A bill to be entitled

An act relating to community affairs; amending s. 163.3164, F.S.; revising and providing definitions applicable to the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; revising requirements for adopting amendments to the capital improvements element of a local comprehensive plan; providing that the future land use element shall provide a minimum amount of land to accommodate development; revising requirements for the public school facilities element implementing a school concurrency program; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the Administration Commission to impose sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; revising legislative findings; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; providing for an exemption from level-of-service standards for proposed development related to

qualified job creation projects; revising school concurrency requirements; requiring charter schools to be considered as a mitigation option under certain circumstances; amending s. 163.31801, F.S.; revising requirements for adoption of impact fees; creating s. 163.31802, F.S.; prohibiting establishment of local security standards requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; amending s. 163.3184, F.S.; authorizing local governments to use an alternative state review process for certain comprehensive plan amendments or amendment packages; providing requirements; amending s. 163.3187, F.S.; clarifying existing exemptions for certain comprehensive plan amendments from the twice-per-year limitation; adding an additional exemption for certain plan amendments; amending s. 163.3245, F.S.; increasing the number of demonstration projects for optional sector plans from five to ten; amending s. 163.3246, F.S.; providing certain counties and municipalities are certified under the Local Government Comprehensive Planning Certification Program; providing requirements and procedures for identifying and designating local governments; changing the date the state land planning agency reports to the Legislature; deleting an obsolete reporting requirement; amending s. 163.32465, F.S.; providing for an alternative state review process for local comprehensive plan amendments; providing requirements, procedures, and limitations; replacing an

alternative state review process pilot program with a process applicable statewide under certain circumstances; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; authorizing the state land planning agency to adopt procedural rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending 186.509, F.S.; revising provisions relating to a dispute resolution process; providing for mandatory mediation; amending 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; amending 380.06, F.S.; providing exemption for dense urban land areas from the development-of-regional-impact program; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring the state land planning agency and the Department of Transportation to study and develop a methodology for a mobility fee system; specifying criteria; requiring joint reports to the Legislature; specifying report requirements; providing for extending certain permits, orders, or applications due to expire on or before October 1, 2011; providing for

application of the extension to certain related activities; providing that the act fulfills an important state interest; providing an effective date.

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

Section 1. Subsection (29) of section 163.3164, Florida Statutes, is amended, and subsection (34) is added to that section, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions. – As used in this act:

(29) "~~Existing~~ Urban service area" means built-up areas where public facilities and services, including, but not limited to, central water and sewer ~~such as sewage treatment systems~~, roads, schools, and recreation areas, are already in place. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

(34) "Dense urban land area" means:

(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or

(c) A county, including the municipalities located therein, which has a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.

Section 2. Paragraphs (b) and (c) of subsection (3), paragraphs (a) and (h) of subsection (6), and paragraphs (a), (j), and (k) of subsection (12) of section 163.3177, Florida

Statutes, are amended, and paragraph (f) is added to subsection (3) of that section, to read:

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

(3)

(b)1. The capital improvements element must be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. ~~Amendments to implement this section must be adopted and transmitted no later than December 1, 2008.~~ Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011 ~~2008~~, and every year thereafter, unless and until the local government has adopted

the annual update and it has been transmitted to the state land planning agency.

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

(c) If the local government does not adopt the required annual update to the schedule of capital improvements, the state land planning agency may issue a notice to the local government to show cause why sanctions should not be enforced for failure to submit the annual update and may ~~must~~ notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(f) A local government that has designated a transportation concurrency exception area in its comprehensive plan pursuant to s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards if the capital improvements element and, as appropriate, the capital improvements schedule include any capital improvements planned within the scheduled timeframe based upon the strategies adopted in the plan to promote mobility.

