079 5 storm event as measured on the Saffir-Simpson scale if the
1080 adopted out-of-county hurricane evacuation clearance time does
1081 not exceed 16 hours and is based upon the time necessary to reach
1082 shelter space;

1083 b.2. A 12-hour evacuation time to shelter is maintained for
1084 a category 5 storm event as measured on the Saffir-Simpson scale
1085 and shelter space reasonably expected to accommodate the
1086 residents of the development contemplated by a proposed
1087 comprehensive plan amendment is available; or

1088 c.3. Appropriate mitigation is provided to ensure that the
1089 requirements of sub-subparagraph a. or sub-subparagraph b. are
1090 achieved. ~~will satisfy the provisions of subparagraph 1. or~~
1091 ~~subparagraph 2.~~ Appropriate mitigation shall include, without
1092 limitation, payment of money, contribution of land, and
1093 construction of hurricane shelters and transportation facilities.
1094 Required mitigation may ~~shall~~ not exceed the amount required for
1095 a developer to accommodate impacts reasonably attributable to
1096 development. A local government and a developer shall enter into
1097 a binding agreement to establish ~~memorialize~~ the mitigation plan.
1098 The executed agreement must be submitted along with the adopted
1099 plan amendment.

1100 (b) For those local governments that have not established a
1101 level of service for out-of-county hurricane evacuation by July
1102 1, 2008, but elect to comply ~~with rule 9J-5.012(3)(b)6. and 7.,~~

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1103 ~~Florida Administrative Code,~~ by following the process in
1104 paragraph (a), the level of service may not exceed ~~shall be no~~
1105 ~~greater than~~ 16 hours for a category 5 storm event as measured on
1106 the Saffir-Simpson scale based upon the time necessary to reach
1107 shelter space.

1108 (c) This subsection applies ~~shall become effective~~
1109 ~~immediately and shall apply~~ to all local governments. By ~~No later~~
1110 ~~than~~ July 1, 2009 ~~2008~~, local governments shall amend their
1111 future land use map and coastal management element to include the
1112 ~~new~~ definition of coastal high-hazard area provided in paragraph
1113 (2) (h) and to depict the coastal high-hazard area on the future
1114 land use map.

1115 Section 7. Section 163.3180, Florida Statutes, is amended
1116 to read:

1117 163.3180 Concurrency.--

1118 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

1119 (a) Public facility types.--Sanitary sewer, solid waste,
1120 drainage, potable water, parks and recreation, schools, and
1121 transportation facilities, including mass transit, where
1122 applicable, are the only public facilities and services subject
1123 to the concurrency requirement on a statewide basis. Additional
1124 public facilities and services may not be made subject to
1125 concurrency on a statewide basis without appropriate study and
1126 approval by the Legislature; however, any local government may
1127 extend the concurrency requirement ~~so that it applies~~ to apply to
1128 additional public facilities within its jurisdiction.

1129 (b) Transportation methodologies.--Local governments shall
1130 use professionally accepted techniques for measuring level of
1131 service for automobiles, bicycles, pedestrians, transit, and

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1132 trucks. These techniques may be used to evaluate increased
1133 accessibility by multiple modes and reductions in vehicle miles
1134 of travel in an area or zone. The state land planning agency and
1135 the Department of Transportation shall develop methodologies to
1136 assist local governments in implementing this multimodal level-
1137 of-service analysis and. ~~The Department of Community Affairs and~~
1138 ~~the Department of Transportation~~ shall provide technical
1139 assistance to local governments in applying the ~~these~~
1140 methodologies.

1141 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

1142 (a) Sanitary sewer, solid waste, drainage, adequate water
1143 supply, and potable water facilities.--Consistent with public
1144 health and safety, sanitary sewer, solid waste, drainage,
1145 adequate water supplies, and potable water facilities shall be in
1146 place and available to serve new development no later than the
1147 issuance by the local government of a certificate of occupancy or
1148 its functional equivalent. Prior to approval of a building permit
1149 or its functional equivalent, the local government shall consult
1150 with the applicable water supplier to determine whether adequate
1151 water supplies to serve the new development will be available by
1152 ~~no later than~~ the anticipated date of issuance ~~by the local~~
1153 ~~government~~ of the a certificate of occupancy or its functional
1154 equivalent. A local government may meet the concurrency
1155 requirement for sanitary sewer through the use of onsite sewage
1156 treatment and disposal systems approved by the Department of
1157 Health to serve new development.

1158 (b) Parks and recreation facilities.--Consistent with the
1159 public welfare, and except as otherwise provided in this section,
1160 parks and recreation facilities to serve new development shall be

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1161 in place or under actual construction within ~~no later than~~ 1 year
1162 after issuance by the local government of a certificate of
1163 occupancy or its functional equivalent. However, the acreage for
1164 such facilities must ~~shall~~ be dedicated or be acquired by the
1165 local government prior to issuance ~~by the local government of the~~
1166 ~~a~~ certificate of occupancy or its functional equivalent, or funds
1167 in the amount of the developer's fair share shall be committed no
1168 later than the local government's approval to commence
1169 construction.

1170 (c) Transportation facilities.--Consistent with the public
1171 welfare, and except as otherwise provided in this section,
1172 transportation facilities needed to serve new development must
1173 ~~shall~~ be in place or under actual construction within 3 years
1174 after the local government approves a building permit or its
1175 functional equivalent that results in traffic generation.

1176 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental
1177 entities that are not responsible for providing, financing,
1178 operating, or regulating public facilities needed to serve
1179 development may not establish binding level-of-service standards
1180 on governmental entities that do bear those responsibilities.
1181 This subsection does not limit the authority of any agency to
1182 recommend or make objections, recommendations, comments, or
1183 determinations during reviews conducted under s. 163.3184.

1184 (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

1185 (a) State and other public facilities.--The concurrency
1186 requirement as implemented in local comprehensive plans applies
1187 to state and other public facilities and development to the same
1188 extent that it applies to all other facilities and development,
1189 as provided by law.

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1190 (b) Public transit facilities.--The concurrency requirement
1191 as implemented in local comprehensive plans does not apply to
1192 public transit facilities. For the purposes of this paragraph,
1193 public transit facilities include transit stations and terminals;
1194 transit station parking; park-and-ride lots; intermodal public
1195 transit connection or transfer facilities; fixed bus, guideway,
1196 and rail stations; and airport passenger terminals and
1197 concourses, air cargo facilities, and hangars for the maintenance
1198 or storage of aircraft. As used in this paragraph, the terms
1199 "terminals" and "transit facilities" do not include seaports or
1200 commercial or residential development constructed in conjunction
1201 with a public transit facility.

1202 (c) Infill and redevelopment areas.--The concurrency
1203 requirement, except as it relates to transportation facilities
1204 and public schools, as implemented in local government
1205 comprehensive plans, may be waived by a local government for
1206 urban infill and redevelopment areas designated pursuant to s.
1207 163.2517 if such a waiver does not endanger public health or
1208 safety as defined by the local government in its local government
1209 comprehensive plan. The waiver must ~~shall~~ be adopted as a plan
1210 amendment using ~~pursuant to~~ the process ~~set forth~~ in s.
1211 163.3187(3) (a). A local government may grant a concurrency
1212 exception pursuant to subsection (5) for transportation
1213 facilities located within ~~these~~ urban infill and redevelopment
1214 areas.

1215 (5) TRANSPORTATION CONCURRENCY EXCEPTION AREAS.--

1216 (a) Countervailing planning and public policy goals.--The
1217 Legislature finds that under limited circumstances ~~dealing with~~
1218 ~~transportation facilities,~~ countervailing planning and public

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1219 policy goals may come into conflict with the requirement that
1220 adequate public transportation facilities and services be
1221 available concurrent with the impacts of such development. The
1222 Legislature further finds that ~~often~~ the unintended result of the
1223 concurrency requirement for transportation facilities is often
1224 the discouragement of urban infill development and redevelopment.
1225 Such unintended results directly conflict with the goals and
1226 policies of the state comprehensive plan and the intent of this
1227 part. The Legislature also finds that in urban centers
1228 transportation cannot be effectively managed and mobility cannot
1229 be improved solely through the expansion of roadway capacity,
1230 that the expansion of roadway capacity is not always physically
1231 or financially possible, and that a range of transportation
1232 alternatives are essential to satisfy mobility needs, reduce
1233 congestion, and achieve healthy, vibrant centers. Therefore,
1234 transportation concurrency exception areas must achieve the goals
1235 and objectives of this part ~~exceptions from the concurrency~~
1236 ~~requirement for transportation facilities may be granted as~~
1237 ~~provided by this subsection.~~

1238 (b) Geographic applicability.--

1239 1. Within municipalities, transportation concurrency
1240 exception areas are established for geographic areas identified
1241 in the adopted portion of the comprehensive plan as of July 1,
1242 2008, for:

1243 a. Urban infill development;

1244 b. Urban redevelopment;

1245 c. Downtown revitalization; or

1246 d. Urban infill and redevelopment under s. 163.2517.

1247 2. In other portions of the state, including municipalities

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1248 and unincorporated areas of counties, a local government may
1249 adopt a comprehensive plan amendment establishing a
1250 transportation concurrency exception area ~~grant an exception from~~
1251 ~~the concurrency requirement for transportation facilities if the~~
1252 ~~proposed development is otherwise consistent with the adopted~~
1253 ~~local government comprehensive plan and is a project that~~
1254 ~~promotes public transportation or is located~~ within an area
1255 designated in the comprehensive plan for:

1256 a.1. Urban infill development;
1257 b.2. Urban redevelopment;
1258 c.3. Downtown revitalization;
1259 d.4. Urban infill and redevelopment under s. 163.2517; or
1260 e.5. An urban service area specifically designated as a
1261 transportation concurrency exception area which includes lands
1262 appropriate for compact, contiguous urban development, which does
1263 not exceed the amount of land needed to accommodate the projected
1264 population growth at densities consistent with the adopted
1265 comprehensive plan within the 10-year planning period, and which
1266 is served or is planned to be served with public facilities and
1267 services as provided by the capital improvements element.

1268 (c) Projects having special part-time demands.--The
1269 Legislature also finds that developments located within urban
1270 infill, urban redevelopment, existing urban service, or downtown
1271 revitalization areas or areas designated as urban infill and
1272 redevelopment areas under s. 163.2517 which pose only special
1273 part-time demands on the transportation system should be excepted
1274 from the concurrency requirement for transportation facilities. A
1275 special part-time demand is one that does not have more than 200
1276 scheduled events during any calendar year and does not affect the

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1277 100 highest traffic volume hours.

1278 (d) Long-term strategies within transportation concurrency
1279 exception areas.--Except for transportation concurrency exception
1280 areas established pursuant to subparagraph (b)1., the following
1281 requirements apply: A local government shall establish guidelines
1282 in the comprehensive plan for granting the exceptions authorized
1283 in paragraphs (b) and (c) and subsections (7) and (15) which must
1284 be consistent with and support a comprehensive strategy adopted
1285 in the plan to promote the purpose of the exceptions.

1286 1.(e) The local government shall adopt into the plan and
1287 implement long-term strategies to support and fund mobility
1288 within the designated exception area, including alternative modes
1289 of transportation. The plan amendment must ~~also~~ demonstrate how
1290 strategies will support the purpose of the exception and how
1291 mobility within the designated exception area will be provided.

1292 2. In addition, The strategies must address urban design;
1293 appropriate land use mixes, including intensity and density; and
1294 network connectivity plans needed to promote urban infill,
1295 redevelopment, or downtown revitalization. The comprehensive plan
1296 amendment designating the ~~concurrency~~ exception area must be
1297 accompanied by data and analysis justifying the size of the area.

1298 (e)(f) Strategic Intermodal System.--Prior to the
1299 designation of a concurrency exception area pursuant to
1300 subparagraph (b)2., the state land planning agency and the
1301 Department of Transportation shall be consulted by the local
1302 government to assess the impact that the proposed exception area
1303 is expected to have on the adopted level-of-service standards
1304 established for Strategic Intermodal System facilities, ~~as~~
1305 ~~defined in s. 339.64,~~ and roadway facilities funded in accordance

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1306 with s. 339.2819 and to provide for mitigation of the impacts.
1307 Further, as a part of the comprehensive plan amendment
1308 establishing the exception area, the local government shall
1309 provide for mitigation of impacts, ~~in consultation with the state~~
1310 ~~land planning agency and the Department of Transportation,~~
1311 ~~develop a plan to mitigate any impacts~~ to the Strategic
1312 Intermodal System, including, if appropriate, access management,
1313 parallel reliever roads, transportation demand management, and
1314 other measures ~~the development of a long-term concurrency~~
1315 ~~management system pursuant to subsection (9) and s.~~
1316 ~~163.3177(3)(d). The exceptions may be available only within the~~
1317 ~~specific geographic area of the jurisdiction designated in the~~
1318 ~~plan. Pursuant to s. 163.3184, any affected person may challenge~~
1319 ~~a plan amendment establishing these guidelines and the areas~~
1320 ~~within which an exception could be granted.~~

1321 ~~(g) Transportation concurrency exception areas existing~~
1322 ~~prior to July 1, 2005, must, at a minimum, meet the provisions of~~
1323 ~~this section by July 1, 2006, or at the time of the comprehensive~~
1324 ~~plan update pursuant to the evaluation and appraisal report,~~
1325 ~~whichever occurs last.~~

1326 (6) DE MINIMIS IMPACT.--The Legislature finds that a de
1327 minimis impact is consistent with this part. A de minimis impact
1328 is an impact that does ~~would~~ not affect more than 1 percent of
1329 the maximum volume at the adopted level of service of the
1330 affected transportation facility as determined by the local
1331 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
1332 existing roadway volumes and the projected volumes from approved
1333 projects on a transportation facility exceeds ~~would exceed~~ 110
1334 percent of the maximum volume at the adopted level of service of

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1335 the affected transportation facility; ~~provided~~ however, the ~~that~~
1336 ~~an~~ impact of a single family home on an existing lot is ~~will~~
1337 ~~constitute~~ a de minimis impact on all roadways regardless of the
1338 level of the deficiency of the roadway. Further, an ~~no~~ impact is
1339 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted
1340 level-of-service standard of any affected designated hurricane
1341 evacuation routes. Each local government shall maintain
1342 sufficient records to ensure that the 110-percent criterion is
1343 not exceeded. ~~Each local government shall submit annually, with~~
1344 ~~its updated capital improvements element, a summary of the de~~
1345 ~~minimis records. If the state land planning agency determines~~
1346 ~~that the 110-percent criterion has been exceeded, the state land~~
1347 ~~planning agency shall notify the local government of the~~
1348 ~~exceedance and that no further de minimis exceptions for the~~
1349 ~~applicable roadway may be granted until such time as the volume~~
1350 ~~is reduced below the 110 percent. The local government shall~~
1351 ~~provide proof of this reduction to the state land planning agency~~
1352 ~~before issuing further de minimis exceptions.~~

1353 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote
1354 infill development and redevelopment, one or more transportation
1355 concurrency management areas may be designated in a local
1356 government comprehensive plan. A transportation concurrency
1357 management area must be a compact geographic area that has ~~with~~
1358 an existing network of roads where multiple, viable alternative
1359 travel paths or modes are available for common trips. A local
1360 government may establish an areawide level-of-service standard
1361 for ~~such~~ a transportation concurrency management area based upon
1362 an analysis that provides for a justification for the areawide
1363 level of service, how urban infill development or redevelopment

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1364 will be promoted, and how mobility will be accomplished within
1365 the transportation concurrency management area. Prior to the
1366 designation of a concurrency management area, the local
1367 government shall consult with the state land planning agency and
1368 the Department of Transportation shall be consulted by the local
1369 government to assess the effect ~~impact~~ that the proposed
1370 concurrency management area is expected to have on the adopted
1371 level-of-service standards established for Strategic Intermodal
1372 System facilities, ~~as defined in s. 339.64,~~ and roadway
1373 facilities funded in accordance with s. 339.2819. Further, the
1374 local government shall, in cooperation with the state land
1375 planning agency and the Department of Transportation, develop a
1376 plan to mitigate any impacts to the Strategic Intermodal System,
1377 including, if appropriate, the development of a long-term
1378 concurrency management system pursuant to subsection (9) and s.
1379 163.3177(3)(d). ~~Transportation concurrency management areas~~
1380 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
1381 ~~provisions of this section by July 1, 2006, or at the time of the~~
1382 ~~comprehensive plan update pursuant to the evaluation and~~
1383 ~~appraisal report, whichever occurs last.~~ The state land planning
1384 agency shall amend chapter 9J-5, Florida Administrative Code, to
1385 be consistent with this subsection.

1386 (8) URBAN REDEVELOPMENT.--When assessing the transportation
1387 impacts of proposed urban redevelopment within an established
1388 existing urban service area, 150 ~~110~~ percent of the actual
1389 transportation impact caused by the previously existing
1390 development must be reserved for the redevelopment, even if the
1391 previously existing development has a lesser or nonexistent
1392 impact pursuant to the calculations of the local government.

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1393 Redevelopment requiring less than 150 ~~110~~ percent of the
1394 previously existing capacity may ~~shall~~ not be prohibited due to
1395 the reduction of transportation levels of service below the
1396 adopted standards. This does not preclude the appropriate
1397 assessment of fees or accounting for the impacts within the
1398 concurrency management system and capital improvements program of
1399 the affected local government. This paragraph does not affect
1400 local government requirements for appropriate development
1401 permits.

1402 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

1403 (a) Each local government may adopt, as a part of its plan,
1404 long-term transportation and school concurrency management
1405 systems that have ~~with~~ a planning period of up to 10 years for
1406 specially designated districts or areas where significant
1407 backlogs exist. The plan may include interim level-of-service
1408 standards on certain facilities and shall rely on the local
1409 government's schedule of capital improvements for up to 10 years
1410 as a basis for issuing development orders that authorize
1411 commencement of construction in these designated districts or
1412 areas. The concurrency management system must be designed to
1413 correct existing deficiencies and set priorities for addressing
1414 backlogged facilities and be coordinated with the appropriate
1415 metropolitan planning organization. The concurrency management
1416 system must be financially feasible and consistent with other
1417 portions of the adopted local plan, including the future land use
1418 map.

1419 (b) If a local government has a transportation or school
1420 facility backlog for existing development which cannot be
1421 adequately addressed in a 10-year plan, the state land planning

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1422 agency may allow it to develop a plan and long-term schedule of
1423 capital improvements covering up to 15 years for good and
1424 sufficient cause, based on a general comparison between the ~~that~~
1425 local government and all other similarly situated local
1426 jurisdictions, using the following factors:

- 1427 1. The extent of the backlog.
- 1428 2. For roads, whether the backlog is on local or state
1429 roads.
- 1430 3. The cost of eliminating the backlog.
- 1431 4. The local government's tax and other revenue-raising
1432 efforts.

