

1 A bill to be entitled
2 An act relating to growth management; reenacting s. 1,
3 chapter 2009-96, Laws of Florida, relating to a short
4 title; reenacting s. 163.3164(29) and (34), F.S., relating
5 to the definition of "urban service area" and "dense urban
6 land area" for purposes of the Local Government
7 Comprehensive Planning and Land Development Regulation
8 Act; reenacting s. 163.3177(3)(b) and (f), (6)(h), and
9 (12)(a) and (j), F.S., relating to certain required and
10 optional elements of a comprehensive plan; reenacting s.
11 163.3180(5), (10), and (13)(b) and (e), F.S., relating to
12 concurrency requirements for transportation facilities;
13 reenacting s. 163.31801(3)(d), F.S., relating to a
14 required notice for a new or increased impact fee;
15 reenacting s. 163.3184(1)(b) and (3)(e), F.S., relating to
16 the process for adopting a comprehensive plan or plan
17 amendment; reenacting s. 163.3187(1)(b), (f), and (q),
18 F.S., relating to amendments to a comprehensive plan;
19 reenacting s. 163.32465(2), F.S., relating to a pilot
20 program to provide an alternative to the state review
21 process for local comprehensive plans; reenacting s.
22 171.091, F.S., relating to the recording of any change in
23 municipal boundaries; reenacting s. 186.509, F.S.,
24 relating to a dispute resolution process for reconciling
25 differences concerning planning and growth management
26 issues; reenacting s. 380.06(7)(a), (24), (28), and (29),
27 F.S., relating to preapplication procedures and certain
28 exemptions from review provided for proposed developments

PCB CMAS 11-01

ORIGINAL

YEAR 2011

29 of regional impact; reenacting ss. 13, 14, and 34 of
 30 chapter 2009-96, Laws of Florida, relating to a study and
 31 report concerning a mobility fee, the extension and
 32 renewal of certain permits issued by the Department of
 33 Environmental Protection or a water management district,
 34 and a statement of important state interest; providing a
 35 legislative finding of important state interest; providing
 36 for retroactive operation of the act with respect to
 37 provisions of law amended or created by chapter 2009-96,
 38 Laws of Florida; providing for an exception under
 39 specified circumstances; providing an effective date.

40
 41 WHEREAS, the Florida Legislature enacted Senate Bill 360 in
 42 2009 for important public policy purposes, and

43 WHEREAS, litigation has called into question the
 44 constitutional validity of this important piece of legislation,
 45 and

46 WHEREAS, the Legislature wishes to protect those who relied
 47 on the changes made by Senate Bill 360 and to preserve the
 48 Florida Statutes intact and cure any alleged constitutional
 49 violation, NOW, THEREFORE,

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Section 1 of chapter 2009-96, Laws of Florida,
 54 is reenacted to read:

55 Section 1. This act may be cited as the "Community Renewal
 56 Act."

PCB CMAS 11-01

ORIGINAL

YEAR 2011

57 Section 2. Subsections (29) and (34) of section 163.3164,
58 Florida Statutes, are reenacted to read:

59 163.3164 Local Government Comprehensive Planning and Land
60 Development Regulation Act; definitions.—As used in this act:

61 (29) "Urban service area" means built-up areas where
62 public facilities and services, including, but not limited to,
63 central water and sewer capacity and roads, are already in place
64 or are committed in the first 3 years of the capital improvement
65 schedule. In addition, for counties that qualify as dense urban
66 land areas under subsection (34), the nonrural area of a county
67 which has adopted into the county charter a rural area
68 designation or areas identified in the comprehensive plan as
69 urban service areas or urban growth boundaries on or before July
70 1, 2009, are also urban service areas under this definition.

71 (34) "Dense urban land area" means:

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

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

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

80
81 The Office of Economic and Demographic Research within the
82 Legislature shall annually calculate the population and density
83 criteria needed to determine which jurisdictions qualify as
84 dense urban land areas by using the most recent land area data

85 | from the decennial census conducted by the Bureau of the Census
 86 | of the United States Department of Commerce and the latest
 87 | available population estimates determined pursuant to s.
 88 | 186.901. If any local government has had an annexation,
 89 | contraction, or new incorporation, the Office of Economic and
 90 | Demographic Research shall determine the population density
 91 | using the new jurisdictional boundaries as recorded in
 92 | accordance with s. 171.091. The Office of Economic and
 93 | Demographic Research shall submit to the state land planning
 94 | agency a list of jurisdictions that meet the total population
 95 | and density criteria necessary for designation as a dense urban
 96 | land area by July 1, 2009, and every year thereafter. The state
 97 | land planning agency shall publish the list of jurisdictions on
 98 | its Internet website within 7 days after the list is received.
 99 | The designation of jurisdictions that qualify or do not qualify
 100 | as a dense urban land area is effective upon publication on the
 101 | state land planning agency's Internet website.