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities,

the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In each of the land use categories permitting development, the future land use element shall provide a minimum amount of land to accommodate the residential and nonresidential development and there can be no finding of not in compliance based on lack of demonstrated need. Future land use elements may provide for additional development to encourage other objectives, including economic growth. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and

criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving

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

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

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

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

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed 10 percent when the projected 10-year capital outlay full-time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100-percent limitation. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is

not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(j) If a local government fails ~~Failure~~ to adopt the public school facilities element, ~~to~~ enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and s. 163.31777, or ~~to~~ amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, ~~shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.~~

~~(k)~~ the state land planning agency may issue ~~the school board~~ a notice to the school board and the local government to show cause why sanctions should not be enforced for such failure ~~to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency~~. The school board may be

subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72. The local government may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

Section 3. Subsections (5) and (10), and paragraph (e) of subsection (13) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.--

(5)(a) The Legislature finds that under limited circumstances ~~dealing with transportation facilities~~, countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that ~~often~~ the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternataives are essential to satisfy mobility needs, reduce

congestion, and achieve healthy, vibrant centers. ~~Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.~~

(b)1. The following are transportation concurrency exception areas:

a. A municipality that qualifies as a dense urban land area under s. 163.3164;

b. An urban service area under s. 163.3164 which has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164, except limited urban service areas are not included as an urban service area unless the parcel is defined as 163.3164(33); and

c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.

2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164;

b. Community redevelopment areas as defined in s. 163.340(10);

c. Downtown revitalization areas as defined in s. 163.3164;

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

e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

3. A county that does not qualify as a dense urban land area as defined in s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164;

b. Urban infill and redevelopment under s. 163.2517; or

c. Urban service areas as defined in s. 163.3164.

4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exeption area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.

5. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do

not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.

6. A local government that does not qualify as a dense urban land area as defined in s. 163.3164 ~~A local government~~ may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

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

b. ~~2.~~ Urban redevelopment;

c. ~~3.~~ Downtown revitalization;

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

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

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

(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply: ~~A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.~~

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

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

redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis supporting the local government's determination of the boundaries of the transportation concurrency exception ~~justifying the size of the~~ area.

(e) ~~(f)~~ Before designating ~~Prior to the designation of~~ a concurrency exception area pursuant to subparagraph (b)6., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for regional transportation facilities identified pursuant to s. 186.507, including the Strategic Intermodal System ~~facilities, as defined in s. 339.64,~~ and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall provide a plan for the mitigation of~~, in consultation with the state land planning agency and the Department of Transportation, develop a plan to mitigate any~~ impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures ~~the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted~~.

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

(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e).

(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment or downtown revitalization.

(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63 ~~ss. 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate Highway~~

~~System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819,~~ local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may allow for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

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

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

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

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18)(f); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; ~~or~~ the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18)(f), as

proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

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

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

Section 4. Paragraph (d) of subsection (3) of section 163.31801, Florida Statutes, is amended to read:

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

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

(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased ~~amended~~ impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

Section 5. Section 163.31802, Florida Statutes, is created to read:

163.31802 Prohibited standards for security.--A county, municipality, or other entity of local government may not adopt or maintain in effect an ordinance or rule that establishes standards for security that require a lawful business to expend funds to enhance the services or functions provided by local government unless specifically provided by general law.

Section 6. Subsection (2) of section 163.3184, Florida Statutes, is amended, and paragraph (e) is added to subsection (3) of that section, to read:

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

(2) COORDINATION.--Each comprehensive plan or plan amendment proposed to be adopted pursuant to this part shall be transmitted, adopted, and reviewed in the manner prescribed in this section. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this section, to the local governing body responsible for the comprehensive plan. The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119. A local government may elect to use the alternative state review process in s. 163.32465 for any amendment or amendment package not expressly excluded by s. 163.32465(3). The local government must establish in its transmittal hearing required pursuant to this subsection that it elects to undergo the alternative state review process. If the local government has not specifically approved the alternative state review process for the amendment or amendment package, the amendment or amendment package shall be reviewed subject to the applicable process established in this section or s. 163.3187.

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

(e) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the state land planning agency issuing a notice of intent to find that the comprehensive plan or plan amendment transmitted is in compliance with this act.