1433 (c) The local government may issue approvals to commence
1434 construction notwithstanding this section, consistent with and in
1435 areas that are subject to a long-term concurrency management
1436 system.

1437 (d) If the local government adopts a long-term concurrency
1438 management system, it must evaluate the system periodically. At a
1439 minimum, the local government must assess its progress toward
1440 improving levels of service within the long-term concurrency
1441 management district or area in the evaluation and appraisal
1442 report and determine any changes that are necessary to accelerate
1443 progress in meeting acceptable levels of service.

1444 (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With
1445 regard to roadway facilities on the Strategic Intermodal System
1446 designated in accordance with s. ss. 339.61, 339.62, 339.63, and
1447 ~~339.64~~, the Florida Intrastate Highway System ~~as defined in s.~~
1448 ~~338.001~~, and roadway facilities funded in accordance with s.
1449 339.2819, local governments shall adopt the level-of-service
1450 standard established by the Department of Transportation by rule.

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1451 For all other roads on the State Highway System, local
1452 governments shall establish an adequate level-of-service standard
1453 that need not be consistent with any level-of-service standard
1454 established by the Department of Transportation. In establishing
1455 adequate level-of-service standards for any arterial roads, or
1456 collector roads as appropriate, which traverse multiple
1457 jurisdictions, local governments shall consider compatibility
1458 with the roadway facility's adopted level-of-service standards in
1459 adjacent jurisdictions. Each local government within a county
1460 shall use a professionally accepted methodology for measuring
1461 impacts on transportation facilities for the purposes of
1462 implementing its concurrency management system. Counties are
1463 encouraged to coordinate with adjacent counties, and local
1464 governments within a county are encouraged to coordinate, for the
1465 purpose of using common methodologies for measuring impacts on
1466 transportation facilities for the purpose of implementing their
1467 concurrency management systems.

1468 (11) LIMITATION OF LIABILITY.--In order to limit the
1469 liability of local governments, a local government may allow a
1470 landowner to proceed with development of a specific parcel of
1471 land notwithstanding a failure of the development to satisfy
1472 transportation concurrency, if ~~when~~ all the following factors ~~are~~
1473 ~~shown to~~ exist:

1474 (a) The local government that has ~~with~~ jurisdiction over
1475 the property has adopted a local comprehensive plan that is in
1476 compliance.

1477 (b) The proposed development is ~~would be~~ consistent with
1478 the future land use designation for the specific property and
1479 with pertinent portions of the adopted local plan, as determined

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1480 by the local government.

1481 (c) The local plan includes a financially feasible capital
1482 improvements element that provides for transportation facilities
1483 adequate to serve the proposed development, and the local
1484 government has not implemented that element.

1485 (d) The local government has provided a means for assessing
1486 ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the
1487 cost of providing the transportation facilities necessary to
1488 serve the proposed development.

1489 (e) The landowner has made a binding commitment to the
1490 local government to pay the fair share of the cost of providing
1491 the transportation facilities to serve the proposed development.

1492 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--

1493 (a) A development of regional impact may satisfy the
1494 transportation concurrency requirements of the local
1495 comprehensive plan, the local government's concurrency management
1496 system, and s. 380.06 by payment of a proportionate-share
1497 contribution for local and regionally significant traffic
1498 impacts, if:

1499 1.(a) The development of regional impact which, based on
1500 its location or mix of land uses, is designed to encourage
1501 pedestrian or other nonautomotive modes of transportation;

1502 2.(b) The proportionate-share contribution for local and
1503 regionally significant traffic impacts is sufficient to pay for
1504 one or more required mobility improvements that will benefit the
1505 network of a regionally significant transportation facilities if
1506 impacts on the Strategic Intermodal System, the Florida
1507 Intrastate Highway System, and other regionally significant
1508 roadways outside the jurisdiction of the local government are

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1509 mitigated based on the prioritization of needed improvements
1510 recommended by the regional planning council facility;

1511 3.(e) The owner and developer of the development of
1512 regional impact pays or assures payment of the proportionate-
1513 share contribution; and

1514 4.(d) ~~If~~ The regionally significant transportation facility
1515 to be constructed or improved is under the maintenance authority
1516 of a governmental entity, as defined by s. 334.03 ~~334.03(12)~~,
1517 other than the local government that has ~~with~~ jurisdiction over
1518 the development of regional impact, the developer must ~~is~~
1519 ~~required to~~ enter into a binding and legally enforceable
1520 commitment to transfer funds to the governmental entity having
1521 maintenance authority or to otherwise assure construction or
1522 improvement of the facility.

1523 (b) The proportionate-share contribution may be applied to
1524 any transportation facility to satisfy the provisions of this
1525 subsection and the local comprehensive plan. ~~but,~~ For the
1526 purposes of this subsection, the amount of the proportionate-
1527 share contribution shall be calculated based upon the cumulative
1528 number of trips from the proposed development expected to reach
1529 roadways during the peak hour from the complete buildout of a
1530 stage or phase being approved, divided by the change in the peak
1531 hour maximum service volume of roadways resulting from
1532 construction of an improvement necessary to maintain the adopted
1533 level of service, multiplied by the construction cost, at the
1534 time of developer payment, of the improvement necessary to
1535 maintain the adopted level of service. If the number of trips
1536 used in this calculation includes trips from an earlier phase of
1537 development, the determination of mitigation of the cumulative

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1538 project impacts for the subsequent phase of development shall
1539 include a credit for any mitigation required by the development
1540 order and provided by the developer for the earlier phase,
1541 calculated at present value. For purposes of this subsection, the
1542 term:

1543 1. "Present value" means the fair market value of right-of-
1544 way at the time of contribution or the actual dollar value of the
1545 construction improvements at the date of completion.

1546 2. ~~For purposes of this subsection,~~ "Construction cost"
1547 includes all associated costs of the improvement. Proportionate-
1548 share mitigation shall be limited to ensure that a development of
1549 regional impact meeting the requirements of this subsection
1550 mitigates its impact on the transportation system but is not
1551 responsible for the additional cost of reducing or eliminating
1552 backlogs.

1553 3. "Backlogged transportation facility" means a facility on
1554 which the adopted level-of-service standard is exceeded by the
1555 existing level of service plus committed trips. A developer may
1556 not be required to fund or construct proportionate share
1557 mitigation that is more extensive, due to being on a backlogged
1558 transportation facility, than is necessary based solely on the
1559 impact of the development project being considered.

1560
1561 This subsection also applies to Florida Quality Developments
1562 pursuant to s. 380.061 and to detailed specific area plans
1563 implementing optional sector plans pursuant to s. 163.3245.

1564 (13) SCHOOL CONCURRENCY.--School concurrency shall be
1565 established on a districtwide basis and ~~shall~~ include all public
1566 schools in the district and all portions of the district, whether

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1567 | located in a municipality or an unincorporated area unless exempt
1568 | from the public school facilities element pursuant to s.
1569 | 163.3177(12). The application of school concurrency to
1570 | development shall be based upon the adopted comprehensive plan,
1571 | as amended. All local governments within a county, except as
1572 | provided in paragraph (f), shall adopt and transmit to the state
1573 | land planning agency the necessary plan amendments, along with
1574 | the interlocal agreement, for a compliance review pursuant to s.
1575 | 163.3184(7) and (8). The minimum requirements for school
1576 | concurrency are the following:

1577 | (a) Public school facilities element.--A local government
1578 | shall adopt and transmit to the state land planning agency a plan
1579 | or plan amendment which includes a public school facilities
1580 | element which is consistent with the requirements of s.
1581 | 163.3177(12) and which is determined to be in compliance as
1582 | defined in s. 163.3184(1)(b). All local government public school
1583 | facilities plan elements within a county must be consistent with
1584 | each other as well as the requirements of this part.

1585 | (b) Level-of-service standards.--The Legislature recognizes
1586 | that an essential requirement for a concurrency management system
1587 | is the level of service at which a public facility is expected to
1588 | operate.

1589 | 1. Local governments and school boards imposing school
1590 | concurrency shall exercise authority in conjunction with each
1591 | other to establish jointly adequate level-of-service standards,
1592 | as defined in chapter 9J-5, Florida Administrative Code,
1593 | necessary to implement the adopted local government comprehensive
1594 | plan, based on data and analysis.

1595 | 2. Public school level-of-service standards shall be

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1596 included and adopted into the capital improvements element of the
1597 local comprehensive plan and shall apply districtwide to all
1598 schools of the same type. Types of schools may include
1599 elementary, middle, and high schools as well as special purpose
1600 facilities such as magnet schools.

1601 3. Local governments and school boards may use ~~shall have~~
1602 ~~the option to utilize~~ tiered level-of-service standards to allow
1603 time to achieve an adequate and desirable level of service as
1604 circumstances warrant.

1605 4. A school district that includes relocatables in its
1606 inventory of student stations shall include relocatables in its
1607 calculation of capacity for purposes of determining whether
1608 levels of service have been achieved.

1609 (c) Service areas.--The Legislature recognizes that an
1610 essential requirement for a concurrency system is a designation
1611 of the area within which the level of service will be measured
1612 when an application for a residential development permit is
1613 reviewed for school concurrency purposes. This delineation is
1614 also important for ~~purposes of~~ determining whether the local
1615 government has a financially feasible public school capital
1616 facilities program for ~~that will provide~~ schools which will
1617 achieve and maintain the adopted level-of-service standards.

1618 1. In order to balance competing interests, preserve the
1619 constitutional concept of uniformity, and avoid disruption of
1620 existing educational and growth management processes, local
1621 governments are encouraged to initially apply school concurrency
1622 to development only on a districtwide basis so that a concurrency
1623 determination for a specific development is ~~will be~~ based upon
1624 the availability of school capacity districtwide. To ensure that

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1625 development is coordinated with schools having available
1626 capacity, within 5 years after adoption of school concurrency,
1627 local governments shall apply school concurrency on a less than
1628 districtwide basis, ~~such as using school attendance zones or~~
1629 ~~concurrency service areas,~~ as provided in subparagraph 2.

1630 2. For local governments applying school concurrency on a
1631 less than districtwide basis, such as utilizing school attendance
1632 zones or larger school concurrency service areas, local
1633 governments and school boards shall have the burden of
1634 demonstrating ~~to demonstrate~~ that the utilization of school
1635 capacity is maximized to the greatest extent possible in the
1636 comprehensive plan and amendment, taking into account
1637 transportation costs and court-approved desegregation plans, as
1638 well as other factors. In addition, in order to achieve
1639 concurrency within the service area boundaries selected by local
1640 governments and school boards, the service area boundaries,
1641 together with the standards for establishing those boundaries,
1642 shall be identified and included as supporting data and analysis
1643 for the comprehensive plan.

1644 3. Where school capacity is available on a districtwide
1645 basis but school concurrency is applied on a less than
1646 districtwide basis in the form of concurrency service areas, if
1647 the adopted level-of-service standard cannot be met in a
1648 particular service area as applied to an application for a
1649 development permit and if the needed capacity for the particular
1650 service area is available in one or more contiguous service
1651 areas, as adopted by the local government, ~~then~~ the local
1652 government may not deny an application for site plan or final
1653 subdivision approval or the functional equivalent for a

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1654 development or phase of a development on the basis of school
1655 concurrency, and if issued, development impacts shall be shifted
1656 to contiguous service areas with schools having available
1657 capacity.

1658 (d) Financial feasibility.--The Legislature recognizes that
1659 financial feasibility is an important issue because the premise
1660 of concurrency is that ~~the~~ public facilities will be provided in
1661 order to achieve and maintain the adopted level-of-service
1662 standard. This part and chapter 9J-5, Florida Administrative
1663 Code, contain specific standards for determining ~~to determine~~ the
1664 financial feasibility of capital programs. These standards were
1665 adopted to make concurrency more predictable and local
1666 governments more accountable.

1667 1. A comprehensive plan amendment seeking to impose school
1668 concurrency must ~~shall~~ contain appropriate amendments to the
1669 capital improvements element of the comprehensive plan,
1670 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-
1671 5.016, Florida Administrative Code. The capital improvements
1672 element must ~~shall~~ set forth a financially feasible public school
1673 capital facilities program, established in conjunction with the
1674 school board, that demonstrates that the adopted level-of-service
1675 standards will be achieved and maintained.

1676 2. Such amendments to the capital improvements element must
1677 ~~shall~~ demonstrate that the public school capital facilities
1678 program meets all of the financial feasibility standards of this
1679 part and chapter 9J-5, Florida Administrative Code, that apply to
1680 capital programs which provide the basis for mandatory
1681 concurrency on other public facilities and services.

1682 3. If ~~When~~ the financial feasibility of a public school

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1683 capital facilities program is evaluated by the state land
1684 planning agency for purposes of a compliance determination, the
1685 evaluation must ~~shall~~ be based upon the service areas selected by
1686 the local governments and school board.

1687 (e) Availability standard.--Consistent with the public
1688 welfare, and except as otherwise provided in this subsection,
1689 public school facilities needed to serve new residential
1690 development shall be in place or under actual construction within
1691 3 years after the issuance of final subdivision or site plan
1692 approval, or the functional equivalent. A local government may
1693 not deny an application for site plan, final subdivision
1694 approval, or the functional equivalent for a development or phase
1695 of a development authorizing residential development for failure
1696 to achieve and maintain the level-of-service standard for public
1697 school capacity in a local school concurrency management system
1698 where adequate school facilities will be in place or under actual
1699 construction within 3 years after the issuance of final
1700 subdivision or site plan approval, or the functional equivalent.
1701 Any mitigation required of a developer shall be limited to ensure
1702 that a development mitigates its own impact on public school
1703 facilities, but is not responsible for the additional cost of
1704 reducing or eliminating backlogs or addressing class size
1705 reduction. School concurrency is satisfied if the developer
1706 executes a legally binding commitment to provide mitigation
1707 proportionate to the demand for public school facilities to be
1708 created by actual development of the property, including, but not
1709 limited to, the options described in subparagraph 1. Options for
1710 proportionate-share mitigation of impacts on public school
1711 facilities must be established in the public school facilities

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1712 element and the interlocal agreement pursuant to s. 163.31777.

1713 1. Appropriate mitigation options include the contribution
1714 of land; the construction, expansion, or payment for land
1715 acquisition or construction of a public school facility; the
1716 construction of a charter school that complies with the
1717 requirements of subparagraph 2.; or the creation of mitigation
1718 banking based on the construction of a public school facility or
1719 charter school that complies with the requirements of
1720 subparagraph 2., in exchange for the right to sell capacity
1721 credits. Such options must include execution by the applicant and
1722 the local government of a development agreement that constitutes
1723 a legally binding commitment to pay proportionate-share
1724 mitigation for the additional residential units approved by the
1725 local government in a development order and actually developed on
1726 the property, taking into account residential density allowed on
1727 the property prior to the plan amendment that increased the
1728 overall residential density. The district school board must be a
1729 party to such an agreement. Grounds for the refusal of either the
1730 local government or district school board to approve a
1731 development agreement proffering charter school facilities shall
1732 be limited to the agreement's compliance with subparagraph 2. As
1733 a condition of its entry into such a development agreement, the
1734 local government may require the landowner to agree to continuing
1735 renewal of the agreement upon its expiration.

1736 2. The construction of a charter school facility shall be
1737 an appropriate mitigation option if the facility limits
1738 enrollment to those students residing within a defined geographic
1739 area as provided in s. 1002.33(10)(e)4., the facility is owned by
1740 a nonprofit entity or local government, the design and

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1741 construction of the facility complies with the lifesafety
1742 requirements of Florida State Requirements for Educational
1743 Facilities (SREF), and the school's charter provides for the
1744 reversion of the facility to the district school board if the
1745 facility ceases to be used for public educational purposes as
1746 provided in s. 1002.33(18)(f). District school boards shall have
1747 the right to monitor and inspect charter facilities constructed
1748 under this section to ensure compliance with the lifesafety
1749 requirements of SREF and shall have the authority to waive SREF
1750 standards in the same manner permitted for district-owned public
1751 schools.

1752 3.2. If the education facilities plan and the public
1753 educational facilities element authorize a contribution of land;
1754 the construction, expansion, or payment for land acquisition; or
1755 the construction or expansion of a public school facility, or a
1756 portion thereof, or the construction of a charter school that
1757 complies with the requirements of subparagraph 2., as
1758 proportionate-share mitigation, the local government shall credit
1759 such a contribution, construction, expansion, or payment toward
1760 any other concurrency management system, concurrency exaction,
1761 impact fee or exaction imposed by local ordinance for the same
1762 need, on a dollar-for-dollar basis at fair market value. For
1763 proportionate share calculations, the percentage of relocatables
1764 used by a school district shall be considered in determining the
1765 average cost of a student station.

1766 4.3. Any proportionate-share mitigation must be included
1767 ~~directed~~ by the school board as toward a school capacity
1768 improvement identified in a financially feasible 5-year district
1769 work plan that satisfies the demands created by the development

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1770 in accordance with a binding developer's agreement.

1771 ~~5.4.~~ If a development is precluded from commencing because
1772 there is inadequate classroom capacity to mitigate the impacts of
1773 the development, the development may nevertheless commence if
1774 there are accelerated facilities in an approved capital
1775 improvement element scheduled for construction in year four or
1776 later of such plan which, when built, will mitigate the proposed
1777 development, or if such accelerated facilities will be in the
1778 next annual update of the capital facilities element, the
1779 developer enters into a binding, financially guaranteed agreement
1780 with the school district to construct an accelerated facility
1781 within the first 3 years of an approved capital improvement plan,
1782 and the cost of the school facility is equal to or greater than
1783 the development's proportionate share. When the completed school
1784 facility is conveyed to the school district, the developer shall
1785 receive impact fee credits usable within the zone where the
1786 facility is constructed or any attendance zone contiguous with or
1787 adjacent to the zone where the facility is constructed.

1788 ~~6.5.~~ This paragraph does not limit the authority of a local
1789 government to deny a development permit or its functional
1790 equivalent pursuant to its home rule regulatory powers, except as
1791 provided in this part.

1792 (f) Intergovernmental coordination.--

1793 1. When establishing concurrency requirements for public
1794 schools, a local government shall satisfy the requirements for
1795 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
1796 and 2., except that a municipality is not required to be a
1797 signatory to the interlocal agreement required by ss.
1798 163.3177(6)(h)2. and 163.3177(6), as a prerequisite for

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1799 imposition of school concurrency, and as a nonsignatory, may
1800 ~~shall~~ not participate in the adopted local school concurrency
1801 system, if the municipality meets all of the following criteria
1802 for not having a ~~ne~~ significant impact on school attendance:

1803 a. The municipality has issued development orders for fewer
1804 than 50 residential dwelling units during the preceding 5 years,
1805 or the municipality has generated fewer than 25 additional public
1806 school students during the preceding 5 years.

1807 b. The municipality has not annexed new land during the
1808 preceding 5 years in land use categories which permit residential
1809 uses that will affect school attendance rates.