102 | Section 3. Paragraphs (b) and (f) of subsection (3),
 103 | paragraph (h) of subsection (6), and paragraphs (a) and (j) of
 104 | subsection (12) of section 163.3177, Florida Statutes, are
 105 | reenacted to read:

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

108 | (3) (b) 1. The capital improvements element must be reviewed
 109 | on an annual basis and modified as necessary in accordance with
 110 | s. 163.3187 or s. 163.3189 in order to maintain a financially
 111 | feasible 5-year schedule of capital improvements. Corrections
 112 | and modifications concerning costs; revenue sources; or

PCB CMAS 11-01

ORIGINAL

YEAR 2011

113 acceptance of facilities pursuant to dedications which are
 114 consistent with the plan may be accomplished by ordinance and
 115 shall not be deemed to be amendments to the local comprehensive
 116 plan. A copy of the ordinance shall be transmitted to the state
 117 land planning agency. An amendment to the comprehensive plan is
 118 required to update the schedule on an annual basis or to
 119 eliminate, defer, or delay the construction for any facility
 120 listed in the 5-year schedule. All public facilities must be
 121 consistent with the capital improvements element. The annual
 122 update to the capital improvements element of the comprehensive
 123 plan need not comply with the financial feasibility requirement
 124 until December 1, 2011. Thereafter, a local government may not
 125 amend its future land use map, except for plan amendments to
 126 meet new requirements under this part and emergency amendments
 127 pursuant to s. 163.3187(1)(a), after December 1, 2011, and every
 128 year thereafter, unless and until the local government has
 129 adopted the annual update and it has been transmitted to the
 130 state land planning agency.

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

136 (f) A local government's comprehensive plan and plan
 137 amendments for land uses within all transportation concurrency
 138 exception areas that are designated and maintained in accordance
 139 with s. 163.3180(5) shall be deemed to meet the requirement to
 140 achieve and maintain level-of-service standards for

141 transportation.

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

145 (h)1. An intergovernmental coordination element showing
 146 relationships and stating principles and guidelines to be used
 147 in coordinating the adopted comprehensive plan with the plans of
 148 school boards, regional water supply authorities, and other
 149 units of local government providing services but not having
 150 regulatory authority over the use of land, with the
 151 comprehensive plans of adjacent municipalities, the county,
 152 adjacent counties, or the region, with the state comprehensive
 153 plan and with the applicable regional water supply plan approved
 154 pursuant to s. 373.709, as the case may require and as such
 155 adopted plans or plans in preparation may exist. This element of
 156 the local comprehensive plan must demonstrate consideration of
 157 the particular effects of the local plan, when adopted, upon the
 158 development of adjacent municipalities, the county, adjacent
 159 counties, or the region, or upon the state comprehensive plan,
 160 as the case may require.

161 a. The intergovernmental coordination element must provide
 162 procedures for identifying and implementing joint planning
 163 areas, especially for the purpose of annexation, municipal
 164 incorporation, and joint infrastructure service areas.

165 b. The intergovernmental coordination element must provide
 166 for recognition of campus master plans prepared pursuant to s.
 167 1013.30 and airport master plans under paragraph (k).

168 c. The intergovernmental coordination element shall

169 provide for a dispute resolution process, as established
 170 pursuant to s. 186.509, for bringing intergovernmental disputes
 171 to closure in a timely manner.

172 d. The intergovernmental coordination element shall
 173 provide for interlocal agreements as established pursuant to s.
 174 333.03(1)(b).

175 2. The intergovernmental coordination element shall also
 176 state principles and guidelines to be used in coordinating the
 177 adopted comprehensive plan with the plans of school boards and
 178 other units of local government providing facilities and
 179 services but not having regulatory authority over the use of
 180 land. In addition, the intergovernmental coordination element
 181 must describe joint processes for collaborative planning and
 182 decisionmaking on population projections and public school
 183 siting, the location and extension of public facilities subject
 184 to concurrency, and siting facilities with countywide
 185 significance, including locally unwanted land uses whose nature
 186 and identity are established in an agreement. Within 1 year
 187 after adopting their intergovernmental coordination elements,
 188 each county, all the municipalities within that county, the
 189 district school board, and any unit of local government service
 190 providers in that county shall establish by interlocal or other
 191 formal agreement executed by all affected entities, the joint
 192 processes described in this subparagraph consistent with their
 193 adopted intergovernmental coordination elements.

194 3. To foster coordination between special districts and
 195 local general-purpose governments as local general-purpose
 196 governments implement local comprehensive plans, each

PCB CMAS 11-01

ORIGINAL

YEAR 2011

197 independent special district must submit a public facilities
 198 report to the appropriate local government as required by s.
 199 189.415.