Section 7. Paragraphs (b) and (f) of subsection (1) of section 163.3187, Florida Statutes, are amended and paragraph (q) is added to that subsection to read:

163.3187 Amendment of adopted comprehensive plan. -

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances~~, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be~~

~~deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.~~

(f) ~~Any comprehensive plan amendment that changes the schedule in~~ The capital improvements element annual update required in s. 163.3177(3)(b)2.~~,~~ and any amendments directly related to the schedule~~, may be made once in a calendar year on a date different from the two times provided in this subsection when necessary to coincide with the adoption of the local government's budget and capital improvements program~~.

(q) Any local government plan amendment to designate an urban service area, which exists in the local government's comprehensive plan as of July 1, 2009, as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3., and an area exempt from the development-of-regional-impact process under s. 380.06(29).

Section 8. Subsection (1) of section 163.3245, Florida Statutes, is amended to read:

(1) In recognition of the benefits of conceptual long-range planning for the buildout of an area, and detailed planning for specific areas, as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to ten ~~five~~ local governments or combinations of local governments which adopt into the comprehensive plan an optional sector plan in accordance with this section. This section is intended to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part 1 of chapter

380, and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Optional sector plans are intended for substantial geographic areas including at least 5,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and facilities. The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part 1 of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional sector plan may not be authorized in an area of critical state concern.

Section 9. Section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program. –

(12) Notwithstanding subsections (2), (4), (5), (6), and (7), any county that has a population greater than 1 million and an average of at least 1,000 residents per square mile and municipalities that have a population greater than 100,000 and an average of at least 1,000 residents per square mile shall be

considered certified. The population and density needed to identify local governments that qualify for certification under this subsection shall be determined annually by the Office of Economic and Demographic Research using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. The office shall annually submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary to qualify for certification. For each local government identified by the Office of Economic and Demographic Research as meeting the certification criteria in this subsection, the state land planning agency shall provide a written notice of certification to the local government, which shall be considered final agency action subject to challenge under s. 120.569. The notice of certification shall include a requirement that the local government submit a monitoring report at least every two years according to the schedule provided in the written notice. The monitoring report shall include the number of amendments to the comprehensive plan adopted by the local government, the number of plan amendments challenged by an affected person, and the disposition of those challenges.

(13) ~~(12)~~ A local government's certification shall be reviewed by the local government and the department as part of the evaluation of appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and

appraisal report, the department shall renew or revoke the certification. The local government's failure to adopt an evaluation and appraisal report found to be sufficient, or failure to timely adopt amendments based on an evaluation and appraisal report found to be incompliance by the department shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered final agency action subject to challenge under s. 120.569.

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

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

Section 10. Section 163.32465, Florida Statutes, is amended to read:

163.32465 Alternative state review process for ~~of~~ local comprehensive plan amendments ~~plans in urban areas~~.--

(1) LEGISLATIVE FINDINGS.--

(a) The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that the needs and resources of urban areas are different from those of rural areas

and that different planning and growth management approaches, strategies, and techniques are required ~~in urban areas~~. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, needs, and the extent and type of development. Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced state oversight of local comprehensive planning is justified for some local governments and for certain types of development ~~in urban areas~~.

(b) The Legislature finds and declares that the diversity among local governments of this state ~~state's urban areas~~ require recognition that the ~~a reduced~~ level of state oversight should reflect the ~~because of their high~~ degree of urbanization and the planning capabilities and resources available to ~~of many of their~~ local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be reflective of local governments' needs and capabilities ~~created for appropriate local governments in these areas~~. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in ~~these~~ urban areas. The Legislature finds that an alternative process for amending local comprehensive plans ~~in these areas~~ should be established with an objective of streamlining the process and recognizing local responsibility and accountability.