1810 c. The municipality has no public schools located within
1811 its boundaries.

1812 d. At least 80 percent of the developable land within the
1813 boundaries of the municipality has been built upon.

1814 2. A municipality that ~~which~~ qualifies as not having a ~~ne~~
1815 significant impact on school attendance pursuant to ~~the criteria~~
1816 ~~of~~ subparagraph 1. must review and determine at the time of its
1817 evaluation and appraisal report pursuant to s. 163.3191 whether
1818 it continues to meet the criteria pursuant to s. 163.3177(6). If
1819 the municipality determines that it no longer meets the criteria,
1820 it must adopt appropriate school concurrency goals, objectives,
1821 and policies in its plan amendments based on the evaluation and
1822 appraisal report, and enter into the existing interlocal
1823 agreement required by ss. 163.3177(6)(h)2. and 163.31777, in
1824 order to fully participate in the school concurrency system. If
1825 such a municipality fails to do so, it is ~~will be~~ subject to the
1826 enforcement provisions of s. 163.3191.

1827 (g) Interlocal agreement for school concurrency.--When

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1828 establishing concurrency requirements for public schools, a local
1829 government must enter into an interlocal agreement that satisfies
1830 the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and
1831 the requirements of this subsection. The interlocal agreement
1832 must ~~shall~~ acknowledge both the school board's constitutional and
1833 statutory obligations to provide a uniform system of free public
1834 schools on a countywide basis, and the land use authority of
1835 local governments, including their authority to approve or deny
1836 comprehensive plan amendments and development orders. The
1837 interlocal agreement shall be submitted to the state land
1838 planning agency by the local government as a part of the
1839 compliance review, along with the other necessary amendments to
1840 the comprehensive plan required by this part. In addition to the
1841 requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal
1842 agreement must ~~shall~~ meet the following requirements:

1843 1. Establish ~~the~~ mechanisms for coordinating the
1844 development, adoption, and amendment of each local government's
1845 public school facilities element with each other and the plans of
1846 the school board to ensure a uniform districtwide school
1847 concurrency system.

1848 2. Establish a process for developing ~~the development of~~
1849 siting criteria that ~~which~~ encourages the location of public
1850 schools proximate to urban residential areas to the extent
1851 possible and seeks to collocate schools with other public
1852 facilities such as parks, libraries, and community centers to the
1853 extent possible.

1854 3. Specify uniform, districtwide level-of-service standards
1855 for public schools of the same type and the process for modifying
1856 the adopted level-of-service standards.

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1857 4. Establish a process for the preparation, amendment, and
1858 joint approval by each local government and the school board of a
1859 public school capital facilities program that ~~which~~ is
1860 financially feasible, and a process and schedule for
1861 incorporation of the public school capital facilities program
1862 into the local government comprehensive plans on an annual basis.

1863 5. Define the geographic application of school concurrency.
1864 If school concurrency is to be applied on a less than
1865 districtwide basis in the form of concurrency service areas, the
1866 agreement must ~~shall~~ establish criteria and standards for the
1867 establishment and modification of school concurrency service
1868 areas. The agreement must ~~shall~~ also establish a process and
1869 schedule for the mandatory incorporation of the school
1870 concurrency service areas and the criteria and standards for
1871 establishment of the service areas into the local government
1872 comprehensive plans. The agreement must ~~shall~~ ensure maximum
1873 utilization of school capacity, taking into account
1874 transportation costs and court-approved desegregation plans, as
1875 well as other factors. The agreement must ~~shall~~ also ensure the
1876 achievement and maintenance of the adopted level-of-service
1877 standards for the geographic area of application throughout the 5
1878 years covered by the public school capital facilities plan and
1879 thereafter by adding a new fifth year during the annual update.

1880 6. Establish a uniform districtwide procedure for
1881 implementing school concurrency which provides for:

1882 a. The evaluation of development applications for
1883 compliance with school concurrency requirements, including
1884 information provided by the school board on affected schools,
1885 impact on levels of service, ~~and~~ programmed improvements for

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1886 affected schools, and any options to provide sufficient capacity;

1887 b. An opportunity for the school board to review and
1888 comment on the effect of comprehensive plan amendments and
1889 rezonings on the public school facilities plan; and

1890 c. The monitoring and evaluation of the school concurrency
1891 system.

1892 7. Include provisions relating to amendment of the
1893 agreement.

1894 8. A process and uniform methodology for determining
1895 proportionate-share mitigation pursuant to subparagraph (e)1.

1896 (h) Local government authority.--This subsection does not
1897 limit the authority of a local government to grant or deny a
1898 development permit or its functional equivalent prior to the
1899 implementation of school concurrency.

1900 (14) RULEMAKING AUTHORITY.--The state land planning agency
1901 shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for the
1902 review and determination of compliance of a public school
1903 facilities element adopted by a local government for purposes of
1904 imposition of school concurrency.

1905 (15) MULTIMODAL DISTRICTS.--

1906 (a) Multimodal transportation districts may be established
1907 under a local government comprehensive plan in areas delineated
1908 on the future land use map for which the local comprehensive plan
1909 assigns secondary priority to vehicle mobility and primary
1910 priority to assuring a safe, comfortable, and attractive
1911 pedestrian environment, with convenient interconnection to
1912 transit. Such districts must incorporate community design
1913 features that will reduce the number of automobile trips or
1914 vehicle miles of travel and will support an integrated,

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1915 multimodal transportation system. Prior to the designation of
1916 multimodal transportation districts, the Department of
1917 Transportation shall be consulted by the local government to
1918 assess the impact that the proposed multimodal district area is
1919 expected to have on the adopted level-of-service standards
1920 established for Strategic Intermodal System facilities, as
1921 designated in s. 339.63 ~~defined in s. 339.64~~, and roadway
1922 facilities funded in accordance with s. 339.2819. Further, the
1923 local government shall, in cooperation with the Department of
1924 Transportation, develop a plan to mitigate any impacts to the
1925 Strategic Intermodal System, including the development of a long-
1926 term concurrency management system pursuant to subsection (9) and
1927 s. 163.3177(3)(d). ~~Multimodal transportation districts existing~~
1928 ~~prior to July 1, 2005, shall meet, at a minimum, the provisions~~
1929 ~~of this section by July 1, 2006, or at the time of the~~
1930 ~~comprehensive plan update pursuant to the evaluation and~~
1931 ~~appraisal report, whichever occurs last.~~

1932 (b) Community design elements of ~~such~~ a multimodal
1933 transportation district include: a complementary mix and range of
1934 land uses, including educational, recreational, and cultural
1935 uses; interconnected networks of streets designed to encourage
1936 walking and bicycling, with traffic-calming where desirable;
1937 appropriate densities and intensities of use within walking
1938 distance of transit stops; daily activities within walking
1939 distance of residences, allowing independence to persons who do
1940 not drive; public uses, streets, and squares that are safe,
1941 comfortable, and attractive for the pedestrian, with adjoining
1942 buildings open to the street and with parking not interfering
1943 with pedestrian, transit, automobile, and truck travel modes.

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1944 (c) Local governments may establish multimodal level-of-
1945 service standards that rely primarily on nonvehicular modes of
1946 transportation within the district, if ~~when~~ justified by an
1947 analysis demonstrating that the existing and planned community
1948 design will provide an adequate level of mobility within the
1949 district based upon professionally accepted multimodal level-of-
1950 service methodologies. The analysis must also demonstrate that
1951 the capital improvements required to promote community design are
1952 financially feasible over the development or redevelopment
1953 timeframe for the district and that community design features
1954 within the district provide convenient interconnection for a
1955 multimodal transportation system. Local governments may issue
1956 development permits in reliance upon all planned community design
1957 capital improvements that are financially feasible over the
1958 development or redevelopment timeframe for the district, without
1959 regard to the period of time between development or redevelopment
1960 and the scheduled construction of the capital improvements. A
1961 determination of financial feasibility shall be based upon
1962 currently available funding or funding sources that could
1963 reasonably be expected to become available over the planning
1964 period.

1965 (d) Local governments may reduce impact fees or local
1966 access fees for development within multimodal transportation
1967 districts based on the reduction of vehicle trips per household
1968 or vehicle miles of travel expected from the development pattern
1969 planned for the district.

1970 (e) By December 1, 2007, the Department of Transportation,
1971 in consultation with the state land planning agency and
1972 interested local governments, may designate a study area for

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1973 | conducting a pilot project to determine the benefits of and
1974 | barriers to establishing a regional multimodal transportation
1975 | concurrency district that extends over more than one local
1976 | government jurisdiction. If designated:

1977 | 1. The study area must be in a county that has a population
1978 | of at least 1,000 persons per square mile, be within an urban
1979 | service area, and have the consent of the local governments
1980 | within the study area. The Department of Transportation and the
1981 | state land planning agency shall provide technical assistance.

1982 | 2. The local governments within the study area and the
1983 | Department of Transportation, in consultation with the state land
1984 | planning agency, shall cooperatively create a multimodal
1985 | transportation plan that meets the requirements of this section.
1986 | The multimodal transportation plan must include viable local
1987 | funding options and incorporate community design features,
1988 | including a range of mixed land uses and densities and
1989 | intensities, which will reduce the number of automobile trips or
1990 | vehicle miles of travel while supporting an integrated,
1991 | multimodal transportation system.

1992 | 3. To effectuate the multimodal transportation concurrency
1993 | district, participating local governments may adopt appropriate
1994 | comprehensive plan amendments.

1995 | 4. The Department of Transportation, in consultation with
1996 | the state land planning agency, shall submit a report by March 1,
1997 | 2009, to the Governor, the President of the Senate, and the
1998 | Speaker of the House of Representatives on the status of the
1999 | pilot project. The report must identify any factors that support
2000 | or limit the creation and success of a regional multimodal
2001 | transportation district including intergovernmental coordination.

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2002 (f) The state land planning agency may designate up to five
2003 local governments as Urban Placemaking Initiative Pilot Projects.
2004 The purpose of the pilot project program is to assist local
2005 communities with redevelopment of primarily single-use suburban
2006 areas that surround strategic corridors and crossroads, and to
2007 create livable, sustainable communities that have a sense of
2008 place. Pilot communities must have a county population of at
2009 least 350,000, be able to demonstrate an ability to administer
2010 the pilot project, and have appropriate potential redevelopment
2011 areas suitable for the pilot project. Recognizing that both the
2012 form of existing development patterns and strict application of
2013 transportation concurrency requirements create obstacles to such
2014 redevelopment, the pilot project program shall further the
2015 ability of such communities to cultivate mixed-use and form-based
2016 communities that integrate all modes of transportation. The pilot
2017 project program shall provide an alternative regulatory framework
2018 that allows for the creation of a multimodal concurrency district
2019 that over the planning time period allows pilot project
2020 communities to incrementally realize the goals of the
2021 redevelopment area by guiding redevelopment of parcels and
2022 cultivating multimodal development in targeted transitional
2023 suburban areas. The Department of Transportation shall provide
2024 technical support to the state land planning agency and the
2025 department and the agency shall provide technical assistance to
2026 the local governments in the implementation of the pilot
2027 projects.

2028 1. Each pilot project community shall designate the
2029 criteria for designation of urban placemaking redevelopment areas
2030 in the future land use element of its comprehensive plan. Such

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2031 redevelopment areas must be within an adopted urban service
2032 boundary or functional equivalent. Each pilot project community
2033 shall also adopt comprehensive plan amendments that set forth
2034 criteria for the development of the urban placemaking areas that
2035 contain land use and transportation strategies, including, but
2036 not limited to, the community design elements set forth in
2037 paragraph (c). A pilot project community shall undertake a
2038 process of public engagement to coordinate community vision,
2039 citizen interest, and development goals for developments within
2040 the urban placemaking redevelopment areas.

2041 2. Each pilot project community may assign transportation
2042 concurrency or trip generation credits and impact fee exemptions
2043 or reductions and establish concurrency exceptions for
2044 developments that meet the adopted comprehensive plan criteria
2045 for urban placemaking redevelopment areas. The provisions of
2046 paragraph (c) apply to designated urban placemaking redevelopment
2047 areas.

2048 3. The state land planning agency shall submit a report by
2049 March 1, 2011, to the Governor, the President of the Senate, and
2050 the Speaker of the House of Representatives on the status of each
2051 approved pilot project. The report must identify factors that
2052 indicate whether or not the pilot project program has
2053 demonstrated any success in urban placemaking and redevelopment
2054 initiatives and whether the pilot project should be expanded for
2055 use by other local governments.

2056 (16) FAIR-SHARE MITIGATION.--It is the intent of the
2057 Legislature to provide a method by which the impacts of
2058 development on transportation facilities can be mitigated by the
2059 cooperative efforts of the public and private sectors. The

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2060 methodology used to calculate proportionate fair-share mitigation
2061 under this section shall be as provided for in subsection (12),
2062 or a vehicle and people-miles-traveled methodology or an
2063 alternative methodology shall be used which is identified by the
2064 local government as a part of its comprehensive plan and ensures
2065 that development impacts on transportation facilities are
2066 mitigated.

2067 (a) By December 1, 2006, each local government shall adopt
2068 by ordinance a methodology for assessing proportionate fair-share
2069 mitigation options. By December 1, 2005, the Department of
2070 Transportation shall develop a model transportation concurrency
2071 management ordinance that has ~~with~~ methodologies for assessing
2072 proportionate fair-share mitigation options.

2073 (b)~~1.~~ In its transportation concurrency management system,
2074 a local government shall, ~~by December 1, 2006,~~ include
2075 methodologies to be applied in calculating ~~that will be applied~~
2076 ~~to calculate~~ proportionate fair-share mitigation.

2077 1. A developer may choose to satisfy all transportation
2078 concurrency requirements by contributing or paying proportionate
2079 fair-share mitigation if transportation facilities or facility
2080 segments identified as mitigation for traffic impacts are
2081 specifically identified for funding in the 5-year schedule of
2082 capital improvements in the capital improvements element of the
2083 local plan or the long-term concurrency management system or if
2084 such contributions or payments to such facilities or segments are
2085 reflected in the 5-year schedule of capital improvements in the
2086 next regularly scheduled update of the capital improvements
2087 element. Updates to the 5-year capital improvements element which
2088 reflect proportionate fair-share contributions may not be found

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2089 | not in compliance based on ss. 163.3164(32) and 163.3177(3) if
2090 | additional contributions, payments or funding sources are
2091 | reasonably anticipated during a period not to exceed 10 years to
2092 | fully mitigate impacts on the transportation facilities.

2093 | 2. Proportionate fair-share mitigation shall be applied as
2094 | a credit against impact fees to the extent that all or a portion
2095 | of the proportionate fair-share mitigation is used to address the
2096 | same capital infrastructure improvements contemplated by the
2097 | local government's impact fee ordinance.

2098 | (c) Proportionate fair-share mitigation includes, without
2099 | limitation, separately or collectively, private funds,
2100 | contributions of land, and construction and contribution of
2101 | facilities and may include public funds as determined by the
2102 | local government. Proportionate fair-share mitigation may be
2103 | directed toward one or more specific transportation improvements
2104 | reasonably related to the mobility demands created by the
2105 | development and such improvements may address one or more modes
2106 | of travel. The fair market value of the proportionate fair-share
2107 | mitigation may ~~shall~~ not differ based on the form of mitigation.
2108 | A local government may not require a development to pay more than
2109 | its proportionate fair-share contribution regardless of the
2110 | method of mitigation. Proportionate fair-share mitigation shall
2111 | be limited to ensure that a development meeting the requirements
2112 | of this section mitigates its impact on the transportation system
2113 | but is not responsible for the additional cost of reducing or
2114 | eliminating backlogs.

2115 | (d) This subsection does not require a local government to
2116 | approve a development that is not otherwise qualified for
2117 | approval pursuant to the applicable local comprehensive plan and

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2118 | land development regulations.

2119 | (e) Mitigation for development impacts to facilities on the
2120 | Strategic Intermodal System made pursuant to this subsection
2121 | requires the concurrence of the Department of Transportation.

2122 | (f) If the funds in an adopted 5-year capital improvements
2123 | element are insufficient to fully fund construction of a
2124 | transportation improvement required by the local government's
2125 | concurrency management system, a local government and a developer
2126 | may still enter into a binding proportionate-share agreement
2127 | authorizing the developer to construct that amount of development
2128 | on which the proportionate share is calculated if the
2129 | proportionate-share amount in the ~~such~~ agreement is sufficient to
2130 | pay for one or more improvements which will, in the opinion of
2131 | the governmental entity or entities maintaining the
2132 | transportation facilities, significantly benefit the impacted
2133 | transportation system. The improvements funded by the
2134 | proportionate-share component must be adopted into the 5-year
2135 | capital improvements schedule of the comprehensive plan at the
2136 | next annual capital improvements element update. The funding of
2137 | any improvements that significantly benefit the impacted
2138 | transportation system satisfies concurrency requirements as a
2139 | mitigation of the development's impact upon the overall
2140 | transportation system even if there remains a failure of
2141 | concurrency on other impacted facilities.

2142 | (g) Except as provided in subparagraph (b)1., this section
2143 | does ~~may~~ not prohibit the state land planning agency ~~Department~~
2144 | ~~of Community Affairs~~ from finding other portions of the capital
2145 | improvements element amendments not in compliance as provided in
2146 | this chapter.

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2147 (h) ~~The provisions of~~ This subsection does ~~de~~ not apply to
2148 a development of regional impact satisfying the requirements of
2149 subsection (12).

2150 (17) TRANSPORTATION CONCURRENCY INCENTIVES.--The
2151 Legislature finds that allowing private-sector entities to
2152 finance, construct, and improve public transportation facilities
2153 can provide significant benefits to the public by facilitating
2154 transportation without the need for additional public tax
2155 revenues. In order to encourage the more efficient and proactive
2156 provision of transportation improvements by the private sector,
2157 if a developer or property owner voluntarily contributes right-
2158 of-way and physically constructs or expands a state
2159 transportation facility or segment, and such construction or
2160 expansion:

2161 (a) Improves traffic flow, capacity, or safety, the
2162 voluntary contribution may be applied as a credit for that
2163 property owner or developer against any future transportation
2164 concurrency requirements pursuant to this chapter if the
2165 transportation improvement is identified in the 5-year work plan
2166 of the Department of Transportation, and such contributions and
2167 credits are set forth in a legally binding agreement executed by
2168 the property owner or developer, the local government of the
2169 jurisdiction in which the facility is located, and the Department
2170 of Transportation.

2171 (b) Is identified in the capital improvement schedule,
2172 meets the requirements in this section, and is set forth in a
2173 legally binding agreement between the property owner or developer
2174 and the applicable local government, the contribution to the
2175 local government collector and the arterial system may be applied

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2176 as credit against any future transportation concurrency
2177 requirements under this chapter.