200 4. Local governments shall execute an interlocal agreement
 201 with the district school board, the county, and nonexempt
 202 municipalities pursuant to s. 163.31777. The local government
 203 shall amend the intergovernmental coordination element to ensure
 204 that coordination between the local government and school board
 205 is pursuant to the agreement and shall state the obligations of
 206 the local government under the agreement. Plan amendments that
 207 comply with this subparagraph are exempt from the provisions of
 208 s. 163.3187(1).

209 5. By January 1, 2004, any county having a population
 210 greater than 100,000, and the municipalities and special
 211 districts within that county, shall submit a report to the
 212 Department of Community Affairs which identifies:

213 a. All existing or proposed interlocal service delivery
 214 agreements relating to education; sanitary sewer; public safety;
 215 solid waste; drainage; potable water; parks and recreation; and
 216 transportation facilities.

217 b. Any deficits or duplication in the provision of
 218 services within its jurisdiction, whether capital or
 219 operational. Upon request, the Department of Community Affairs
 220 shall provide technical assistance to the local governments in
 221 identifying deficits or duplication.

222 6. Within 6 months after submission of the report, the
 223 Department of Community Affairs shall, through the appropriate
 224 regional planning council, coordinate a meeting of all local

PCB CMAS 11-01

ORIGINAL

YEAR 2011

225 governments within the regional planning area to discuss the
 226 reports and potential strategies to remedy any identified
 227 deficiencies or duplications.

228 7. Each local government shall update its
 229 intergovernmental coordination element based upon the findings
 230 in the report submitted pursuant to subparagraph 5. The report
 231 may be used as supporting data and analysis for the
 232 intergovernmental coordination element.

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

241 (a) The state land planning agency may provide a waiver to
 242 a county and to the municipalities within the county if the
 243 capacity rate for all schools within the school district is no
 244 greater than 100 percent and the projected 5-year capital outlay
 245 full-time equivalent student growth rate is less than 10
 246 percent. The state land planning agency may allow for a
 247 projected 5-year capital outlay full-time equivalent student
 248 growth rate to exceed 10 percent when the projected 10-year
 249 capital outlay full-time equivalent student enrollment is less
 250 than 2,000 students and the capacity rate for all schools within
 251 the school district in the tenth year will not exceed the 100-
 252 percent limitation. The state land planning agency may allow for

PCB CMAS 11-01

ORIGINAL

YEAR 2011

253 a single school to exceed the 100-percent limitation if it can
 254 be demonstrated that the capacity rate for that single school is
 255 not greater than 105 percent. In making this determination, the
 256 state land planning agency shall consider the following
 257 criteria:

258 1. Whether the exceedance is due to temporary
 259 circumstances;

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

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

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

268 (j) The state land planning agency may issue a notice to
 269 the school board and the local government to show cause why
 270 sanctions should not be enforced for failure to enter into an
 271 approved interlocal agreement as required by s. 163.31777 or for
 272 failure to implement provisions relating to public school
 273 concurrency. If the state land planning agency finds that
 274 insufficient cause exists for the school board's or local
 275 government's failure to enter into an approved interlocal
 276 agreement as required by s. 163.31777 or for the school board's
 277 or local government's failure to implement the provisions
 278 relating to public school concurrency, the state land planning
 279 agency shall submit its finding to the Administration Commission
 280 which may impose on the local government any of the sanctions

PCB CMAS 11-01

ORIGINAL

YEAR 2011

281 set forth in s. 163.3184(11) (a) and (b) and may impose on the
 282 district school board any of the sanctions set forth in s.
 283 1008.32(4).

284 Section 4. Subsections (5) and (10) and paragraphs (b) and
 285 (e) of subsection (13) of section 163.3180, Florida Statutes,
 286 are reenacted to read:

287 163.3180 Concurrency.—

288 (5) (a) The Legislature finds that under limited
 289 circumstances, countervailing planning and public policy goals
 290 may come into conflict with the requirement that adequate public
 291 transportation facilities and services be available concurrent
 292 with the impacts of such development. The Legislature further
 293 finds that the unintended result of the concurrency requirement
 294 for transportation facilities is often the discouragement of
 295 urban infill development and redevelopment. Such unintended
 296 results directly conflict with the goals and policies of the
 297 state comprehensive plan and the intent of this part. The
 298 Legislature also finds that in urban centers transportation
 299 cannot be effectively managed and mobility cannot be improved
 300 solely through the expansion of roadway capacity, that the
 301 expansion of roadway capacity is not always physically or
 302 financially possible, and that a range of transportation
 303 alternatives is essential to satisfy mobility needs, reduce
 304 congestion, and achieve healthy, vibrant centers.