~~(c) The Legislature finds a pilot program will be beneficial in evaluating an alternative, expedited plan amendment adoption and review process. Pilot local governments~~

~~shall represent highly developed counties and the municipalities within these counties and highly populated municipalities.~~

(2) ALTERNATIVE STATE REVIEW PROCESS ~~PILOT PROGRAM~~.--A local government may elect pursuant to s. 163.3184 to use the alternative state review process for any amendment or amendment package not expressly excluded by subsection (3). ~~Pinellas and Broward Counties, and the municipalities within these counties, and Jacksonville, Miami, Tampa, and Hialeah shall follow an alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super majority vote of the governing body, not to participate in the pilot program.~~

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

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

(b) An amendment to a comprehensive plan is not eligible for the alternative state review and shall be reviewed subject to the applicable processes established in ss. 163.3184 and 163.3187 if the amendment:

1. Designates or implements a rural land stewardship area pursuant to s. 163.3177(11)(d);

2. Designates or implements an optional sector plan;

3. Applies within an area of critical state concern or a coastal high hazard area;

4. Incorporates into a municipal comprehensive plan lands

that have been annexed;

5. Updates a comprehensive plan based on an evaluation and appraisal report;

6. Implements new plans for newly incorporated municipalities;

7. Implements statutory requirements that were not previously incorporated into the comprehensive plan; or

8. Changes the boundary of a jurisdiction's urban service area as defined in s. 163.3164. ~~Amendments that qualify as small-scale development amendments may continue to be adopted by the pilot program jurisdictions pursuant to s. 163.3187(1)(c) and (3).~~

(c) Plan amendments adopted under this section ~~Plan amendments that propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose an optional sector plan; update a comprehensive plan based on an evaluation and appraisal report; implement new statutory requirements; or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.~~

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

(d) ~~(e)~~ The mediation and expedited hearing provisions in s. 163.3189(3) apply to all plan amendments adopted pursuant to the alternative state review process ~~by the pilot program jurisdictions~~.

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

(a) The local government shall hold its first public hearing on a comprehensive plan amendment on a weekday at least 7 days after the day the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

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

be inconsistent with the comprehensive plan of the affected local government. A regional planning council shall not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments shall clearly identify as objections any issues that, if not resolved, may result in an agency request that the state land planning agency challenge the plan amendment and may include technical guidance on issues of agency jurisdiction as it relates to the requirements of this part. ~~Such comments shall clearly identify issues that, if not resolved, may result in an agency challenge to the plan amendment. For the purposes of this pilot program,~~ Agencies shall ~~are encouraged to~~ focus potential challenges on issues of regional or statewide importance. Agencies and local governments must transmit their comments, if issued, to the affected local government within 30 days after the state land planning agency notifies the affected local government that the plan amendment package is complete. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. Any comments from the agencies and local governments shall also be transmitted to the state land planning

agency ~~such that they are received by the local government not later than thirty days from the date on which the agency or government received the amendment or amendments~~.

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

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least 5 days after the day the second advertisement is published pursuant to ~~the requirements of~~ chapter 125 or chapter 166. Adoption of comprehensive plan amendments must be by ordinance ~~and requires an affirmative vote of a majority of the members of the governing body present at the second hearing~~. The hearing must be conducted and the amendment must be adopted, adopted with changes, or not adopted within 120 days after the agency comments are received pursuant to paragraph (4)(b). If a local government fails to adopt the plan amendment within the timeframe set forth in this subparagraph, the plan amendment is deemed abandoned and the plan amendment may not be considered until the next available amendment cycle pursuant to s. 163.3187. However, if the applicant or local government, prior to the expiration of such timeframe, notifies the state land planning agency that the applicant or local government is proceeding in good faith to adopt the plan amendment, the state land planning agency shall grant one or more extensions not to exceed a total of 360 days after the issuance of the agency report or comments. During the pendency of any such extension, the applicant or local government shall provide to the state

land planning agency a status report every 90 days identifying the items continuing to be addressed and the manner in which the items are being addressed.

(b) All comprehensive plan amendments adopted by the governing body along with the supporting data and analysis shall be transmitted within 10 days of the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (4)(b).