2178 (18) TRANSPORTATION MOBILITY FEE.--The Legislature finds
2179 that the existing transportation concurrency system has not
2180 adequately addressed the state's transportation needs in an
2181 effective, predictable, and equitable manner and is not producing
2182 a sustainable transportation system for the state. The current
2183 system is complex, lacks uniformity among jurisdictions, is too
2184 focused on roadways to the detriment of desired land use patterns
2185 and transportation alternatives, and frequently prevents the
2186 attainment of important growth management goals. The state,
2187 therefore, should consider a different transportation concurrency
2188 approach that uses a mobility fee based on vehicle and people
2189 miles traveled. Therefore, the Legislature directs the state land
2190 planning agency to study and develop a methodology for a mobility
2191 fee system as follows:

2192 (a) The state land planning agency, in consultation with
2193 the Department of Transportation, shall convene a study group
2194 that includes representatives from the Department of
2195 Transportation, regional planning councils, local governments,
2196 the development community, land use and transportation
2197 professionals, and the Legislature to develop a uniform mobility
2198 fee methodology for statewide application to replace the existing
2199 transportation concurrency management system. The methodology
2200 shall be based on the amount, distribution, and timing of the
2201 vehicle and people miles traveled, professionally accepted
2202 standards and practices in the fields of land use and
2203 transportation planning, and the requirements of constitutional
2204 and statutory law. The mobility fee shall be designed to provide

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2205 for mobility needs, ensure that development provides mitigation
2206 for its impacts on the transportation system, and promote
2207 compact, mixed-use, and energy-efficient development. The
2208 mobility fee shall be used to fund improvements to the
2209 transportation system.

2210 (b) By February 15, 2009, the state land planning agency
2211 shall provide a report to the Legislature containing
2212 recommendations concerning an appropriate uniform mobility fee
2213 methodology and whether a mobility fee system should be applied
2214 statewide or to more limited geographic areas, a schedule to
2215 amend comprehensive plans and land development rules to
2216 incorporate the mobility fee, a system for collecting and
2217 allocating mobility fees among state and local transportation
2218 facilities, and whether and how mobility fees should replace,
2219 revise, or supplement transportation impact fees.

2220 (19)~~(17)~~ A local government and the developer of affordable
2221 workforce housing units developed in accordance with s.
2222 380.06(19) or s. 380.0651(3) may identify an employment center or
2223 centers in close proximity to the affordable workforce housing
2224 units. If at least 50 percent of the units are occupied by an
2225 employee or employees of an identified employment center or
2226 centers, all of the affordable workforce housing units are exempt
2227 from transportation concurrency requirements, and the local
2228 government may not reduce any transportation trip-generation
2229 entitlements of an approved development-of-regional-impact
2230 development order. As used in this subsection, the term "close
2231 proximity" means 5 miles from the nearest point of the
2232 development of regional impact to the nearest point of the
2233 employment center, and the term "employment center" means a place

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2234 of employment that employs at least 25 or more full-time
2235 employees.

2236 Section 8. Paragraph (d) of subsection (3) of section
2237 163.31801, Florida Statutes, is amended to read:

2238 163.31801 Impact fees; short title; intent; definitions;
2239 ordinances levying impact fees.--

2240 (3) An impact fee adopted by ordinance of a county or
2241 municipality or by resolution of a special district must, at
2242 minimum:

2243 (d) Require that notice be provided no less than 90 days
2244 before the effective date of an ordinance or resolution imposing
2245 a new or increased ~~amended~~ impact fee. Notice is not required if
2246 an impact fee is decreased or eliminated.

2247 Section 9. Subsections (3) and (4), paragraphs (a) and (d)
2248 of subsection (6), paragraph (a) of subsection (7), paragraphs
2249 (b) and (c) of subsection (15), and subsections (17), (18), and
2250 (19) of section 163.3184, Florida Statutes, are amended to read:

2251 163.3184 Process for adoption of comprehensive plan or plan
2252 amendment.--

2253 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
2254 AMENDMENT.--

2255 (a) Before filing an application for a future land use map
2256 amendment that applies to 50 acres or more, the applicant must
2257 conduct a neighborhood meeting to present, discuss, and solicit
2258 public comment on the proposed amendment. Such meeting shall be
2259 conducted at least 30 days but no more than 60 days before the
2260 application for the amendment is filed with the local government.
2261 At a minimum, the meeting shall be noticed and conducted in
2262 accordance with each of the following requirements:

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- 2263 1. Notice of the meeting shall be:
- 2264 a. Mailed at least 10 days but no more than 14 days before
- 2265 the date of the meeting to all property owners owning property
- 2266 within 500 feet of the property subject to the proposed
- 2267 amendment, according to information maintained by the county tax
- 2268 assessor. Such information shall conclusively establish the
- 2269 required recipients;
- 2270 b. Published in accordance with s. 125.66(4)(b)2. or s.
- 2271 166.041(3)(c)2.b.;
- 2272 c. Posted on the jurisdiction's website, if available; and
- 2273 d. Mailed to all persons on the list of homeowners' or
- 2274 condominium associations maintained by the jurisdiction, if any.
- 2275 2. The meeting shall be conducted at an accessible and
- 2276 convenient location.
- 2277 3. A sign-in list of all attendees at each meeting must be
- 2278 maintained.
- 2279 (b) At least 15 days but no more than 45 days before the
- 2280 local governing body's scheduled adoption hearing, the applicant
- 2281 shall conduct a second noticed community or neighborhood meeting
- 2282 for the purpose of presenting and discussing the map amendment
- 2283 application, including any changes made to the proposed amendment
- 2284 following the first community or neighborhood meeting. Notice by
- 2285 United States mail at least 10 days but no more than 14 days
- 2286 before the meeting is required only for persons who signed in at
- 2287 the preapplication meeting and persons whose names are on the
- 2288 sign-in sheet from the transmittal hearing conducted pursuant to
- 2289 paragraph (15)(c). Otherwise, notice shall be given by newspaper
- 2290 advertisement in accordance with s. 125.66(4)(b)2. and s.
- 2291 166.041(3)(c)2.b. Before the adoption hearing, the applicant

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2292 shall file with the local government a written certification or
2293 verification that the second meeting has been noticed and
2294 conducted in accordance with this section.

2295 (c) Before filing an application for a future land use map
2296 amendment that applies to 11 acres or more but less than 50
2297 acres, the applicant must conduct a neighborhood meeting in
2298 compliance with paragraph (a). At least 15 days but no more than
2299 45 days before the local governing body's scheduled adoption
2300 hearing, the applicant for a future land use map amendment that
2301 applies to 11 acres or more but less than 49 acres is encouraged
2302 to hold a second meeting using the provisions in paragraph (b).

2303 (d) The requirement for neighborhood meetings as provided
2304 in this section does not apply to small-scale amendments as
2305 defined in s. 163.3187(2) (d) unless a local government, by
2306 ordinance, adopts a procedure for holding a neighborhood meeting
2307 as part of the small-scale amendment process. In no event shall
2308 more than one such meeting be required.

2309 (e) ~~(a)~~ Each local governing body shall transmit the
2310 complete proposed comprehensive plan or plan amendment to the
2311 state land planning agency, the appropriate regional planning
2312 council and water management district, the Department of
2313 Environmental Protection, the Department of State, and the
2314 Department of Transportation, and, in the case of municipal
2315 plans, to the appropriate county, and, in the case of county
2316 plans, to the Fish and Wildlife Conservation Commission and the
2317 Department of Agriculture and Consumer Services, immediately
2318 following a public hearing pursuant to subsection (15) as
2319 specified in the state land planning agency's procedural rules.
2320 The local governing body shall also transmit a copy of the

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2321 complete proposed comprehensive plan or plan amendment to any
2322 other unit of local government or government agency in the state
2323 that has filed a written request with the governing body for the
2324 plan or plan amendment. The local government may request a review
2325 by the state land planning agency pursuant to subsection (6) at
2326 the time of the transmittal of an amendment.

2327 (f) ~~(b)~~ A local governing body shall not transmit portions
2328 of a plan or plan amendment unless it has previously provided to
2329 all state agencies designated by the state land planning agency a
2330 complete copy of its adopted comprehensive plan pursuant to
2331 subsection (7) and as specified in the agency's procedural rules.
2332 In the case of comprehensive plan amendments, the local governing
2333 body shall transmit to the state land planning agency, the
2334 appropriate regional planning council and water management
2335 district, the Department of Environmental Protection, the
2336 Department of State, and the Department of Transportation, and,
2337 in the case of municipal plans, to the appropriate county and, in
2338 the case of county plans, to the Fish and Wildlife Conservation
2339 Commission and the Department of Agriculture and Consumer
2340 Services the materials specified in the state land planning
2341 agency's procedural rules and, in cases in which the plan
2342 amendment is a result of an evaluation and appraisal report
2343 adopted pursuant to s. 163.3191, a copy of the evaluation and
2344 appraisal report. Local governing bodies shall consolidate all
2345 proposed plan amendments into a single submission for each of the
2346 two plan amendment adoption dates during the calendar year
2347 pursuant to s. 163.3187.

2348 (g) ~~(e)~~ A local government may adopt a proposed plan
2349 amendment previously transmitted pursuant to this subsection,

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2350 unless review is requested or otherwise initiated pursuant to
2351 subsection (6).

2352 (h) ~~(d)~~ In cases in which a local government transmits
2353 multiple individual amendments that can be clearly and legally
2354 separated and distinguished for the purpose of determining
2355 whether to review the proposed amendment, and the state land
2356 planning agency elects to review several or a portion of the
2357 amendments and the local government chooses to immediately adopt
2358 the remaining amendments not reviewed, the amendments immediately
2359 adopted and any reviewed amendments that the local government
2360 subsequently adopts together constitute one amendment cycle in
2361 accordance with s. 163.3187(1).

2362

2363 Paragraphs (a)-(d) apply to applications for a map amendment
2364 filed after January 1, 2009.

2365 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
2366 specified in paragraph (3)(a) shall provide comments to the state
2367 land planning agency within 30 days after receipt by the state
2368 land planning agency of the complete proposed plan amendment. If
2369 the plan or plan amendment includes or relates to the public
2370 school facilities element pursuant to s. 163.3177(12), the state
2371 land planning agency shall submit a copy to the Office of
2372 Educational Facilities of the Commissioner of Education for
2373 review and comment. The appropriate regional planning council
2374 shall also provide its written comments to the state land
2375 planning agency within 45 ~~30~~ days after receipt by the state land
2376 planning agency of the complete proposed plan amendment and shall
2377 specify any objections, recommendations for modifications, and
2378 comments of any other regional agencies to which the regional

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2379 | planning council may have referred the proposed plan amendment.
2380 | Written comments submitted by the public within 30 days after
2381 | notice of transmittal by the local government of the proposed
2382 | plan amendment will be considered as if submitted by governmental
2383 | agencies. All written agency and public comments must be made
2384 | part of the file maintained under subsection (2).

2385 | (6) STATE LAND PLANNING AGENCY REVIEW.--

2386 | (a) The state land planning agency shall review a proposed
2387 | plan amendment upon request of a regional planning council,
2388 | affected person, or local government transmitting the plan
2389 | amendment. The request from the regional planning council or
2390 | affected person must be received within 45 ~~30~~ days after
2391 | transmittal of the proposed plan amendment pursuant to subsection
2392 | (3). A regional planning council or affected person requesting a
2393 | review shall do so by submitting a written request to the agency
2394 | with a notice of the request to the local government and any
2395 | other person who has requested notice.

2396 | (d) The state land planning agency review shall identify
2397 | all written communications with the agency regarding the proposed
2398 | plan amendment. If the state land planning agency does not issue
2399 | such a review, it shall identify in writing to the local
2400 | government all written communications received 45 ~~30~~ days after
2401 | transmittal. The written identification must include a list of
2402 | all documents received or generated by the agency, which list
2403 | must be of sufficient specificity to enable the documents to be
2404 | identified and copies requested, if desired, and the name of the
2405 | person to be contacted to request copies of any identified
2406 | document. The list of documents must be made a part of the public
2407 | records of the state land planning agency.

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2408 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
2409 OR AMENDMENTS AND TRANSMITTAL.--

2410 (a) The local government shall review the written comments
2411 submitted to it by the state land planning agency, and any other
2412 person, agency, or government. Any comments, recommendations, or
2413 objections and any reply to them are ~~shall be~~ public documents, a
2414 part of the permanent record in the matter, and admissible in any
2415 proceeding in which the comprehensive plan or plan amendment may
2416 be at issue. The local government, upon receipt of written
2417 comments from the state land planning agency, shall have 120 days
2418 to adopt, or adopt with changes, the proposed comprehensive plan
2419 or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan~~
2420 ~~amendments other than those proposed pursuant to s. 163.3191, the~~
2421 ~~local government shall have 60 days to adopt the amendment, adopt~~
2422 ~~the amendment with changes, or determine that it will not adopt~~
2423 ~~the amendment.~~ The adoption of the proposed plan or plan
2424 amendment or the determination not to adopt a plan amendment,
2425 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~
2426 shall be made in the course of a public hearing pursuant to
2427 subsection (15). If a local government fails to adopt the
2428 comprehensive plan or plan amendment within the period set forth
2429 in this subsection, the plan or plan amendment shall be deemed
2430 abandoned and may not be considered until the next available
2431 amendment cycle pursuant to this section and s. 163.3187.
2432 However, if the applicant or local government, before the
2433 expiration of the period, certifies in writing to the state land
2434 planning agency that the applicant is proceeding in good faith to
2435 address the items raised in the agency report issued pursuant to
2436 paragraph (6) (f) or agency comments issued pursuant to s.

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2437 163.32465(4), and such certification specifically identifies the
2438 items being addressed, the state land planning agency may grant
2439 one or more extensions not to exceed a total of 360 days
2440 following the date of the issuance of the agency report or
2441 comments if the request is justified by good and sufficient cause
2442 as determined by the agency. When any such extension is pending,
2443 the applicant shall file with the local government and state land
2444 planning agency a status report every 60 days specifically
2445 identifying the items being addressed and the manner in which
2446 such items are being addressed. The local government shall
2447 transmit the complete adopted comprehensive plan or plan
2448 amendment, including the names and addresses of persons compiled
2449 pursuant to paragraph (15)(c), to the state land planning agency
2450 as specified in the agency's procedural rules within 10 working
2451 days after adoption. The local governing body shall also transmit
2452 a copy of the adopted comprehensive plan or plan amendment to the
2453 regional planning agency and to any other unit of local
2454 government or governmental agency in the state that has filed a
2455 written request with the governing body for a copy of the plan or
2456 plan amendment.

2457 (15) PUBLIC HEARINGS.--

2458 (b) The local governing body shall hold at least two
2459 advertised public hearings on the proposed comprehensive plan or
2460 plan amendment as follows:

2461 1. The first public hearing shall be held at the
2462 transmittal stage pursuant to subsection (3). It shall be held on
2463 a weekday at least 7 days after the day that the first
2464 advertisement is published.

2465 2. The second public hearing shall be held at the adoption

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2466 stage pursuant to subsection (7). It shall be held on a weekday
2467 at least 5 days after the day that the second advertisement is
2468 published. The comprehensive plan or plan amendment to be
2469 considered for adoption must be available to the public at least
2470 5 days before the date of the hearing, and must be posted at
2471 least 5 days before the date of the hearing on the local
2472 government's website if one is maintained. The proposed
2473 comprehensive plan amendment may not be altered during the 5 days
2474 before the hearing if such alteration increases the permissible
2475 density, intensity, or height, or decreases the minimum buffers,
2476 setbacks, or open space. If the amendment is altered in this
2477 manner during the 5-day period or at the public hearing, the
2478 public hearing shall be continued to the next meeting of the
2479 local governing body. As part of the adoption package, the local
2480 government shall certify in writing to the state land planning
2481 agency that it has complied with this subsection.

2482 (c) The local government shall provide a sign-in form at
2483 the transmittal hearing and at the adoption hearing for persons
2484 to provide their names, ~~and~~ mailing and electronic addresses. The
2485 sign-in form must advise that any person providing the requested
2486 information will receive a courtesy informational statement
2487 concerning publications of the state land planning agency's
2488 notice of intent. The local government shall add to the sign-in
2489 form the name and address of any person who submits written
2490 comments concerning the proposed plan or plan amendment during
2491 the time period between the commencement of the transmittal
2492 hearing and the end of the adoption hearing. It is the
2493 responsibility of the person completing the form or providing
2494 written comments to accurately, completely, and legibly provide

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2495 all information needed in order to receive the courtesy
2496 informational statement.

2497 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~

2498 ~~AMENDMENTS.--A local government that has adopted a community~~
2499 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~
2500 ~~may adopt a plan amendment related to map amendments solely to~~
2501 ~~property within an urban service boundary in the manner described~~
2502 ~~in subsections (1), (2), (7), (14), (15), and (16) and s.~~
2503 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
2504 ~~regional agency review is eliminated. The department may not~~
2505 ~~issue an objections, recommendations, and comments report on~~
2506 ~~proposed plan amendments or a notice of intent on adopted plan~~
2507 ~~amendments; however, affected persons, as defined by paragraph~~
2508 ~~(1)(a), may file a petition for administrative review pursuant to~~
2509 ~~the requirements of s. 163.3187(3)(a) to challenge the compliance~~
2510 ~~of an adopted plan amendment. This subsection does not apply to~~
2511 ~~any amendment within an area of critical state concern, to any~~
2512 ~~amendment that increases residential densities allowable in high-~~
2513 ~~hazard coastal areas as defined in s. 163.3178(2)(h), or to a~~
2514 ~~text change to the goals, policies, or objectives of the local~~
2515 ~~government's comprehensive plan. Amendments submitted under this~~
2516 ~~subsection are exempt from the limitation on the frequency of~~
2517 ~~plan amendments in s. 163.3187.~~

2518 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A~~

2519 ~~municipality that has a designated urban infill and redevelopment~~
2520 ~~area under s. 163.2517 may adopt a plan amendment related to map~~
2521 ~~amendments solely to property within a designated urban infill~~
2522 ~~and redevelopment area in the manner described in subsections~~
2523 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and~~

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2524 ~~e., 2., and 3., such that state and regional agency review is~~
2525 ~~eliminated. The department may not issue an objections,~~
2526 ~~recommendations, and comments report on proposed plan amendments~~
2527 ~~or a notice of intent on adopted plan amendments; however,~~
2528 ~~affected persons, as defined by paragraph (1) (a), may file a~~
2529 ~~petition for administrative review pursuant to the requirements~~
2530 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~
2531 ~~plan amendment. This subsection does not apply to any amendment~~
2532 ~~within an area of critical state concern, to any amendment that~~
2533 ~~increases residential densities allowable in high-hazard coastal~~
2534 ~~areas as defined in s. 163.3178(2) (h), or to a text change to the~~
2535 ~~goals, policies, or objectives of the local government's~~
2536 ~~comprehensive plan. Amendments submitted under this subsection~~
2537 ~~are exempt from the limitation on the frequency of plan~~
2538 ~~amendments in s. 163.3187.~~

2539 (17) ~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any
2540 local government that identifies in its comprehensive plan the
2541 types of housing developments and conditions for which it will
2542 consider plan amendments that are consistent with the local
2543 housing incentive strategies identified in s. 420.9076 and
2544 authorized by the local government may expedite consideration of
2545 such plan amendments. At least 30 days before ~~prior to~~ adopting a
2546 plan amendment pursuant to this subsection, the local government
2547 shall notify the state land planning agency of its intent to
2548 adopt such an amendment, and the notice shall include the local
2549 government's evaluation of site suitability and availability of
2550 facilities and services. A plan amendment considered under this
2551 subsection shall require only a single public hearing before the
2552 local governing body, which shall be a plan amendment adoption

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2553 hearing as described in subsection (7). The public notice of the
2554 hearing required under subparagraph (15)(b)2. must include a
2555 statement that the local government intends to use the expedited
2556 adoption process authorized under this subsection. The state land
2557 planning agency shall issue its notice of intent required under
2558 subsection (8) within 30 days after determining that the
2559 amendment package is complete. Any further proceedings shall be
2560 governed by subsections (9)-(16).