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

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

PCB CMAS 11-01

ORIGINAL

YEAR 2011

309 b. An urban service area under s. 163.3164 that has been
 310 adopted into the local comprehensive plan and is located within
 311 a county that qualifies as a dense urban land area under s.
 312 163.3164; and

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

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

- 321 a. Urban infill as defined in s. 163.3164;
- 322 b. Community redevelopment areas as defined in s. 163.340;
- 323 c. Downtown revitalization areas as defined in s.
 324 163.3164;
- 325 d. Urban infill and redevelopment under s. 163.2517; or
- 326 e. Urban service areas as defined in s. 163.3164 or areas
 327 within a designated urban service boundary under s.
 328 163.3177(14).

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

- 333 a. Urban infill as defined in s. 163.3164;
 - 334 b. Urban infill and redevelopment under s. 163.2517; or
 - 335 c. Urban service areas as defined in s. 163.3164.
- 336 4. A local government that has a transportation

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

352 5. Transportation concurrency exception areas designated
 353 pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.
 354 do not apply to designated transportation concurrency districts
 355 located within a county that has a population of at least 1.5
 356 million, has implemented and uses a transportation-related
 357 concurrency assessment to support alternative modes of
 358 transportation, including, but not limited to, mass transit, and
 359 does not levy transportation impact fees within the concurrency
 360 district.

361 6. Transportation concurrency exception areas designated
 362 under subparagraph 1., subparagraph 2., or subparagraph 3. do
 363 not apply in any county that has exempted more than 40 percent
 364 of the area inside the urban service area from transportation

365 concurrency for the purpose of urban infill.

366 7. A local government that does not have a transportation
 367 concurrency exception area designated pursuant to subparagraph
 368 1., subparagraph 2., or subparagraph 3. may grant an exception
 369 from the concurrency requirement for transportation facilities
 370 if the proposed development is otherwise consistent with the
 371 adopted local government comprehensive plan and is a project
 372 that promotes public transportation or is located within an area
 373 designated in the comprehensive plan for:

- 374 a. Urban infill development;
- 375 b. Urban redevelopment;
- 376 c. Downtown revitalization;
- 377 d. Urban infill and redevelopment under s. 163.2517; or
- 378 e. An urban service area specifically designated as a
 379 transportation concurrency exception area which includes lands
 380 appropriate for compact, contiguous urban development, which
 381 does not exceed the amount of land needed to accommodate the
 382 projected population growth at densities consistent with the
 383 adopted comprehensive plan within the 10-year planning period,
 384 and which is served or is planned to be served with public
 385 facilities and services as provided by the capital improvements
 386 element.

387 (c) The Legislature also finds that developments located
 388 within urban infill, urban redevelopment, urban service, or
 389 downtown revitalization areas or areas designated as urban
 390 infill and redevelopment areas under s. 163.2517, which pose
 391 only special part-time demands on the transportation system, are
 392 exempt from the concurrency requirement for transportation

PCB CMAS 11-01

ORIGINAL

YEAR 2011

393 facilities. A special part-time demand is one that does not have
 394 more than 200 scheduled events during any calendar year and does
 395 not affect the 100 highest traffic volume hours.

396 (d) Except for transportation concurrency exception areas
 397 designated pursuant to subparagraph (b)1., subparagraph (b)2.,
 398 or subparagraph (b)3., the following requirements apply:

399 1. The local government shall both adopt into the
 400 comprehensive plan and implement long-term strategies to support
 401 and fund mobility within the designated exception area,
 402 including alternative modes of transportation. The plan
 403 amendment must also demonstrate how strategies will support the
 404 purpose of the exception and how mobility within the designated
 405 exception area will be provided.

406 2. The strategies must address urban design; appropriate
 407 land use mixes, including intensity and density; and network
 408 connectivity plans needed to promote urban infill,
 409 redevelopment, or downtown revitalization. The comprehensive
 410 plan amendment designating the concurrency exception area must
 411 be accompanied by data and analysis supporting the local
 412 government's determination of the boundaries of the
 413 transportation concurrency exception area.

414 (e) Before designating a concurrency exception area
 415 pursuant to subparagraph (b)7., the state land planning agency
 416 and the Department of Transportation shall be consulted by the
 417 local government to assess the impact that the proposed
 418 exception area is expected to have on the adopted level-of-
 419 service standards established for regional transportation
 420 facilities identified pursuant to s. 186.507, including the

PCB CMAS 11-01

ORIGINAL

YEAR 2011

421 Strategic Intermodal System and roadway facilities funded in
 422 accordance with s. 339.2819. Further, the local government shall
 423 provide a plan for the mitigation of impacts to the Strategic
 424 Intermodal System, including, if appropriate, access management,
 425 parallel reliever roads, transportation demand management, and
 426 other measures.

427 (f) The designation of a transportation concurrency
 428 exception area does not limit a local government's home rule
 429 power to adopt ordinances or impose fees. This subsection does
 430 not affect any contract or agreement entered into or development
 431 order rendered before the creation of the transportation
 432 concurrency exception area except as provided in s.
 433 380.06(29)(e).