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

(a) Any "affected person" as defined in s. 163.3184(1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the amendments are "in compliance" as defined in s. 163.3184(1)(b). This petition must be filed with the Division within 30 days after the local government adopts the amendment. The state land planning agency may intervene in a proceeding instituted by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing. This petition must be filed with the Division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete. For purposes of this section, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the

case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words to be deleted lined through with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate. The state land planning agency shall notify the local government of any deficiencies within 5 working days of receipt of an amendment package.

(c) The state land planning agency's challenge shall be limited to those objections ~~issues~~ raised in the comments provided by the reviewing agencies pursuant to paragraph (4)(b). The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments. For the purposes of the alternative review process ~~this pilot program~~, the ~~Legislature strongly encourages the~~ state land planning agency shall ~~to~~ focus any challenge on issues of regional or statewide importance.

(d) An administrative law judge shall hold a hearing in the affected local jurisdiction. In a proceeding involving an affected person as defined in s. 163.3184(1)(a), the local government's determination of compliance is fairly debatable. In a proceeding in which the state land planning agency challenges the local government's determination that the amendment is "in compliance," the local government's determination is presumed to be correct and shall be sustained unless it is shown by a

preponderance of the evidence that the amendment is not "in compliance."

(e) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(f) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days of receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action. If the commission determines that the amendment is not in compliance, it may sanction the local government as set forth in s. 163.3184(11).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days from receipt of the recommended order.

(g) An amendment adopted under the expedited provisions of this section shall not become effective until the completion of the time period available to the state land planning agency for administrative challenge under paragraph (a) ~~31 days after adoption~~. If timely challenged, an amendment shall not become effective until the state land planning agency or the

Administration Commission enters a final order determining that the adopted amendment is ~~to be~~ in compliance.

(h) Parties to a proceeding under this section may enter into compliance agreements using the process in s. 163.3184(16). Any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a).

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

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

(8)~~(9)~~ REPORT.--The state land planning agency may, from time to time, report to ~~Office of Program Policy Analysis and Government Accountability shall submit to the Governor,~~ the President of the Senate~~,~~ and the Speaker of the House of Representatives on the implementation of this section including any recommendations for legislative action ~~by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional~~

~~agencies, local governments, and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:~~

~~(a) Identification of local governments beyond those participating in the pilot program that should be subject to the alternative expedited state review process. The report may recommend that pilot program local governments may no longer be appropriate for such alternative review process.~~

~~(b) Changes to the alternative expedited state review process for local comprehensive plan amendments identified in the pilot program.~~

~~(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.~~

~~(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Governmental Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments and stakeholder groups.~~

Section 11. Section 186.509, Florida Statutes, is amended to read:

186.509 Dispute resolution process. – Each regional planning council shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory ~~voluntary~~ mediation or a similar process; if the process fails, initiation of arbitration or administrative or judicial action, where appropriate. The council shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The resolution of any issue through the dispute resolution process shall not alter any person's right t a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

Section 12. Section 171.091, Florida Statutes, is amended to read:

171.091 Recording. – Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

Section 13. Subsection (29) is added to section 380.06, Florida Statutes, to read:

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS. –

(a) The following are exempt from this section:

1. Any proposed development in a municipality that qualifies as a dense urban land area as defined in s. 163.3164;

2. Any proposed development within a county that qualifies as a dense urban land area as defined in s. 163.3164 and that is located within an urban service area defined in s. 163.3164 which has been adopted into the comprehensive plan; or

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, which qualifies as a dense urban land area under s. 163.3164, but which does not have an urban service area designated in the comprehensive plan.

(b) If a municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Community redevelopment areas as defined in s. 163.340(10);

3. Downtown revitalization areas as defined in s. 163.3164;

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

5. Urban service areas as defined in s. 163.3164 or areas

within a designated urban service boundary under s. 163.3177(14).

(c) If a county that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Urban infill and redevelopment under s. 163.2517; or

3. Urban service areas as defined in s. 163.3164.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section.

(e) In an area that is exempt under paragraphs (a) - (c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). A development that has a pending application for a comprehensive plan amendment and that elects not to continue development-of-regional-impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.

(f) Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of-regional-impact threshold and would require development-of-

regional-impact review but for the exemption from the program under paragraph (a). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.