2561 Section 10. Section 163.3187, Florida Statutes, is amended
2562 to read:

2563 163.3187 Amendment of adopted comprehensive plan.--

2564 (1) (a) A plan amendment applying to lands within an urban
2565 service area that includes lands appropriate for compact
2566 contiguous urban development, which does not exceed the amount of
2567 land needed to accommodate projected population growth at
2568 densities consistent with the adopted comprehensive plan within a
2569 10-year planning period, and which is served or is planned to be
2570 served with public facilities and services as provided by the
2571 capital improvements element may be transmitted not more than two
2572 times during any calendar year. Amendments to comprehensive plans
2573 applying to lands outside an urban service area, as described in
2574 this subsection, ~~adopted pursuant to this part~~ may be made not
2575 more than once ~~two times~~ during any calendar year., ~~except:~~

2576 (b) ~~(a)~~ The following amendments may be adopted by a local
2577 government at any time during a calendar year without regard for
2578 the frequency restrictions set forth in this subsection:

2579 1. Any local government comprehensive plan ~~In the case of~~
2580 ~~an emergency, comprehensive plan amendments may be made more~~
2581 ~~often than twice during the calendar year if the additional plan~~

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2582 amendment enacted in case of emergency which receives the
2583 approval of all of the members of the governing body. "Emergency"
2584 means any occurrence or threat ~~thereof~~ whether accidental or
2585 natural, caused by humankind, in war or peace, which results or
2586 may result in substantial injury or harm to the population or
2587 substantial damage to or loss of property or public funds.

2588 2.(b) Any local government comprehensive plan amendments
2589 directly related to a proposed development of regional impact,
2590 including changes which have been determined to be substantial
2591 deviations and including Florida Quality Developments pursuant to
2592 s. 380.061, may be initiated by a local planning agency and
2593 considered by the local governing body at the same time as the
2594 application for development approval using the procedures
2595 provided for local plan amendment in this section and applicable
2596 local ordinances, ~~without regard to statutory or local ordinance~~
2597 ~~limits on the frequency of consideration of amendments to the~~
2598 ~~local comprehensive plan. Nothing in this subsection shall be~~
2599 ~~deemed to require favorable consideration of a plan amendment~~
2600 ~~solely because it is related to a development of regional impact.~~

2601 3.(e) Any Local government comprehensive plan amendments
2602 directly related to proposed small scale development activities
2603 ~~may be approved without regard to statutory limits on the~~
2604 ~~frequency of consideration of amendments to the local~~
2605 ~~comprehensive plan.~~ A small scale development amendment may be
2606 adopted only under the following conditions:

2607 a.1. The proposed amendment involves a use of 10 acres or
2608 fewer and:

2609 (I)a. The cumulative annual effect of the acreage for all
2610 small scale development amendments adopted by the local

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2611 government shall not exceed:

2612 (A)~~(I)~~ A maximum of 120 acres in a local government that
2613 contains areas specifically designated in the local comprehensive
2614 plan for urban infill, urban redevelopment, or downtown
2615 revitalization as defined in s. 163.3164, urban infill and
2616 redevelopment areas designated under s. 163.2517, transportation
2617 concurrency exception areas approved pursuant to s. 163.3180(5),
2618 or regional activity centers and urban central business districts
2619 approved pursuant to s. 380.06(2)(e); however, amendments under
2620 this subparagraph ~~paragraph~~ may be applied to no more than 60
2621 acres annually of property outside the designated areas listed in
2622 this sub-sub-sub-subparagraph ~~sub-sub-subparagraph~~. ~~Amendments~~
2623 ~~adopted pursuant to paragraph (k) shall not be counted toward the~~
2624 ~~acreage limitations for small scale amendments under this~~
2625 ~~paragraph.~~

2626 (B)~~(II)~~ A maximum of 80 acres in a local government that
2627 does not contain any of the designated areas set forth in sub-
2628 sub-sub-subparagraph (A) ~~sub-sub-subparagraph (I)~~.

2629 (C)~~(III)~~ A maximum of 120 acres in a county established
2630 pursuant to s. 9, Art. VIII of the State Constitution.

2631 (II)~~b.~~ The proposed amendment does not involve the same
2632 property granted a change within the prior 12 months.

2633 (III)~~e.~~ The proposed amendment does not involve the same
2634 owner's property within 200 feet of property granted a change
2635 within the prior 12 months.

2636 (IV)~~d.~~ The proposed amendment does not involve a text
2637 change to the goals, policies, and objectives of the local
2638 government's comprehensive plan, but only proposes a land use
2639 change to the future land use map for a site-specific small scale

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2640 development activity.

2641 (V)e. The property that is the subject of the proposed
2642 amendment is not located within an area of critical state
2643 concern, unless the project subject to the proposed amendment
2644 involves the construction of affordable housing units meeting the
2645 criteria of s. 420.0004(3), and is located within an area of
2646 critical state concern designated by s. 380.0552 or by the
2647 Administration Commission pursuant to s. 380.05(1). Such
2648 amendment is not subject to the density limitations of sub-sub-
2649 subparagraph VI ~~sub-subparagraph f.~~, and shall be reviewed by the
2650 state land planning agency for consistency with the principles
2651 for guiding development applicable to the area of critical state
2652 concern where the amendment is located and is ~~shall~~ not ~~become~~
2653 effective until a final order is issued under s. 380.05(6).

2654 (VI)f. If the proposed amendment involves a residential
2655 land use, the residential land use has a density of 10 units or
2656 less per acre or the proposed future land use category allows a
2657 maximum residential density of the same or less than the maximum
2658 residential density allowable under the existing future land use
2659 category, except that this limitation does not apply to small
2660 scale amendments involving the construction of affordable housing
2661 units meeting the criteria of s. 420.0004(3) on property which
2662 will be the subject of a land use restriction agreement, or small
2663 scale amendments described in sub-sub-sub-subparagraph (I) (A)
2664 which ~~sub-sub-subparagraph a. (I)~~ that are designated in the local
2665 comprehensive plan for urban infill, urban redevelopment, or
2666 downtown revitalization as defined in s. 163.3164, urban infill
2667 and redevelopment areas designated under s. 163.2517,
2668 transportation concurrency exception areas approved pursuant to

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2669 s. 163.3180(5), or regional activity centers and urban central
2670 business districts approved pursuant to s. 380.06(2)(e).

2671 b.(I)2.a. A local government that proposes to consider a
2672 plan amendment pursuant to this subparagraph ~~paragraph~~ is not
2673 required to comply with the procedures and public notice
2674 requirements of s. 163.3184(15)(c) for such plan amendments if
2675 the local government complies with the provisions in s.
2676 125.66(4)(a) for a county or in s. 166.041(3)(c) for a
2677 municipality. If a request for a plan amendment under this
2678 subparagraph ~~paragraph~~ is initiated by other than the local
2679 government, public notice is required.

2680 (II)b. The local government shall send copies of the notice
2681 and amendment to the state land planning agency, the regional
2682 planning council, and any other person or entity requesting a
2683 copy. This information shall also include a statement identifying
2684 any property subject to the amendment that is located within a
2685 coastal high-hazard area as identified in the local comprehensive
2686 plan.

2687 c.3. Small scale development amendments adopted pursuant to
2688 this subparagraph ~~paragraph~~ require only one public hearing
2689 before the governing board, which shall be an adoption hearing as
2690 described in s. 163.3184(7), and are not subject to the
2691 requirements of s. 163.3184(3)-(6) unless the local government
2692 elects to have them subject to those requirements.

2693 d.4. If the small scale development amendment involves a
2694 site within an area that is designated by the Governor as a rural
2695 area of critical economic concern under s. 288.0656(7) for the
2696 duration of such designation, the 10-acre limit listed in sub-
2697 subparagraph a. ~~subparagraph 1.~~ shall be increased by 100 percent

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2698 to 20 acres. The local government approving the small scale plan
2699 amendment shall certify to the Office of Tourism, Trade, and
2700 Economic Development that the plan amendment furthers the
2701 economic objectives set forth in the executive order issued under
2702 s. 288.0656(7), and the property subject to the plan amendment
2703 shall undergo public review to ensure that all concurrency
2704 requirements and federal, state, and local environmental permit
2705 requirements are met.

2706 4.(d) Any comprehensive plan amendment required by a
2707 compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~
2708 ~~without regard to statutory limits on the frequency of adoption~~
2709 ~~of amendments to the comprehensive plan.~~

2710 ~~(c) A comprehensive plan amendment for location of a state~~
2711 ~~correctional facility. Such an amendment may be made at any time~~
2712 ~~and does not count toward the limitation on the frequency of plan~~
2713 ~~amendments.~~

2714 5.(f) Any comprehensive plan amendment that changes the
2715 schedule in the capital improvements element, and any amendments
2716 directly related to the schedule, ~~may be made once in a calendar~~
2717 ~~year on a date different from the two times provided in this~~
2718 ~~subsection~~ when necessary to coincide with the adoption of the
2719 local government's budget and capital improvements program.

2720 ~~(g) Any local government comprehensive plan amendments~~
2721 ~~directly related to proposed redevelopment of brownfield areas~~
2722 ~~designated under s. 376.80 may be approved without regard to~~
2723 ~~statutory limits on the frequency of consideration of amendments~~
2724 ~~to the local comprehensive plan.~~

2725 6.(h) Any comprehensive plan amendments for port
2726 transportation facilities and projects that are eligible for

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2727 funding by the Florida Seaport Transportation and Economic
2728 Development Council pursuant to s. 311.07.

2729 ~~(i) A comprehensive plan amendment for the purpose of~~
2730 ~~designating an urban infill and redevelopment area under s.~~
2731 ~~163.2517 may be approved without regard to the statutory limits~~
2732 ~~on the frequency of amendments to the comprehensive plan.~~

2733 7.(j) Any comprehensive plan amendment to establish public
2734 school concurrency pursuant to s. 163.3180(13), including, but
2735 not limited to, adoption of a public school facilities element
2736 pursuant to s. 163.3177(12) and adoption of amendments to the
2737 capital improvements element and intergovernmental coordination
2738 element. In order to ensure the consistency of local government
2739 public school facilities elements within a county, such elements
2740 must ~~shall~~ be prepared and adopted on a similar time schedule.

2741 ~~(k) A local comprehensive plan amendment directly related~~
2742 ~~to providing transportation improvements to enhance life safety~~
2743 ~~on Controlled Access Major Arterial Highways identified in the~~
2744 ~~Florida Intrastate Highway System, in counties as defined in s.~~
2745 ~~125.011, where such roadways have a high incidence of traffic~~
2746 ~~accidents resulting in serious injury or death. Any such~~
2747 ~~amendment shall not include any amendment modifying the~~
2748 ~~designation on a comprehensive development plan land use map nor~~
2749 ~~any amendment modifying the allowable densities or intensities of~~
2750 ~~any land.~~

2751 ~~(l) A comprehensive plan amendment to adopt a public~~
2752 ~~educational facilities element pursuant to s. 163.3177(12) and~~
2753 ~~future land-use map amendments for school siting may be approved~~
2754 ~~notwithstanding statutory limits on the frequency of adopting~~
2755 ~~plan amendments.~~

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2756 ~~(m) A comprehensive plan amendment that addresses criteria~~
2757 ~~or compatibility of land uses adjacent to or in close proximity~~
2758 ~~to military installations in a local government's future land use~~
2759 ~~element does not count toward the limitation on the frequency of~~
2760 ~~the plan amendments.~~

2761 ~~(n) Any local government comprehensive plan amendment~~
2762 ~~establishing or implementing a rural land stewardship area~~
2763 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

2764 ~~(o) A comprehensive plan amendment that is submitted by an~~
2765 ~~area designated by the Governor as a rural area of critical~~
2766 ~~economic concern under s. 288.0656(7) and that meets the economic~~
2767 ~~development objectives may be approved without regard to the~~
2768 ~~statutory limits on the frequency of adoption of amendments to~~
2769 ~~the comprehensive plan.~~

2770 ~~(p) Any local government comprehensive plan amendment that~~
2771 ~~is consistent with the local housing incentive strategies~~
2772 ~~identified in s. 420.9076 and authorized by the local government.~~

2773 8. Any local government comprehensive plan amendment
2774 adopted pursuant to a final order issued by the Administration
2775 Commission or Florida Land and Water Adjudicatory Commission.

2776 9. A future land use map amendment within an area
2777 designated by the Governor as a rural area of critical economic
2778 concern under s. 288.0656(7) for the duration of such
2779 designation. Before the adoption of such an amendment, the local
2780 government shall obtain from the Office of Tourism, Trade, and
2781 Economic Development written certification that the plan
2782 amendment furthers the economic objectives set forth in the
2783 executive order issued under s. 288.0656(7). The property subject
2784 to the plan amendment is subject to all concurrency requirements

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2785 and federal, state, and local environmental permit requirements.

2786 10. Any local government comprehensive plan amendment
2787 establishing or implementing a rural land stewardship area
2788 pursuant to the provisions of s. 163.3177(11) (d) or a sector plan
2789 pursuant to the provisions of s. 163.3245.

2790 (2) Comprehensive plans may only be amended in such a way
2791 as to preserve the internal consistency of the plan pursuant to
2792 s. 163.3177(2). Corrections, updates, or modifications of current
2793 costs which were set out as part of the comprehensive plan shall
2794 not, for the purposes of this act, be deemed to be amendments.

2795 (3) (a) The state land planning agency shall not review or
2796 issue a notice of intent for small scale development amendments
2797 which satisfy the requirements of subparagraph (1) (b) 3. paragraph
2798 ~~(1) (e)~~. Any affected person may file a petition with the Division
2799 of Administrative Hearings pursuant to ss. 120.569 and 120.57 to
2800 request a hearing to challenge the compliance of a small scale
2801 development amendment with this act within 30 days following the
2802 local government's adoption of the amendment, shall serve a copy
2803 of the petition on the local government, and shall furnish a copy
2804 to the state land planning agency. An administrative law judge
2805 shall hold a hearing in the affected jurisdiction not less than
2806 30 days nor more than 60 days following the filing of a petition
2807 and the assignment of an administrative law judge. The parties to
2808 a hearing held pursuant to this subsection shall be the
2809 petitioner, the local government, and any intervenor. In the
2810 proceeding, the local government's determination that the small
2811 scale development amendment is in compliance is presumed to be
2812 correct. The local government's determination shall be sustained
2813 unless it is shown by a preponderance of the evidence that the

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2814 amendment is not in compliance with the requirements of this act.
2815 In any proceeding initiated pursuant to this subsection, the
2816 state land planning agency may intervene.

2817 (b)1. If the administrative law judge recommends that the
2818 small scale development amendment be found not in compliance, the
2819 administrative law judge shall submit the recommended order to
2820 the Administration Commission for final agency action. If the
2821 administrative law judge recommends that the small scale
2822 development amendment be found in compliance, the administrative
2823 law judge shall submit the recommended order to the state land
2824 planning agency.

2825 2. If the state land planning agency determines that the
2826 plan amendment is not in compliance, the agency shall submit,
2827 within 30 days following its receipt, the recommended order to
2828 the Administration Commission for final agency action. If the
2829 state land planning agency determines that the plan amendment is
2830 in compliance, the agency shall enter a final order within 30
2831 days following its receipt of the recommended order.

2832 (c) Small scale development amendments shall not become
2833 effective until 31 days after adoption. If challenged within 30
2834 days after adoption, small scale development amendments shall not
2835 become effective until the state land planning agency or the
2836 Administration Commission, respectively, issues a final order
2837 determining that the adopted small scale development amendment is
2838 in compliance. However, a small-scale amendment shall not become
2839 effective until it has been rendered to the state land planning
2840 agency as required by sub-sub-subparagraph (1)(b)5.b.(I) and the
2841 state land planning agency has certified to the local government
2842 in writing that the amendment qualifies as a small-scale

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2843 amendment.

2844 (5)~~(4)~~ Each governing body shall transmit to the state land
2845 planning agency a current copy of its comprehensive plan not
2846 later than December 1, 1985. Each governing body shall also
2847 transmit copies of any amendments it adopts to its comprehensive
2848 plan so as to continually update the plans on file with the state
2849 land planning agency.

2850 (6)~~(5)~~ Nothing in this part is intended to prohibit or
2851 limit the authority of local governments to require that a person
2852 requesting an amendment pay some or all of the cost of public
2853 notice.

2854 (7)~~(6)~~(a) A ~~No~~ local government may not amend its
2855 comprehensive plan after the date established by the state land
2856 planning agency for adoption of its evaluation and appraisal
2857 report unless it has submitted its report or addendum to the
2858 state land planning agency as prescribed by s. 163.3191, except
2859 for plan amendments described in subparagraph (1)(b)2. paragraph
2860 ~~(1)(b)~~ or subparagraph (1)(b)6. paragraph (1)(h).

2861 (b) A local government may amend its comprehensive plan
2862 after it has submitted its adopted evaluation and appraisal
2863 report and for a period of 1 year after the initial determination
2864 of sufficiency regardless of whether the report has been
2865 determined to be insufficient.

2866 (c) A local government may not amend its comprehensive
2867 plan, except for plan amendments described in subparagraph
2868 (1)(b)2. paragraph (1)(b), if the 1-year period after the initial
2869 sufficiency determination of the report has expired and the
2870 report has not been determined to be sufficient.

2871 (d) When the state land planning agency has determined that

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2872 | the report has sufficiently addressed all pertinent provisions of
2873 | s. 163.3191, the local government may amend its comprehensive
2874 | plan without the limitations imposed by paragraph (a) or
2875 | paragraph (c).