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

446 (10) Except in transportation concurrency exception areas,
 447 with regard to roadway facilities on the Strategic Intermodal
 448 System designated in accordance with s. 339.63, local

449 governments shall adopt the level-of-service standard
 450 established by the Department of Transportation by rule.
 451 However, if the Office of Tourism, Trade, and Economic
 452 Development concurs in writing with the local government that
 453 the proposed development is for a qualified job creation project
 454 under s. 288.0656 or s. 403.973, the affected local government,
 455 after consulting with the Department of Transportation, may
 456 provide for a waiver of transportation concurrency for the
 457 project. For all other roads on the State Highway System, local
 458 governments shall establish an adequate level-of-service
 459 standard that need not be consistent with any level-of-service
 460 standard established by the Department of Transportation. In
 461 establishing adequate level-of-service standards for any
 462 arterial roads, or collector roads as appropriate, which
 463 traverse multiple jurisdictions, local governments shall
 464 consider compatibility with the roadway facility's adopted
 465 level-of-service standards in adjacent jurisdictions. Each local
 466 government within a county shall use a professionally accepted
 467 methodology for measuring impacts on transportation facilities
 468 for the purposes of implementing its concurrency management
 469 system. Counties are encouraged to coordinate with adjacent
 470 counties, and local governments within a county are encouraged
 471 to coordinate, for the purpose of using common methodologies for
 472 measuring impacts on transportation facilities for the purpose
 473 of implementing their concurrency management systems.

474 (13) School concurrency shall be established on a
 475 districtwide basis and shall include all public schools in the
 476 district and all portions of the district, whether located in a

PCB CMAS 11-01

ORIGINAL

YEAR 2011

477 municipality or an unincorporated area unless exempt from the
 478 public school facilities element pursuant to s. 163.3177(12).
 479 The application of school concurrency to development shall be
 480 based upon the adopted comprehensive plan, as amended. All local
 481 governments within a county, except as provided in paragraph
 482 (f), shall adopt and transmit to the state land planning agency
 483 the necessary plan amendments, along with the interlocal
 484 agreement, for a compliance review pursuant to s. 163.3184(7)
 485 and (8). The minimum requirements for school concurrency are the
 486 following:

487 (b) *Level-of-service standards.*—The Legislature recognizes
 488 that an essential requirement for a concurrency management
 489 system is the level of service at which a public facility is
 490 expected to operate.

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

497 2. Public school level-of-service standards shall be
 498 included and adopted into the capital improvements element of
 499 the local comprehensive plan and shall apply districtwide to all
 500 schools of the same type. Types of schools may include
 501 elementary, middle, and high schools as well as special purpose
 502 facilities such as magnet schools.

503 3. Local governments and school boards shall have the
 504 option to utilize tiered level-of-service standards to allow

505 | time to achieve an adequate and desirable level of service as
 506 | circumstances warrant.

507 | 4. For the purpose of determining whether levels of
 508 | service have been achieved, for the first 3 years of school
 509 | concurrency implementation, a school district that includes
 510 | relocatable facilities in its inventory of student stations
 511 | shall include the capacity of such relocatable facilities as
 512 | provided in s. 1013.35(2)(b)2.f., provided the relocatable
 513 | facilities were purchased after 1998 and the relocatable
 514 | facilities meet the standards for long-term use pursuant to s.
 515 | 1013.20.

516 | (e) *Availability standard.*—Consistent with the public
 517 | welfare, a local government may not deny an application for site
 518 | plan, final subdivision approval, or the functional equivalent
 519 | for a development or phase of a development authorizing
 520 | residential development for failure to achieve and maintain the
 521 | level-of-service standard for public school capacity in a local
 522 | school concurrency management system where adequate school
 523 | facilities will be in place or under actual construction within
 524 | 3 years after the issuance of final subdivision or site plan
 525 | approval, or the functional equivalent. School concurrency is
 526 | satisfied if the developer executes a legally binding commitment
 527 | to provide mitigation proportionate to the demand for public
 528 | school facilities to be created by actual development of the
 529 | property, including, but not limited to, the options described
 530 | in subparagraph 1. Options for proportionate-share mitigation of
 531 | impacts on public school facilities must be established in the
 532 | public school facilities element and the interlocal agreement

PCB CMAS 11-01

ORIGINAL

YEAR 2011

533 pursuant to s. 163.31777.

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

553 2. If the education facilities plan and the public
 554 educational facilities element authorize a contribution of land;
 555 the construction, expansion, or payment for land acquisition;
 556 the construction or expansion of a public school facility, or a
 557 portion thereof; or the construction of a charter school that
 558 complies with the requirements of s. 1002.33(18), as
 559 proportionate-share mitigation, the local government shall
 560 credit such a contribution, construction, expansion, or payment

PCB CMAS 11-01

ORIGINAL

YEAR 2011

561 toward any other impact fee or exaction imposed by local
562 ordinance for the same need, on a dollar-for-dollar basis at
563 fair market value.