(g) If a local government that qualifies as a dense urban land area under this subsection is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(i) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).

Section 14. (1)(a) The Legislature finds that the existing transportation concurrency system has not adequately addressed the transportation needs of this state in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The

Legislature finds that the current system is complex, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals.

(b) The Legislature determines that the state shall evaluate and, as deemed feasible, implement a different adequate public facility requirement for transportation which uses a mobility fee. The mobility fee shall be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute financial burdens, and promote compact, mixed-use, and energy efficient development.

(2) The Legislature directs the state land planning agency and the Department of Transportation, both of which are currently performing independent mobility fee studies, to coordinate and use those studies in developing a methodology for a mobility fee system as follows:

(a) The uniform mobility fee methodology for statewide application is intended to replace existing transportation concurrency management systems adopted and implemented by local governments. The studies shall focus upon developing a methodology that includes:

1. A determination of the amount, distribution, and timing of vehicular and people-miles traveled by applying professionally accepted standards and practices in the disciplines of land use and transportation planning, including

requirements of constitutional and statutory law.

2. The development of an equitable mobility fee that provides funding for future mobility needs whereby new development mitigates in approximate proportionality its impacts on the transportation system, yet is not delayed or held accountable for system backlogs or failures that are not directly attributable to the proposed development.

3. The replacement of transportation-related financial feasibility obligations, proportionate-share contributions for developments of regional impacts, proportionate fair-share contributions, and locally adopted transportation impact fees with the mobility fee, such that a single transportation fee may be applied uniformly on a statewide basis by application of the mobility fee formula developed by these studies.

4. Applicability of the mobility fee on a statewide or more limited geographic basis, accounting for special requirements arising from implementation for urban, suburban, and rural areas, including recommendations for an equitable implementation in these areas.

5. The feasibility of developer contributions of land for right-of-way or developer-funded improvements to the transportation network to be recognized as credits against the mobility fee by entering into mutually acceptable agreements reached with the impacted jurisdiction.

6. An equitable methodology for distribution of the mobility fee proceeds among those jurisdictions responsible for construction and maintenance of the impacted roadways, such that the collected mobility fees are used for improvements to the

overall transportation network of the impacted jurisdiction.

(b) The state land planning agency and the Department of Transportation shall develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than July 15, 2009, an initial interim joint report on the status of the mobility fee methodology study; no later than October 1, 2009, a second interim joint report on the status of the mobility fee methodology study; and no later than December 1, 2009, a final joint report on the mobility fee methodology study, complete with recommended legislation and a plan to implement the mobility fee as a replacement for the existing transportation concurrency management systems adopted and implemented by local governments. The final joint report shall also contain, but is not limited to, an economic analysis of implementation of the mobility fee, activities necessary to implement the fee, and potential costs and benefits at the state and local levels and to the private sector.

Section 15. All construction and operating permits, development orders, building permits or other land use approvals, issued by the state or any local governmental entity pursuant to chapters 125, 161, 163, 166, 253, 373, 378, 379, 380, 381, 403, and 553, Florida Statutes, or any other local ordinance, that has an expiration date or a previously extended expiration date on or before October 1, 2011, are hereby extended and renewed for a period of 3 years beyond the previously identified expiration date. For development orders and local land use approvals, including but not limited to certificates of concurrency and developer agreements, this

extension shall also include phase, commencement and buildout dates. Required mitigation associated with any phase is similarly extended so that it takes place within the phase originally intended. Nothing in this act shall be deemed to extend or purport to extend any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or any permit or approval by whatever authority issued of which the duration of effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities. Nothing in this act shall be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program. Nothing in this act shall be deemed to extend or purport to extend any permit or approval for the consumptive use of water within Water-Use Caution Areas as permitted under chapter 373 and chapter 403, Florida Statutes. The permitholder shall notify the permitting agencies of the intent to use this extension.

Section 16. The Legislature finds that this act fulfills an important state interest.

Section 17. This act shall take effect upon becoming a law.