2876 | (e) Any plan amendment which a local government attempts to
2877 | adopt in violation of paragraph (a) or paragraph (c) is invalid,
2878 | but such invalidity may be overcome if the local government
2879 | readopts the amendment and transmits the amendment to the state
2880 | land planning agency pursuant to s. 163.3184(7) after the report
2881 | is determined to be sufficient.

2882 | Section 11. Section 163.3245, Florida Statutes, is amended
2883 | to read:

2884 | 163.3245 Optional sector plans.--

2885 | (1) In recognition of the benefits of large-scale
2886 | ~~conceptual long-range planning for the buildout of an area, and~~
2887 | ~~detailed planning for specific areas, as a demonstration project,~~
2888 | ~~the requirements of s. 380.06 may be addressed as identified by~~
2889 | ~~this section for up to five~~ local governments or combinations of
2890 | local governments may ~~which~~ adopt into their ~~the~~ comprehensive
2891 | plans ~~plan~~ an optional sector plan in accordance with this
2892 | section. This section is intended to further the intent of s.
2893 | 163.3177(11),~~7~~ which supports innovative and flexible planning and
2894 | development strategies, ~~and~~ the purposes of this part,~~7~~ and part I
2895 | of chapter 380, and to avoid duplication of effort in terms of
2896 | the level of data and analysis required for a development of
2897 | regional impact,~~7~~ while ensuring the adequate mitigation of
2898 | impacts to applicable regional resources and facilities,
2899 | including those within the jurisdiction of other local
2900 | governments, as would otherwise be provided. Optional sector

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2901 plans are intended for substantial geographic areas that include
2902 ~~including~~ at least 10,000 contiguous ~~5,000~~ acres of one or more
2903 local governmental jurisdictions and ~~are~~ to emphasize urban form
2904 and protection of regionally significant resources and
2905 facilities. ~~The state land planning agency may approve optional~~
2906 ~~sector plans of less than 5,000 acres based on local~~
2907 ~~circumstances if it is determined that the plan would further the~~
2908 ~~purposes of this part and part I of chapter 380. Preparation of~~
2909 ~~an optional sector plan is authorized by agreement between the~~
2910 ~~state land planning agency and the applicable local governments~~
2911 ~~under s. 163.3171(4). An optional sector plan may be adopted~~
2912 ~~through one or more comprehensive plan amendments under s.~~
2913 ~~163.3184. However, an optional sector plan may not be authorized~~
2914 ~~in an area of critical state concern.~~

2915 (2) ~~The state land planning agency may enter into an~~
2916 ~~agreement to authorize preparation of an optional sector plan~~
2917 ~~upon the request of one or more local governments based on~~
2918 ~~consideration of problems and opportunities presented by existing~~
2919 ~~development trends; the effectiveness of current comprehensive~~
2920 ~~plan provisions; the potential to further the state comprehensive~~
2921 ~~plan, applicable strategic regional policy plans, this part, and~~
2922 ~~part I of chapter 380; and those factors identified by s.~~
2923 ~~163.3177(10)(i). The applicable regional planning council shall~~
2924 ~~conduct a scoping meeting with affected local governments and~~
2925 ~~those agencies identified in s. 163.3184(4) before the local~~
2926 ~~government may consider the sector plan amendments for~~
2927 ~~transmittal execution of the agreement authorized by this~~
2928 ~~section. The purpose of this meeting is to assist the state land~~
2929 ~~planning agency and the local government in identifying ~~the~~~~

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2930 ~~identification of~~ the relevant planning issues to be addressed
2931 and the data and resources available to assist in the preparation
2932 of the ~~subsequent~~ plan amendments. The regional planning council
2933 shall make written recommendations to the state land planning
2934 agency and affected local governments relating to, ~~including~~
2935 ~~whether a sustainable sector plan would be appropriate. The~~
2936 ~~agreement must define~~ the geographic area to be subject to the
2937 sector plan, the planning issues that will be emphasized,
2938 requirements for intergovernmental coordination to address
2939 extrajurisdictional impacts, supporting application materials
2940 including data and analysis, and procedures for public
2941 participation. ~~An agreement may address previously adopted sector~~
2942 ~~plans that are consistent with the standards in this section.~~
2943 ~~Before executing an agreement under this subsection, the local~~
2944 ~~government shall hold a duly noticed public workshop to review~~
2945 ~~and explain to the public the optional sector planning process~~
2946 ~~and the terms and conditions of the proposed agreement. The local~~
2947 ~~government shall hold a duly noticed public hearing to execute~~
2948 ~~the agreement.~~ All meetings between the state land planning
2949 agency ~~department~~ and the local government must be open to the
2950 public.

2951 (3) Optional sector planning encompasses two levels:
2952 adoption under s. 163.3184 of a conceptual long-term overlay plan
2953 as part of buildout overlay ~~to the comprehensive plan, having no~~
2954 ~~immediate effect on the issuance of development orders or the~~
2955 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
2956 detailed specific area plans that implement the conceptual long-
2957 term overlay plan ~~buildout overlay~~ and authorize issuance of
2958 development orders, and within which s. 380.06 is waived. Upon

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2959 adoption of a conceptual long-term overlay plan, the underlying
2960 future land use designations may be used only if consistent with
2961 the plan and its implementing goals, objectives, and policies.
2962 ~~Until such time as a detailed specific area plan is adopted, the~~
2963 ~~underlying future land use designations apply.~~

2964 (a) In addition to the other requirements of this chapter,
2965 a conceptual long-term overlay plan adopted pursuant to s.
2966 163.3184 buildout overlay must include maps and text supported by
2967 data and analysis that address the following:

2968 1. A long-range conceptual overlay plan framework map that,
2969 at a minimum, identifies the maximum and minimum amounts,
2970 densities, intensities, and types of allowable development and
2971 generally depicts anticipated areas of urban, agricultural,
2972 rural, and conservation land use.

2973 2. A general identification of regionally significant
2974 public facilities ~~consistent with chapter 9J-2, Florida~~
2975 ~~Administrative Code,~~ irrespective of local governmental
2976 jurisdiction, necessary to support buildout of the anticipated
2977 future land uses, and policies setting forth the procedures to be
2978 used to address and mitigate these impacts as part of the
2979 adoption of detailed specific area plans.

2980 3. A general identification of regionally significant
2981 natural resources and policies ensuring the protection and
2982 conservation of these resources ~~consistent with chapter 9J-2,~~
2983 ~~Florida Administrative Code.~~

2984 4. Principles and guidelines that address the urban form
2985 and interrelationships of anticipated future land uses, and a
2986 ~~discussion, at the applicant's option, of the extent, if any, to~~
2987 ~~which the plan will address~~ restoring key ecosystems, achieving a

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2988 more clean, healthy environment, limiting urban sprawl within the
2989 sector plan and surrounding area, providing affordable and
2990 workforce housing, promoting energy-efficient land use patterns,
2991 protecting wildlife and natural areas, advancing the efficient
2992 use of land and other resources, and creating quality communities
2993 and jobs.

2994 5. Identification of general procedures to ensure
2995 intergovernmental coordination to address extrajurisdictional
2996 impacts from the long-range conceptual overlay plan framework
2997 ~~map~~.

2998 (b) In addition to the other requirements of this chapter,
2999 including those in paragraph (a), the detailed specific area
3000 plans must include:

3001 1. An area of adequate size to accommodate a level of
3002 development which achieves a functional relationship between a
3003 ~~full~~ range of land uses within the area and encompasses ~~to~~
3004 ~~encompass~~ at least 1,000 acres. ~~The state land planning agency~~
3005 ~~may approve detailed specific area plans of less than 1,000 acres~~
3006 ~~based on local circumstances if it is determined that the plan~~
3007 ~~furtheres the purposes of this part and part I of chapter 380.~~

3008 2. Detailed identification and analysis of the minimum and
3009 maximum amounts, densities, intensities, distribution, extent,
3010 and location of future land uses.

3011 3. Detailed identification of regionally significant public
3012 facilities, including public facilities outside the jurisdiction
3013 of the host local government, anticipated impacts of future land
3014 uses on those facilities, and required improvements consistent
3015 with the policies accompanying the plan and, for transportation,
3016 with rule 9J-2.045 ~~chapter 9J-2,~~ Florida Administrative Code.

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3017 4. Public facilities necessary for the short term,
3018 including developer contributions in a financially feasible 5-
3019 year capital improvement schedule of the affected local
3020 government.

3021 5. Detailed analysis and identification of specific
3022 measures to assure the protection of regionally significant
3023 natural resources and other important resources both within and
3024 outside the host jurisdiction, ~~including those regionally~~
3025 ~~significant resources identified in chapter 9J-2, Florida~~
3026 ~~Administrative Code.~~

3027 6. Principles and guidelines that address the urban form
3028 and interrelationships of anticipated future land uses ~~and a~~
3029 ~~discussion, at the applicant's option, of the extent, if any, to~~
3030 ~~which the plan will address~~ restoring key ecosystems, achieving a
3031 more clean, healthy environment, limiting urban sprawl, providing
3032 affordable and workforce housing, promoting energy-efficient land
3033 use patterns, protecting wildlife and natural areas, advancing
3034 the efficient use of land and other resources, and creating
3035 quality communities and jobs.

3036 7. Identification of specific procedures to ensure
3037 intergovernmental coordination that addresses ~~to address~~
3038 extrajurisdictional impacts of the detailed specific area plan.

3039 (c) This subsection does ~~may not be construed to~~ prevent
3040 preparation and approval of the optional sector plan and detailed
3041 specific area plan concurrently or in the same submission.

3042 ~~(4) The host local government shall submit a monitoring~~
3043 ~~report to the state land planning agency and applicable regional~~
3044 ~~planning council on an annual basis after adoption of a detailed~~
3045 ~~specific area plan. The annual monitoring report must provide~~

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3046 ~~summarized information on development orders issued, development~~
3047 ~~that has occurred, public facility improvements made, and public~~
3048 ~~facility improvements anticipated over the upcoming 5 years.~~

3049 (4) ~~(5)~~ If ~~When~~ a plan amendment adopting a detailed
3050 specific area plan has become effective under ss. 163.3184 and
3051 163.3189(2), the provisions of s. 380.06 do not apply to
3052 development within the geographic area of the detailed specific
3053 area plan. However, any development-of-regional-impact
3054 development order that is vested from the detailed specific area
3055 plan may be enforced under s. 380.11.

3056 (a) The local government adopting the detailed specific
3057 area plan is primarily responsible for monitoring and enforcing
3058 the detailed specific area plan. Local governments may ~~shall~~ not
3059 issue any permits or approvals or provide any extensions of
3060 services to development that are not consistent with the detailed
3061 sector area plan.

3062 (b) If the state land planning agency has reason to believe
3063 that a violation of any detailed specific area plan, or of any
3064 agreement entered into under this section, has occurred or is
3065 about to occur, it may institute an administrative or judicial
3066 proceeding to prevent, abate, or control the conditions or
3067 activity creating the violation, ~~using~~ the procedures in s.
3068 380.11.

3069 ~~(c) In instituting an administrative or judicial proceeding~~
3070 ~~involving an optional sector plan or detailed specific area plan,~~
3071 ~~including a proceeding pursuant to paragraph (b), the complaining~~
3072 ~~party shall comply with the requirements of s. 163.3215(4), (5),~~
3073 ~~(6), and (7).~~

3074 ~~(6) Beginning December 1, 1999, and each year thereafter,~~

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3075 ~~the department shall provide a status report to the Legislative~~
3076 ~~Committee on Intergovernmental Relations regarding each optional~~
3077 ~~sector plan authorized under this section.~~

3078 (5)~~(7)~~ This section does ~~may not be construed to~~ abrogate
3079 the rights of any person under this chapter.

3080 Section 12. Section 163.3246, Florida Statutes, is amended
3081 to read:

3082 163.3246 Local Government Comprehensive Planning
3083 Certification Program.--

3084 (1) The Legislature finds that ~~There is created~~ the Local
3085 Government Comprehensive Planning Certification Program has had a
3086 low level of interest from and participation by local
3087 governments. New approaches, such as the Alternative State Review
3088 Process Pilot Program, provide a more effective approach to
3089 expediting and streamlining comprehensive plan amendment review.
3090 Therefore, the Local Government Comprehensive Planning
3091 Certification Program is discontinued and no additional local
3092 governments may be certified. The municipalities of Freeport,
3093 Lakeland, Miramar, and Orlando may continue to adopt amendments
3094 in accordance with this section and their certification agreement
3095 or certification notice. ~~to be administered by the Department of~~
3096 ~~Community Affairs. The purpose of the program is to create a~~
3097 ~~certification process for local governments who identify a~~
3098 ~~geographic area for certification within which they commit to~~
3099 ~~directing growth and who, because of a demonstrated record of~~
3100 ~~effectively adopting, implementing, and enforcing its~~
3101 ~~comprehensive plan, the level of technical planning experience~~
3102 ~~exhibited by the local government, and a commitment to implement~~
3103 ~~exemplary planning practices, require less state and regional~~

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3104 ~~oversight of the comprehensive plan amendment process. The~~
3105 ~~purpose of the certification area is to designate areas that are~~
3106 ~~contiguous, compact, and appropriate for urban growth and~~
3107 ~~development within a 10-year planning timeframe. Municipalities~~
3108 ~~and counties are encouraged to jointly establish the~~
3109 ~~certification area, and subsequently enter into joint~~
3110 ~~certification agreement with the department.~~

3111 ~~(2) In order to be eligible for certification under the~~
3112 ~~program, the local government must:~~

3113 ~~(a) Demonstrate a record of effectively adopting,~~
3114 ~~implementing, and enforcing its comprehensive plan;~~

3115 ~~(b) Demonstrate technical, financial, and administrative~~
3116 ~~expertise to implement the provisions of this part without state~~
3117 ~~oversight;~~

3118 ~~(c) Obtain comments from the state and regional review~~
3119 ~~agencies regarding the appropriateness of the proposed~~
3120 ~~certification;~~

3121 ~~(d) Hold at least one public hearing soliciting public~~
3122 ~~input concerning the local government's proposal for~~
3123 ~~certification; and~~

3124 ~~(e) Demonstrate that it has adopted programs in its local~~
3125 ~~comprehensive plan and land development regulations which:~~

3126 ~~1. Promote infill development and redevelopment, including~~
3127 ~~prioritized and timely permitting processes in which applications~~
3128 ~~for local development permits within the certification area are~~
3129 ~~acted upon expeditiously for proposed development that is~~
3130 ~~consistent with the local comprehensive plan.~~

3131 ~~2. Promote the development of housing for low-income and~~
3132 ~~very-low-income households or specialized housing to assist~~

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3133 ~~elderly and disabled persons to remain at home or in independent~~
3134 ~~living arrangements.~~

3135 ~~3. Achieve effective intergovernmental coordination and~~
3136 ~~address the extrajurisdictional effects of development within the~~
3137 ~~certified area.~~

3138 ~~4. Promote economic diversity and growth while encouraging~~
3139 ~~the retention of rural character, where rural areas exist, and~~
3140 ~~the protection and restoration of the environment.~~

3141 ~~5. Provide and maintain public urban and rural open space~~
3142 ~~and recreational opportunities.~~

3143 ~~6. Manage transportation and land uses to support public~~
3144 ~~transit and promote opportunities for pedestrian and nonmotorized~~
3145 ~~transportation.~~

3146 ~~7. Use design principles to foster individual community~~
3147 ~~identity, create a sense of place, and promote pedestrian-~~
3148 ~~oriented safe neighborhoods and town centers.~~

3149 ~~8. Redevelop blighted areas.~~

3150 ~~9. Adopt a local mitigation strategy and have programs to~~
3151 ~~improve disaster preparedness and the ability to protect lives~~
3152 ~~and property, especially in coastal high-hazard areas.~~

3153 ~~10. Encourage clustered, mixed-use development that~~
3154 ~~incorporates greenspace and residential development within~~
3155 ~~walking distance of commercial development.~~

3156 ~~11. Encourage urban infill at appropriate densities and~~
3157 ~~intensities and separate urban and rural uses and discourage~~
3158 ~~urban sprawl while preserving public open space and planning for~~
3159 ~~buffer-type land uses and rural development consistent with their~~
3160 ~~respective character along and outside the certification area.~~

3161 ~~12. Assure protection of key natural areas and agricultural~~

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3162 ~~lands that are identified using state and local inventories of~~
3163 ~~natural areas. Key natural areas include, but are not limited to:~~
3164 ~~a. Wildlife corridors.~~
3165 ~~b. Lands with high native biological diversity, important~~
3166 ~~areas for threatened and endangered species, species of special~~
3167 ~~concern, migratory bird habitat, and intact natural communities.~~
3168 ~~c. Significant surface waters and springs, aquatic~~
3169 ~~preserves, wetlands, and outstanding Florida waters.~~
3170 ~~d. Water resources suitable for preservation of natural~~
3171 ~~systems and for water resource development.~~
3172 ~~e. Representative and rare native Florida natural systems.~~
3173 ~~13. Ensure the cost-efficient provision of public~~
3174 ~~infrastructure and services.~~
3175 ~~(3) Portions of local governments located within areas of~~
3176 ~~critical state concern cannot be included in a certification~~
3177 ~~area.~~
3178 ~~(4) A local government or group of local governments~~
3179 ~~seeking certification of all or part of a jurisdiction or~~
3180 ~~jurisdictions must submit an application to the department which~~
3181 ~~demonstrates that the area sought to be certified meets the~~
3182 ~~criteria of subsections (2) and (5). The application shall~~
3183 ~~include copies of the applicable local government comprehensive~~
3184 ~~plan, land development regulations, interlocal agreements, and~~
3185 ~~other relevant information supporting the eligibility criteria~~
3186 ~~for designation. Upon receipt of a complete application, the~~
3187 ~~department must provide the local government with an initial~~
3188 ~~response to the application within 90 days after receipt of the~~
3189 ~~application.~~
3190 ~~(5) If the local government meets the eligibility criteria~~

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3191 ~~of subsection (2), the department shall certify all or part of a~~
3192 ~~local government by written agreement, which shall be considered~~
3193 ~~final agency action subject to challenge under s. 120.569.~~

3194 (2) The agreement for the municipalities of Lakeland,
3195 Miramar, and Orlando must include the following components:

3196 (a) The basis for certification.

3197 (b) The boundary of the certification area, which
3198 encompasses areas that are contiguous, compact, appropriate for
3199 urban growth and development, and in which public infrastructure
3200 exists ~~is existing~~ or is planned within a 10-year planning
3201 timeframe. The certification area must ~~is required to~~ include
3202 sufficient land to accommodate projected population growth,
3203 housing demand, including choice in housing types and
3204 affordability, job growth and employment, appropriate densities
3205 and intensities of use to be achieved in new development and
3206 redevelopment, existing or planned infrastructure, including
3207 transportation and central water and sewer facilities. The
3208 certification area must be adopted as part of the local
3209 government's comprehensive plan.

3210 (c) A demonstration that the capital improvements plan
3211 governing the certified area is updated annually.