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

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

587 5. This paragraph does not limit the authority of a local
588 government to deny a development permit or its functional

PCB CMAS 11-01

ORIGINAL

YEAR 2011

589 equivalent pursuant to its home rule regulatory powers, except
590 as provided in this part.

591 Section 5. Paragraph (d) of subsection (3) of section
592 163.31801, Florida Statutes, is reenacted to read:

593 163.31801 Impact fees; short title; intent; definitions;
594 ordinances levying impact fees.—

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

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

603 Section 6. Paragraph (b) of subsection (1) and paragraph
604 (e) of subsection (3) of section 163.3184, Florida Statutes, are
605 reenacted to read:

606 163.3184 Process for adoption of comprehensive plan or
607 plan amendment.—

608 (1) DEFINITIONS.—As used in this section, the term:

609 (b) "In compliance" means consistent with the requirements
610 of ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245,
611 with the state comprehensive plan, with the appropriate
612 strategic regional policy plan, and with chapter 9J-5, Florida
613 Administrative Code, where such rule is not inconsistent with
614 this part and with the principles for guiding development in
615 designated areas of critical state concern and with part III of
616 chapter 369, where applicable.

617 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
 618 AMENDMENT.—

619 (e) At the request of an applicant, a local government
 620 shall consider an application for zoning changes that would be
 621 required to properly enact the provisions of any proposed plan
 622 amendment transmitted pursuant to this subsection. Zoning
 623 changes approved by the local government are contingent upon the
 624 comprehensive plan or plan amendment transmitted becoming
 625 effective.

626 Section 7. Paragraphs (b), (f), and (q) of subsection (1)
 627 of section 163.3187, Florida Statutes, are reenacted to read:

628 163.3187 Amendment of adopted comprehensive plan.—

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

632 (b) Any local government comprehensive plan amendments
 633 directly related to a proposed development of regional impact,
 634 including changes which have been determined to be substantial
 635 deviations and including Florida Quality Developments pursuant
 636 to s. 380.061, may be initiated by a local planning agency and
 637 considered by the local governing body at the same time as the
 638 application for development approval using the procedures
 639 provided for local plan amendment in this section and applicable
 640 local ordinances.

641 (f) The capital improvements element annual update
 642 required in s. 163.3177(3)(b)1. and any amendments directly
 643 related to the schedule.

644 (q) Any local government plan amendment to designate an

PCB CMAS 11-01

ORIGINAL

YEAR 2011

645 urban service area as a transportation concurrency exception
 646 area under s. 163.3180(5)(b)2. or 3. and an area exempt from the
 647 development-of-regional-impact process under s. 380.06(29).

648 Section 8. Subsection (2) of section 163.32465, Florida
 649 Statutes, is reenacted to read:

650 163.32465 State review of local comprehensive plans in
 651 urban areas.—

652 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—
 653 Pinellas and Broward Counties, and the municipalities within
 654 these counties, and Jacksonville, Miami, Tampa, and Hialeah
 655 shall follow an alternative state review process provided in
 656 this section. Municipalities within the pilot counties may
 657 elect, by super majority vote of the governing body, not to
 658 participate in the pilot program. In addition to the pilot
 659 program jurisdictions, any local government may use the
 660 alternative state review process to designate an urban service
 661 area as defined in s. 163.3164(29) in its comprehensive plan.

662 Section 9. Section 171.091, Florida Statutes, is reenacted
 663 to read:

664 171.091 Recording.—Any change in the municipal boundaries
 665 through annexation or contraction shall revise the charter
 666 boundary article and shall be filed as a revision of the charter
 667 with the Department of State within 30 days. A copy of such
 668 revision must be submitted to the Office of Economic and
 669 Demographic Research along with a statement specifying the
 670 population census effect and the affected land area.

671 Section 10. Section 186.509, Florida Statutes, is
 672 reenacted to read:

PCB CMAS 11-01

ORIGINAL

YEAR 2011

673 186.509 Dispute resolution process.—Each regional planning
 674 council shall establish by rule a dispute resolution process to
 675 reconcile differences on planning and growth management issues
 676 between local governments, regional agencies, and private
 677 interests. The dispute resolution process shall, within a
 678 reasonable set of timeframes, provide for: voluntary meetings
 679 among the disputing parties; if those meetings fail to resolve
 680 the dispute, initiation of mandatory mediation or a similar
 681 process; if that process fails, initiation of arbitration or
 682 administrative or judicial action, where appropriate. The
 683 council shall not utilize the dispute resolution process to
 684 address disputes involving environmental permits or other
 685 regulatory matters unless requested to do so by the parties. The
 686 resolution of any issue through the dispute resolution process
 687 shall not alter any person's right to a judicial determination
 688 of any issue if that person is entitled to such a determination
 689 under statutory or common law.

690 Section 11. Paragraph (a) of subsection (7) and
 691 subsections (24), (28), and (29) of section 380.06, Florida
 692 Statutes, are reenacted to read:

693 380.06 Developments of regional impact.—

694 (7) PREAPPLICATION PROCEDURES.—

695 (a) Before filing an application for development approval,
 696 the developer shall contact the regional planning agency with
 697 jurisdiction over the proposed development to arrange a
 698 preapplication conference. Upon the request of the developer or
 699 the regional planning agency, other affected state and regional
 700 agencies shall participate in this conference and shall identify

PCB CMAS 11-01

ORIGINAL

YEAR 2011

701 the types of permits issued by the agencies, the level of
702 information required, and the permit issuance procedures as
703 applied to the proposed development. The levels of service
704 required in the transportation methodology shall be the same
705 levels of service used to evaluate concurrency in accordance
706 with s. 163.3180. The regional planning agency shall provide the
707 developer information about the development-of-regional-impact
708 process and the use of preapplication conferences to identify
709 issues, coordinate appropriate state and local agency
710 requirements, and otherwise promote a proper and efficient
711 review of the proposed development. If agreement is reached
712 regarding assumptions and methodology to be used in the
713 application for development approval, the reviewing agencies may
714 not subsequently object to those assumptions and methodologies
715 unless subsequent changes to the project or information obtained
716 during the review make those assumptions and methodologies
717 inappropriate.

718 (24) STATUTORY EXEMPTIONS.—

719 (a) Any proposed hospital is exempt from the provisions of
720 this section.

721 (b) Any proposed electrical transmission line or
722 electrical power plant is exempt from the provisions of this
723 section.

724 (c) Any proposed addition to an existing sports facility
725 complex is exempt from the provisions of this section if the
726 addition meets the following characteristics:

727 1. It would not operate concurrently with the scheduled
728 hours of operation of the existing facility.

PCB CMAS 11-01

ORIGINAL

YEAR 2011

729 2. Its seating capacity would be no more than 75 percent
730 of the capacity of the existing facility.

731 3. The sports facility complex property is owned by a
732 public body prior to July 1, 1983.

733 This exemption does not apply to any pari-mutuel facility.

734 (d) Any proposed addition or cumulative additions
735 subsequent to July 1, 1988, to an existing sports facility
736 complex owned by a state university is exempt if the increased
737 seating capacity of the complex is no more than 30 percent of
738 the capacity of the existing facility.

739 (e) Any addition of permanent seats or parking spaces for
740 an existing sports facility located on property owned by a
741 public body prior to July 1, 1973, is exempt from the provisions
742 of this section if future additions do not expand existing
743 permanent seating or parking capacity more than 15 percent
744 annually in excess of the prior year's capacity.

745 (f) Any increase in the seating capacity of an existing
746 sports facility having a permanent seating capacity of at least
747 50,000 spectators is exempt from the provisions of this section,
748 provided that such an increase does not increase permanent
749 seating capacity by more than 5 percent per year and not to
750 exceed a total of 10 percent in any 5-year period, and provided
751 that the sports facility notifies the appropriate local
752 government within which the facility is located of the increase
753 at least 6 months prior to the initial use of the increased
754 seating, in order to permit the appropriate local government to
755 develop a traffic management plan for the traffic generated by
756 the increase. Any traffic management plan shall be consistent

PCB CMAS 11-01

ORIGINAL

YEAR 2011

757 with the local comprehensive plan, the regional policy plan, and
 758 the state comprehensive plan.

759 (g) Any expansion in the permanent seating capacity or
 760 additional improved parking facilities of an existing sports
 761 facility is exempt from the provisions of this section, if the
 762 following conditions exist:

763 1.a. The sports facility had a permanent seating capacity
 764 on January 1, 1991, of at least 41,000 spectator seats;

765 b. The sum of such expansions in permanent seating
 766 capacity does not exceed a total of 10 percent in any 5-year
 767 period and does not exceed a cumulative total of 20 percent for
 768 any such expansions; or

769 c. The increase in additional improved parking facilities
 770 is a one-time addition and does not exceed 3,500 parking spaces
 771 serving the sports facility; and

772 2. The local government having jurisdiction of the sports
 773 facility includes in the development order or development permit
 774 approving such expansion under this paragraph a finding of fact
 775 that the proposed expansion is consistent with the
 776 transportation, water, sewer and stormwater drainage provisions
 777 of the approved local comprehensive plan and local land
 778 development regulations relating to those provisions.

779
 780 Any owner or developer who intends to rely on this statutory
 781 exemption shall provide to the department a copy of the local
 782 government application for a development permit. Within 45 days
 783 of receipt of the application, the department shall render to
 784 the local government an advisory and nonbinding opinion, in

PCB CMAS 11-01

ORIGINAL

YEAR 2011

785 writing, stating whether, in the department's opinion, the
786 prescribed conditions exist for an exemption under this
787 paragraph. The local government shall render the development
788 order approving each such expansion to the department. The
789 owner, developer, or department may appeal the local government
790 development order pursuant to s. 380.07, within 45 days after
791 the order is rendered. The scope of review shall be limited to
792 the determination of whether the conditions prescribed in this
793 paragraph exist. If any sports facility expansion undergoes
794 development-of-regional-impact review, all previous expansions
795 which were exempt under this paragraph shall be included in the
796 development-of-regional-impact review.