3212 (d) A visioning plan or a schedule for the development of a
3213 visioning plan.

3214 (e) A description of baseline conditions related to the
3215 evaluation criteria in paragraph (g) in the certified area.

3216 (f) A work program setting forth specific planning
3217 strategies and projects that will be undertaken to achieve
3218 improvement in the baseline conditions as measured by the
3219 criteria identified in paragraph (g).

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- 3220 (g) Criteria to evaluate the effectiveness of the
3221 certification process in achieving the community-development
3222 goals for the certification area including:
- 3223 1. Measuring the compactness of growth, expressed as the
3224 ratio between population growth and land consumed;
 - 3225 2. Increasing residential density and intensities of use;
 - 3226 3. Measuring and reducing vehicle miles traveled and
3227 increasing the interconnectedness of the street system,
3228 pedestrian access, and mass transit;
 - 3229 4. Measuring the balance between the location of jobs and
3230 housing;
 - 3231 5. Improving the housing mix within the certification area,
3232 including the provision of mixed-use neighborhoods, affordable
3233 housing, and the creation of an affordable housing program if
3234 ~~such~~ a program is not already in place;
 - 3235 6. Promoting mixed-use developments as an alternative to
3236 single-purpose centers;
 - 3237 7. Promoting clustered development having dedicated open
3238 space;
 - 3239 8. Linking commercial, educational, and recreational uses
3240 directly to residential growth;
 - 3241 9. Reducing per capita water and energy consumption;
 - 3242 10. Prioritizing environmental features to be protected and
3243 adopting measures or programs to protect identified features;
 - 3244 11. Reducing hurricane shelter deficits and evacuation
3245 times and implementing the adopted mitigation strategies; and
 - 3246 12. Improving coordination between the local government and
3247 school board.
- 3248 (h) A commitment to change any land development regulations

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3249 | that restrict compact development and adopt alternative design
3250 | codes that encourage desirable densities and intensities of use
3251 | and patterns of compact development identified in the agreement.

3252 | (i) A plan for increasing public participation in
3253 | comprehensive planning and land use decisionmaking which includes
3254 | outreach to neighborhood and civic associations through community
3255 | planning initiatives.

3256 | (j) A demonstration that the intergovernmental coordination
3257 | element of the local government's comprehensive plan includes
3258 | joint processes for coordination between the school board and
3259 | local government pursuant to s. 163.3177(6)(h)2. and other
3260 | requirements of law.

3261 | (k) A method of addressing the extrajurisdictional effects
3262 | of development within the certified area, which is integrated by
3263 | amendment into the intergovernmental coordination element of the
3264 | local government comprehensive plan.

3265 | (l) A requirement for the annual reporting to the state
3266 | land planning agency ~~department~~ of plan amendments adopted during
3267 | the year, and the progress of the local government in meeting the
3268 | terms and conditions of the certification agreement. Prior to the
3269 | deadline for the annual report, the local government must hold a
3270 | public hearing soliciting public input on the progress of the
3271 | local government in satisfying the terms of the certification
3272 | agreement.

3273 | (m) An expiration date that is within ~~no later than~~ 10
3274 | years after execution of the agreement.

3275 | ~~(6) The department may enter up to eight new certification~~
3276 | ~~agreements each fiscal year. The department shall adopt~~
3277 | ~~procedural rules governing the application and review of local~~

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3278 ~~government requests for certification. Such procedural rules may~~
3279 ~~establish a phased schedule for review of local government~~
3280 ~~requests for certification.~~

3281 (3) For the municipality of Freeport, the notice of
3282 certification shall include the following components:

3283 (a) The boundary of the certification area.

3284 (b) A report to the state land planning agency according to
3285 the schedule provided in the written notice. The monitoring
3286 report shall, at a minimum, include the number of amendments to
3287 the comprehensive plan adopted by the local government, the
3288 number of plan amendments challenged by an affected person, and
3289 the disposition of those challenges.

3290 (4) Notwithstanding any other subsections, the municipality
3291 of Freeport shall remain certified for as long as it is
3292 designated as a rural area of critical economic concern.

3293 (5) If the municipality of Freeport does not request that
3294 the state land planning agency review the developments of
3295 regional impact that are proposed within the certified area, an
3296 application for approval of a development order within the
3297 certified area shall be exempt from review under s. 380.06,
3298 subject to the following:

3299 (a) Concurrent with filing an application for development
3300 approval with the local government, a developer proposing a
3301 project that would have been subject to review pursuant to s.
3302 380.06 shall notify in writing the regional planning council that
3303 has jurisdiction.

3304 (b) The regional planning council shall coordinate with the
3305 developer and the local government to ensure that all concurrency
3306 requirements as well as federal, state, and local environmental

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3307 permit requirements are met.

3308 ~~(6)(7)~~ The state land planning agency ~~department~~ shall
3309 revoke the local government's certification if it determines that
3310 the local government is not substantially complying with the
3311 terms of the agreement.

3312 ~~(7)(8)~~ An affected person, as defined in s. 163.3184(1) ~~by~~
3313 ~~s. 163.3184(1)(a)~~, may petition for an administrative hearing
3314 alleging that a local government is not substantially complying
3315 with the terms of the agreement, using the procedures and
3316 timeframes for notice and conditions precedent described in s.
3317 163.3213. Such ~~a~~ petition must be filed within 30 days after the
3318 annual public hearing required by paragraph (2)(1) ~~(5)(1)~~.

3319 ~~(8)(9)(a)~~ ~~Upon certification~~ All comprehensive plan
3320 amendments associated with the area certified must be adopted and
3321 reviewed in the manner described in ss. 163.3184(1), (2), (7),
3322 (14), (15), and (16) and 163.3187, such that state and regional
3323 agency review is eliminated. The state land planning agency
3324 ~~department~~ may not issue any objections, recommendations, and
3325 comments report on proposed plan amendments or a notice of intent
3326 on adopted plan amendments; however, affected persons, as defined
3327 in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may file a petition for
3328 administrative review pursuant to ~~the requirements of~~ s.
3329 163.3187(3)(a) to challenge the compliance of an adopted plan
3330 amendment.

3331 (b) Plan amendments that change the boundaries of the
3332 certification area; propose a rural land stewardship area
3333 pursuant to s. 163.3177(11)(d); propose an optional sector plan
3334 pursuant to s. 163.3245; propose a school facilities element;
3335 update a comprehensive plan based on an evaluation and appraisal

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3336 report; impact lands outside the certification boundary;
3337 implement new statutory requirements that require specific
3338 comprehensive plan amendments; or increase hurricane evacuation
3339 times or the need for shelter capacity on lands within the
3340 coastal high-hazard area shall be reviewed pursuant to ss.
3341 163.3184 and 163.3187.

3342 ~~(10) Notwithstanding subsections (2), (4), (5), (6), and~~
3343 ~~(7), any municipality designated as a rural area of critical~~
3344 ~~economic concern pursuant to s. 288.0656 which is located within~~
3345 ~~a county eligible to levy the Small County Surtax under s.~~
3346 ~~212.055(3) shall be considered certified during the effectiveness~~
3347 ~~of the designation of rural area of critical economic concern.~~
3348 ~~The state land planning agency shall provide a written notice of~~
3349 ~~certification to the local government of the certified area,~~
3350 ~~which shall be considered final agency action subject to~~
3351 ~~challenge under s. 120.569. The notice of certification shall~~
3352 ~~include the following components:~~

3353 ~~(a) The boundary of the certification area.~~

3354 ~~(b) A requirement that the local government submit either~~
3355 ~~an annual or biennial monitoring report to the state land~~
3356 ~~planning agency according to the schedule provided in the written~~
3357 ~~notice. The monitoring report shall, at a minimum, include the~~
3358 ~~number of amendments to the comprehensive plan adopted by the~~
3359 ~~local government, the number of plan amendments challenged by an~~
3360 ~~affected person, and the disposition of those challenges.~~

3361 ~~(11) If the local government of an area described in~~
3362 ~~subsection (10) does not request that the state land planning~~
3363 ~~agency review the developments of regional impact that are~~
3364 ~~proposed within the certified area, an application for approval~~

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3365 ~~of a development order within the certified area shall be exempt~~
3366 ~~from review under s. 380.06, subject to the following:~~

3367 ~~(a) Concurrent with filing an application for development~~
3368 ~~approval with the local government, a developer proposing a~~
3369 ~~project that would have been subject to review pursuant to s.~~
3370 ~~380.06 shall notify in writing the regional planning council with~~
3371 ~~jurisdiction.~~

3372 ~~(b) The regional planning council shall coordinate with the~~
3373 ~~developer and the local government to ensure that all concurrency~~
3374 ~~requirements as well as federal, state, and local environmental~~
3375 ~~permit requirements are met.~~

3376 ~~(9)~~(12) A local government's certification shall be
3377 reviewed by the local government and the state land planning
3378 agency department as part of the evaluation and appraisal process
3379 pursuant to s. 163.3191. Within 1 year after the deadline for the
3380 local government to update its comprehensive plan based on the
3381 evaluation and appraisal report, the state land planning agency
3382 department shall renew or revoke the certification. The local
3383 government's failure to adopt a timely evaluation and appraisal
3384 report, ~~failure to~~ adopt an evaluation and appraisal report found
3385 to be sufficient, or ~~failure to~~ timely adopt amendments based on
3386 an evaluation and appraisal report found to be in compliance by
3387 the state land planning agency department shall be cause for
3388 revoking the certification agreement. The state land planning
3389 agency's department's decision to renew or revoke is ~~shall be~~
3390 considered agency action subject to challenge under s. 120.569.

3391 ~~(13) The department shall, by July 1 of each odd-numbered~~
3392 ~~year, submit to the Governor, the President of the Senate, and~~
3393 ~~the Speaker of the House of Representatives a report listing~~

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3394 ~~certified local governments, evaluating the effectiveness of the~~
3395 ~~certification, and including any recommendations for legislative~~
3396 ~~actions.~~

3397 ~~(14) The Office of Program Policy Analysis and Government~~
3398 ~~Accountability shall prepare a report evaluating the~~
3399 ~~certification program, which shall be submitted to the Governor,~~
3400 ~~the President of the Senate, and the Speaker of the House of~~
3401 ~~Representatives by December 1, 2007.~~

3402 Section 13. Paragraphs (a) and (b) of subsection (1),
3403 subsections (2) and (3), paragraph (b) of subsection (4),
3404 paragraph (a) of subsection (5), paragraph (g) of subsection (6),
3405 and subsections (7) and (8) of section 163.32465, Florida
3406 Statutes, are amended to read:

3407 163.32465 State review of local comprehensive plans in
3408 urban areas.--

3409 (1) LEGISLATIVE FINDINGS.--

3410 (a) The Legislature finds that local governments in this
3411 state have a wide diversity of resources, conditions, abilities,
3412 and needs. The Legislature also finds that the needs and
3413 resources of urban areas are different from those of rural areas
3414 and that different planning and growth management approaches,
3415 strategies, and techniques are required in urban areas. The state
3416 role in overseeing growth management should reflect this
3417 diversity and should vary based on local government conditions,
3418 capabilities, needs, and the extent and type of development.
3419 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced
3420 state oversight of local comprehensive planning is justified for
3421 some local governments in urban areas and for certain types of
3422 development.

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3423 (b) The Legislature finds and declares that ~~this~~ state's
3424 urban areas require a reduced level of state oversight because of
3425 their high degree of urbanization and the planning capabilities
3426 and resources of many of their local governments. An alternative
3427 state review process that is adequate to protect issues of
3428 regional or statewide importance should be created for
3429 appropriate local governments in these areas and for certain
3430 types of development. Further, the Legislature finds that
3431 development, including urban infill and redevelopment, should be
3432 encouraged in these urban areas. The Legislature finds that an
3433 alternative process for amending local comprehensive plans in
3434 these areas should be established with an objective of
3435 streamlining the process and recognizing local responsibility and
3436 accountability.

3437 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
3438 PROGRAM.--Pinellas and Broward Counties, and the municipalities
3439 within these counties, and Jacksonville, Miami, Tampa, and
3440 Hialeah shall follow the ~~an~~ alternative state review process
3441 provided in this section. Municipalities within the pilot
3442 counties may elect, by super majority vote of the governing body,
3443 not to participate in the pilot program. The alternative state
3444 review process shall also apply to:

3445 (a) Future land use map amendments and associated special
3446 area policies within areas designated in a comprehensive plan for
3447 downtown revitalization pursuant to s. 163.3164(25), urban
3448 redevelopment pursuant to s. 163.3164(26), urban infill
3449 development pursuant to s. 163.3164(27), urban infill and
3450 redevelopment pursuant to s. 163.2517, or an urban service area
3451 pursuant to s. 163.3180(5)(b)5.; and

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3452 (b) Future land use map amendments within an area
3453 designated by the Governor as a rural area of critical economic
3454 concern under s. 288.0656(7) for the duration of such
3455 designation. Before the adoption of such an amendment, the local
3456 government must obtain written certification from the Office of
3457 Tourism, Trade, and Economic Development that the plan amendment
3458 furtheres the economic objectives set forth in the executive order
3459 issued under s. 288.0656(7).

3460 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
3461 UNDER THE PILOT PROGRAM.--

3462 (a) Plan amendments adopted by the pilot program
3463 jurisdictions shall follow the alternate, expedited process in
3464 subsections (4) and (5), except as set forth in paragraphs (b)-
3465 (f) ~~(b)-(e)~~ of this subsection.

3466 (b) Amendments that qualify as small-scale development
3467 amendments may continue to be adopted by the pilot program
3468 jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(e)~~ and
3469 (3).

3470 (c) Plan amendments that propose a rural land stewardship
3471 area pursuant to s. 163.3177(11)(d); propose an optional sector
3472 plan; update a comprehensive plan based on an evaluation and
3473 appraisal report; implement ~~new~~ statutory requirements not
3474 previously incorporated into a comprehensive plan; or new plans
3475 for newly incorporated municipalities are subject to state review
3476 as set forth in s. 163.3184.

3477 (d) Pilot program jurisdictions are ~~shall be~~ subject to the
3478 frequency, voting, and timing requirements for plan amendments
3479 set forth in ss. 163.3187 and 163.3191, except as ~~where~~ otherwise
3480 stated in this section.

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3481 (e) The mediation and expedited hearing provisions in s.
3482 163.3189(3) apply to all plan amendments adopted by the pilot
3483 program jurisdictions.

3484 (f) All amendments adopted under this section must comply
3485 with ss. 163.3184(3) (a) and 163.3184(15) (b)2.

3486 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
3487 PILOT PROGRAM.--

3488 (b) The agencies and local governments specified in
3489 paragraph (a) may provide comments regarding the amendment or
3490 amendments to the local government. The regional planning council
3491 review and comment shall be limited to effects on regional
3492 resources or facilities identified in the strategic regional
3493 policy plan and extrajurisdictional impacts that would be
3494 inconsistent with the comprehensive plan of the affected local
3495 government. A regional planning council may ~~shall~~ not review and
3496 comment on a proposed comprehensive plan amendment prepared by
3497 such council unless the plan amendment has been changed by the
3498 local government subsequent to the preparation of the plan
3499 amendment by the regional planning council. County comments on
3500 municipal comprehensive plan amendments shall be primarily in the
3501 context of the relationship and effect of the proposed plan
3502 amendments on the county plan. Municipal comments on county plan
3503 amendments shall be primarily in the context of the relationship
3504 and effect of the amendments on the municipal plan. State agency
3505 comments may include technical guidance on issues of agency
3506 jurisdiction as it relates to the requirements of this part. Such
3507 comments must ~~shall~~ clearly identify issues that, if not
3508 resolved, may result in an agency challenge to the plan
3509 amendment. For the purposes of this pilot program, agencies are

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3510 encouraged to focus potential challenges on issues of regional or
3511 statewide importance. Agencies and local governments must
3512 transmit their comments to the affected local government, if
3513 issued, within 30 days after ~~such that they are received by the~~
3514 ~~local government not later than thirty days from the date on~~
3515 ~~which the state land planning agency notifies the affected local~~
3516 ~~government that the plan amendment package is complete~~ agency or
3517 ~~government received the amendment or amendments.~~ Any comments
3518 from the agencies and local governments must also be transmitted
3519 to the state land planning agency.

3520 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
3521 AREAS.--

3522 (a) The local government shall hold its second public
3523 hearing, which shall be a hearing on whether to adopt one or more
3524 comprehensive plan amendments, on a weekday at least 5 days after
3525 the day the second advertisement is published pursuant to ~~the~~
3526 ~~requirements of~~ chapter 125 or chapter 166. Adoption of
3527 comprehensive plan amendments must be by ordinance ~~and requires~~
3528 ~~an affirmative vote of a majority of the members of the governing~~
3529 ~~body present at the second hearing.~~ The hearing must be conducted
3530 and the amendment adopted within 120 days after receipt of the
3531 agency comments pursuant to s. 163.3246(4)(b). If a local
3532 government fails to adopt the plan amendment within the timeframe
3533 set forth in this subsection, the plan amendment is deemed
3534 abandoned and the plan amendment may not be considered until the
3535 next available amendment cycle pursuant to s. 163.3187.

3536 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
3537 PROGRAM.--

3538 (g) An amendment adopted under the expedited provisions of

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3539 | this section shall not become effective until completion of the
3540 | time period available to the state land planning agency for
3541 | administrative challenge under paragraph (a) ~~31 days after~~
3542 | adoption. If timely challenged, an amendment shall not become
3543 | effective until the state land planning agency or the
3544 | Administration Commission enters a final order determining that
3545 | the adopted amendment is ~~to be~~ in compliance.

3546 | (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
3547 | GOVERNMENTS.--Local governments and specific areas that are ~~have~~
3548 | ~~been~~ designated for alternate review process pursuant to ss.
3549 | 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this
3550 | section.

3551 | (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state land
3552 | planning agency may adopt procedural ~~Agencies shall not~~
3553 | ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
3554 | ~~program~~.

3555 | Section 14. Subsection (8) of section 163.340, Florida
3556 | Statutes, is amended to read:

3557 | 163.340 Definitions.--The following terms, wherever used or
3558 | referred to in this part, have the following meanings:

3559 | (8) "Blighted area" means an area in which there are a
3560 | substantial number of deteriorated, or deteriorating structures,
3561 | in which conditions, as indicated by government-maintained
3562 | statistics or other studies, are leading to economic distress or
3563 | endanger life or property, and in which two or more of the
3564 | following factors are present:

3565 | (a) Predominance of defective or inadequate street layout,
3566 | parking facilities, roadways, bridges, or public transportation
3567 | facilities;

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3568 (b) Aggregate assessed values of real property in the area
3569 for ad valorem tax purposes have failed to show any appreciable
3570 increase over the 5 years prior to the finding of such
3571 conditions;

3572 (c) Faulty lot layout in relation to size, adequacy,
3573 accessibility, or usefulness;

3574 (d) Unsanitary or unsafe conditions;

3575 (e) Deterioration of site or other improvements;

3576 (f) Inadequate and outdated building density patterns;

3577 (g) Falling lease rates per square foot of office,
3578 commercial, or industrial space compared to the remainder of the
3579 county or municipality;

3580 (h) Tax or special assessment delinquency exceeding the
3581 fair value of the land;

3582 (i) Residential and commercial vacancy rates higher in the
3583 area than in the remainder of the county or municipality;

3584 (j) Incidence of crime in the area higher than in the
3585 remainder of the county or municipality;

3586 (k) Fire and emergency medical service calls to the area
3587 proportionately higher than in the remainder of the county or
3588 municipality;

3589 (l) A greater number of violations of the Florida Building
3590 Code in the area than the number of violations recorded in the
3591 remainder of the county or municipality;

3592 (m) Diversity of ownership or defective or unusual
3593 conditions of title which prevent the free alienability of land
3594 within the deteriorated or hazardous area; or

3595 (n) Governmentally owned property with adverse
3596 environmental conditions caused by a public or private entity.

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3597
3598 However, the term "blighted area" also means any area in which at
3599 least one of the factors identified in paragraphs (a) through (n)
3600 are present and all taxing authorities subject to s.
3601 163.387(2) (a) agree, either by interlocal agreement or agreements
3602 with the agency or by resolution, that the area is blighted, or
3603 that the area was previously used as a military facility, is
3604 undeveloped, and consists of land that the Federal Government
3605 declared surplus within the preceding 20 years, not including any
3606 such area which is currently being used by the military in either
3607 an Active-Duty, Reserve or National Guard capacity. Such
3608 agreement or resolution shall only determine that the area is
3609 blighted. For purposes of qualifying for the tax credits
3610 authorized in chapter 220, "blighted area" means an area as
3611 defined in this subsection.

3612 Section 15. Section 166.0451, Florida Statutes, is
3613 renumbered as section 163.32432, Florida Statutes, and amended to
3614 read:

3615 163.32432 ~~166.0451~~ Disposition of municipal property for
3616 affordable housing.--

3617 (1) By July 1, 2007, and every 3 years thereafter, each
3618 municipality shall prepare an inventory list of all real property
3619 within its jurisdiction to which the municipality holds fee
3620 simple title that is appropriate for use as affordable housing.
3621 The inventory list must include the address and legal description
3622 of each ~~such~~ property and specify whether the property is vacant
3623 or improved. The governing body of the municipality must review
3624 the inventory list at a public hearing and may revise it at the
3625 conclusion of the public hearing. Following the public hearing,

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3626 the governing body of the municipality shall adopt a resolution
3627 that includes an inventory list of such property.

3628 (2) The properties identified as appropriate for use as
3629 affordable housing on the inventory list adopted by the
3630 municipality may be offered for sale and the proceeds may be used
3631 to purchase land for the development of affordable housing or to
3632 increase the local government fund earmarked for affordable
3633 housing, or may be sold with a restriction that requires the
3634 development of the property as permanent affordable housing, or
3635 may be donated to a nonprofit housing organization for the
3636 construction of permanent affordable housing. Alternatively, the
3637 municipality may otherwise make the property available for use
3638 for the production and preservation of permanent affordable
3639 housing. For purposes of this section, the term "affordable" has
3640 the same meaning as in s. 420.0004(3).

3641 (3) As a precondition to receiving any state affordable
3642 housing funding or allocation for any project or program within
3643 the municipality's jurisdiction, a municipality must, by July 1
3644 of each year, provide certification that the inventory and any
3645 update required by this section is complete.

3646 Section 16. Paragraph (c) of subsection (6) of section
3647 253.034, Florida Statutes, is amended, and paragraph (d) is added
3648 to subsection (8) of that section, to read:

3649 253.034 State-owned lands; uses.--

3650 (6) The Board of Trustees of the Internal Improvement Trust
3651 Fund shall determine which lands, the title to which is vested in
3652 the board, may be surplused. For conservation lands, the board
3653 shall make a determination that the lands are no longer needed
3654 for conservation purposes and may dispose of them by an

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3655 affirmative vote of at least three members. In the case of a land
3656 exchange involving the disposition of conservation lands, the
3657 board must determine by an affirmative vote of at least three
3658 members that the exchange will result in a net positive
3659 conservation benefit. For all other lands, the board shall make a
3660 determination that the lands are no longer needed and may dispose
3661 of them by an affirmative vote of at least three members.

3662 (c) At least every 5 ~~10~~ years, as a component of each land
3663 management plan or land use plan and in a form and manner
3664 prescribed by rule by the board, each manager shall evaluate and
3665 indicate to the board those lands that are not being used for the
3666 purpose for which they were originally leased. For conservation
3667 lands, the council shall review and shall recommend to the board
3668 whether such lands should be retained in public ownership or
3669 disposed of by the board. For nonconservation lands, the division
3670 shall review such lands and shall recommend to the board whether
3671 such lands should be retained in public ownership or disposed of
3672 by the board.

3673 (8)

3674 (d) Beginning December 1, 2008, the Division of State Lands
3675 shall annually submit to the President of the Senate and the
3676 Speaker of the House of Representatives a copy of the state
3677 inventory that identifies all nonconservation lands, including
3678 lands that meet the surplus requirements of subsection (6) and
3679 lands purchased by the state, a state agency, or a water
3680 management district which are not essential or necessary for
3681 conservation purposes. The division shall also publish a copy of
3682 the annual inventory on its website and notify by electronic mail
3683 the executive head of the governing body of each local government

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3684 that has lands in the inventory within its jurisdiction.

3685 Section 17. Subsection (5) and paragraph (d) of subsection
3686 (12) of section 288.975, Florida Statutes, are amended to read:
3687 288.975 Military base reuse plans.--

3688 (5) At the discretion of the host local government, the
3689 provisions of this act may be complied with through the adoption
3690 of the military base reuse plan as a separate component of the
3691 local government comprehensive plan or through simultaneous
3692 amendments to all pertinent portions of the local government
3693 comprehensive plan. Once adopted and approved in accordance with
3694 this section, the military base reuse plan shall be considered to
3695 be part of the host local government's comprehensive plan and
3696 shall be thereafter implemented, amended, and reviewed in
3697 accordance with ~~the provisions of part II of chapter 163. Local~~
3698 ~~government comprehensive plan amendments necessary to initially~~
3699 ~~adopt the military base reuse plan shall be exempt from the~~
3700 ~~limitation on the frequency of plan amendments contained in s.~~
3701 ~~163.3187(2).~~

3702 (12) Following receipt of a petition, the petitioning party
3703 or parties and the host local government shall seek resolution of
3704 the issues in dispute. The issues in dispute shall be resolved as
3705 follows:

3706 (d) Within 45 days after receiving the report from the
3707 state land planning agency, the Administration Commission shall
3708 take action to resolve the issues in dispute. In deciding upon a
3709 proper resolution, the Administration Commission shall consider
3710 the nature of the issues in dispute, any requests for a formal
3711 administrative hearing pursuant to chapter 120, the compliance of
3712 the parties with this section, the extent of the conflict between

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3713 the parties, the comparative hardships and the public interest
3714 involved. If the Administration Commission incorporates in its
3715 final order a term or condition that requires any local
3716 government to amend its local government comprehensive plan, the
3717 local government shall amend its plan within 60 days after the
3718 issuance of the order. ~~Such amendment or amendments shall be~~
3719 ~~exempt from the limitation of the frequency of plan amendments~~
3720 ~~contained in s. 163.3187(2), and~~ A public hearing on such
3721 amendment or amendments pursuant to s. 163.3184(15) (b)1. is ~~shall~~
3722 not ~~be~~ required. The final order of the Administration Commission
3723 is subject to appeal pursuant to s. 120.68. If the order of the
3724 Administration Commission is appealed, the time for the local
3725 government to amend its plan is ~~shall be~~ tolled during the
3726 pendency of any local, state, or federal administrative or
3727 judicial proceeding relating to the military base reuse plan.

3728 Section 18. Paragraph (c) of subsection (19) and paragraph
3729 (1) of subsection (24) of section 380.06, Florida Statutes, are
3730 amended, and paragraph (v) is added to subsection (24) of that
3731 section, to read:

3732 380.06 Developments of regional impact.--

3733 (19) SUBSTANTIAL DEVIATIONS.--

3734 (c) An extension of the date of buildout of a development,
3735 or any phase thereof, by more than 7 years is presumed to create
3736 a substantial deviation subject to further development-of-
3737 regional-impact review. An extension of the date of buildout, or
3738 any phase thereof, of more than 5 years but not more than 7 years
3739 is presumed not to create a substantial deviation. The extension
3740 of the date of buildout of an areawide development of regional
3741 impact by more than 5 years but less than 10 years is presumed

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3742 not to create a substantial deviation. These presumptions may be
3743 rebutted by clear and convincing evidence at the public hearing
3744 held by the local government. An extension of 5 years or less is
3745 not a substantial deviation. For the purpose of calculating when
3746 a buildout or phase date has been exceeded, the time shall be
3747 tolled during the pendency of administrative or judicial
3748 proceedings relating to development permits. Any extension of the
3749 buildout date of a project or a phase thereof shall automatically
3750 extend the commencement date of the project, the termination date
3751 of the development order, the expiration date of the development
3752 of regional impact, and the phases thereof if applicable by a
3753 like period of time. In recognition of the 2007 real estate
3754 market conditions, all development order, phase, buildout,
3755 commencement, and expiration dates, and all related local
3756 government approvals, for projects that are developments of
3757 regional impact or Florida Quality Developments and under active
3758 construction on July 1, 2007, or for which a development order
3759 was adopted after January 1, 2006, regardless of whether active
3760 construction has commenced are extended for 3 years regardless of
3761 any prior extension. The 3-year extension is not a substantial
3762 deviation, is not subject to further development-of-regional-
3763 impact review, and may not be considered when determining whether
3764 a subsequent extension is a substantial deviation under this
3765 subsection. This extension also applies to all associated local
3766 government approvals including, but not limited to, agreements,
3767 certificates, and permits related to the project.

3768 (24) STATUTORY EXEMPTIONS.--

3769 (1) Any proposed development within an urban service
3770 boundary established as part of a local comprehensive plan under

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3771 s. 163.3187 ~~s. 163.3177(14)~~ is exempt from the provisions of this
3772 section if the local government having jurisdiction over the area
3773 where the development is proposed has adopted the urban service
3774 boundary, has entered into a binding agreement with jurisdictions
3775 that would be impacted and with the Department of Transportation
3776 regarding the mitigation of impacts on state and regional
3777 transportation facilities, and has adopted a proportionate share
3778 methodology pursuant to s. 163.3180(16).

3779 (v) Any proposed development of up to an additional 150
3780 percent of the office development threshold located within 5
3781 miles of a state-sponsored biotechnical research facility is
3782 exempt from this section.

3783
3784 If a use is exempt from review as a development of regional
3785 impact under paragraphs (a)-(t) or paragraph (v), but will be
3786 part of a larger project that is subject to review as a
3787 development of regional impact, the impact of the exempt use must
3788 be included in the review of the larger project.

3789 Section 19. Paragraph (h) of subsection (3) of section
3790 380.0651, Florida Statutes, is amended to read:

3791 380.0651 Statewide guidelines and standards.--

3792 (3) The following statewide guidelines and standards shall
3793 be applied in the manner described in s. 380.06(2) to determine
3794 whether the following developments shall be required to undergo
3795 development-of-regional-impact review:

3796 (h) Multiuse development.--Any proposed development with
3797 two or more land uses where the sum of the percentages of the
3798 appropriate thresholds identified in chapter 28-24, Florida
3799 Administrative Code, or this section for each land use in the

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3800 development is equal to or greater than 145 percent. Any proposed
3801 development with three or more land uses, one of which is
3802 residential and contains at least 100 dwelling units or 15
3803 percent of the applicable residential threshold, whichever is
3804 greater, where the sum of the percentages of the appropriate
3805 thresholds identified in chapter 28-24, Florida Administrative
3806 Code, or this section for each land use in the development is
3807 equal to or greater than 160 percent. This threshold is in
3808 addition to, and does not preclude, a development from being
3809 required to undergo development-of-regional-impact review under
3810 any other threshold. This threshold does not apply to
3811 developments within 5 miles of a state-sponsored biotechnical
3812 facility.

3813 Section 20. Paragraph (c) of subsection (18) of section
3814 1002.33, Florida Statutes, is amended to read:

3815 1002.33 Charter schools.--

3816 (18) FACILITIES.--

3817 (c) Any facility, or portion thereof, used to house a
3818 charter school whose charter has been approved by the sponsor and
3819 the governing board, pursuant to subsection (7), ~~is shall be~~
3820 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
3821 community service, museum, performing arts, theatre, cinema,
3822 church, community college, college, and university facilities may
3823 provide space to charter schools within their facilities if such
3824 use is consistent with the local comprehensive plan and
3825 applicable land development regulations under their preexisting
3826 zoning and land use designations. No expansion of the facilities
3827 shall be allowed to accommodate a charter school unless the
3828 expansion would be in compliance with the local comprehensive

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3829 plan and applicable land development regulations.

3830 Section 21. Section 1011.775, Florida Statutes, is created
3831 to read:

3832 1011.775 Disposition of district school board property for
3833 affordable housing.--

3834 (1) On or before July 1, 2009, and every 3 years
3835 thereafter, each district school board shall prepare an inventory
3836 list of all real property within its jurisdiction to which the
3837 district holds fee simple title and which is not included in the
3838 5-year district facilities work plan. The inventory list must
3839 include the address and legal description of each such property
3840 and specify whether the property is vacant or improved. The
3841 district school board must review the inventory list at a public
3842 meeting and determine if any property is surplus property and
3843 appropriate for affordable housing. For real property that is not
3844 included in the 5-year district facilities work plan and that is
3845 not determined appropriate to be surplus property for affordable
3846 housing, the board shall state in the inventory list the public
3847 purpose for which the board intends to use the property. The
3848 board may revise the list at the conclusion of the public
3849 meeting. Following the public meeting, the district school board
3850 shall adopt a resolution that includes the inventory list.

3851 (2) Notwithstanding ss. 1013.28 and 1002.33(18)(e), the
3852 properties identified as appropriate for use as affordable
3853 housing on the inventory list adopted by the district school
3854 board may be offered for sale and the proceeds may be used to
3855 purchase land for the development of affordable housing or to
3856 increase the local government fund earmarked for affordable
3857 housing, sold with a restriction that requires the development of

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3858 the property as permanent affordable housing, or donated to a
3859 nonprofit housing organization for the construction of permanent
3860 affordable housing. Alternatively, the district school board may
3861 otherwise make the property available for the production and
3862 preservation of permanent affordable housing. For purposes of
3863 this section, the term "affordable" has the same meaning as in s.
3864 420.0004.

3865 Section 22. Section 339.282, Florida Statutes, is repealed.

3866 Section 23. Subsection (4) is added to section 1013.372,
3867 Florida Statutes, to read:

3868 1013.372 Education facilities as emergency shelters.--

3869 (4) Any charter school satisfying the requirements of s.
3870 163.3180(13)(e)2. shall serve as a public shelter for emergency
3871 management purposes at the request of the local emergency
3872 management agency. This subsection does not apply to a charter
3873 school located in an identified category 1, 2, or 3 evacuation
3874 zone or if the regional planning council region in which the
3875 county where the charter school is located does not have a
3876 hurricane shelter deficit as determined by the Department of
3877 Community Affairs.

3878 Section 24. Paragraph (b) of subsection (2) of section
3879 163.3217, Florida Statutes, is amended to read:

3880 163.3217 Municipal overlay for municipal incorporation.--

3881 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
3882 OVERLAY.--

3883 (b)~~1~~. A municipal overlay shall be adopted as an amendment
3884 to the local government comprehensive plan as prescribed by s.
3885 163.3184.

3886 ~~2. A county may consider the adoption of a municipal~~

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3887 ~~overlay without regard to the provisions of s. 163.3187(1)~~
3888 ~~regarding the frequency of adoption of amendments to the local~~
3889 ~~comprehensive plan.~~

3890 Section 25. Subsection (4) of section 163.3182, Florida
3891 Statutes, is amended to read:

3892 163.3182 Transportation concurrency backlogs.--

3893 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

3894 ~~(a)~~ Each transportation concurrency backlog authority shall
3895 adopt a transportation concurrency backlog plan as a part of the
3896 local government comprehensive plan within 6 months after the
3897 creation of the authority. The plan shall:

3898 (a)1. Identify all transportation facilities that have been
3899 designated as deficient and require the expenditure of moneys to
3900 upgrade, modify, or mitigate the deficiency.

3901 (b)2. Include a priority listing of all transportation
3902 facilities that have been designated as deficient and do not
3903 satisfy concurrency requirements pursuant to s. 163.3180, and the
3904 applicable local government comprehensive plan.

3905 (c)3. Establish a schedule for financing and construction
3906 of transportation concurrency backlog projects that will
3907 eliminate transportation concurrency backlogs within the
3908 jurisdiction of the authority within 10 years after the
3909 transportation concurrency backlog plan adoption. The schedule
3910 shall be adopted as part of the local government comprehensive
3911 plan.

3912 ~~(b)~~ ~~The adoption of the transportation concurrency backlog~~
3913 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

3914 Section 26. Subsection (11) of section 171.203, Florida
3915 Statutes, is amended to read:

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3916 171.203 Interlocal service boundary agreement.--The
3917 governing body of a county and one or more municipalities or
3918 independent special districts within the county may enter into an
3919 interlocal service boundary agreement under this part. The
3920 governing bodies of a county, a municipality, or an independent
3921 special district may develop a process for reaching an interlocal
3922 service boundary agreement which provides for public
3923 participation in a manner that meets or exceeds the requirements
3924 of subsection (13), or the governing bodies may use the process
3925 established in this section.

3926 (11) (a) A municipality that is a party to an interlocal
3927 service boundary agreement that identifies an unincorporated area
3928 for municipal annexation under s. 171.202(11) (a) shall adopt a
3929 municipal service area as an amendment to its comprehensive plan
3930 to address future possible municipal annexation. The state land
3931 planning agency shall review the amendment for compliance with
3932 part II of chapter 163. The proposed plan amendment must contain:

- 3933 1. A boundary map of the municipal service area.
- 3934 2. Population projections for the area.
- 3935 3. Data and analysis supporting the provision of public
3936 facilities for the area.

3937 (b) This part does not authorize the state land planning
3938 agency to review, evaluate, determine, approve, or disapprove a
3939 municipal ordinance relating to municipal annexation or
3940 contraction.

3941 ~~(c) Any amendment required by paragraph (a) is exempt from~~
3942 ~~the twice-per-year limitation under s. 163.3187.~~

3943 Section 27. This act shall take effect July 1, 2008.