797 (h) Expansion to port harbors, spoil disposal sites,
798 navigation channels, turning basins, harbor berths, and other
799 related inwater harbor facilities of ports listed in s.
800 403.021(9)(b), port transportation facilities and projects
801 listed in s. 311.07(3)(b), and intermodal transportation
802 facilities identified pursuant to s. 311.09(3) are exempt from
803 the provisions of this section when such expansions, projects,
804 or facilities are consistent with comprehensive master plans
805 that are in compliance with the provisions of s. 163.3178.

806 (i) Any proposed facility for the storage of any petroleum
807 product or any expansion of an existing facility is exempt from
808 the provisions of this section.

809 (j) Any renovation or redevelopment within the same land
810 parcel which does not change land use or increase density or
811 intensity of use.

812 (k) Waterport and marina development, including dry

813 storage facilities, are exempt from the provisions of this
814 section.

815 (l) Any proposed development within an urban service
816 boundary established under s. 163.3177(14), which is not
817 otherwise exempt pursuant to subsection (29), is exempt from the
818 provisions of this section if the local government having
819 jurisdiction over the area where the development is proposed has
820 adopted the urban service boundary, has entered into a binding
821 agreement with jurisdictions that would be impacted and with the
822 Department of Transportation regarding the mitigation of impacts
823 on state and regional transportation facilities, and has adopted
824 a proportionate share methodology pursuant to s. 163.3180(16).

825 (m) Any proposed development within a rural land
826 stewardship area created under s. 163.3177(11)(d) is exempt from
827 the provisions of this section if the local government that has
828 adopted the rural land stewardship area has entered into a
829 binding agreement with jurisdictions that would be impacted and
830 the Department of Transportation regarding the mitigation of
831 impacts on state and regional transportation facilities, and has
832 adopted a proportionate share methodology pursuant to s.
833 163.3180(16).

834 (n) The establishment, relocation, or expansion of any
835 military installation as defined in s. 163.3175, is exempt from
836 this section.

837 (o) Any self-storage warehousing that does not allow
838 retail or other services is exempt from this section.

839 (p) Any proposed nursing home or assisted living facility
840 is exempt from this section.

841 (q) Any development identified in an airport master plan
 842 and adopted into the comprehensive plan pursuant to s.
 843 163.3177(6)(k) is exempt from this section.

844 (r) Any development identified in a campus master plan and
 845 adopted pursuant to s. 1013.30 is exempt from this section.

846 (s) Any development in a specific area plan which is
 847 prepared pursuant to s. 163.3245 and adopted into the
 848 comprehensive plan is exempt from this section.

849 (t) Any development within a county with a research and
 850 education authority created by special act and that is also
 851 within a research and development park that is operated or
 852 managed by a research and development authority pursuant to part
 853 V of chapter 159 is exempt from this section.

854
 855 If a use is exempt from review as a development of regional
 856 impact under paragraphs (a)-(s), but will be part of a larger
 857 project that is subject to review as a development of regional
 858 impact, the impact of the exempt use must be included in the
 859 review of the larger project, unless such exempt use involves a
 860 development of regional impact that includes a landowner,
 861 tenant, or user that has entered into a funding agreement with
 862 the Office of Tourism, Trade, and Economic Development under the
 863 Innovation Incentive Program and the agreement contemplates a
 864 state award of at least \$50 million.

865 (28) PARTIAL STATUTORY EXEMPTIONS.—

866 (a) If the binding agreement referenced under paragraph
 867 (24)(1) for urban service boundaries is not entered into within
 868 12 months after establishment of the urban service boundary, the

PCB CMAS 11-01

ORIGINAL

YEAR 2011

869 development-of-regional-impact review for projects within the
870 urban service boundary must address transportation impacts only.

871 (b) If the binding agreement referenced under paragraph
872 (24) (m) for rural land stewardship areas is not entered into
873 within 12 months after the designation of a rural land
874 stewardship area, the development-of-regional-impact review for
875 projects within the rural land stewardship area must address
876 transportation impacts only.

877 (c) If the binding agreement for designated urban infill
878 and redevelopment areas is not entered into within 12 months
879 after the designation of the area or July 1, 2007, whichever
880 occurs later, the development-of-regional-impact review for
881 projects within the urban infill and redevelopment area must
882 address transportation impacts only.

883 (d) A local government that does not wish to enter into a
884 binding agreement or that is unable to agree on the terms of the
885 agreement referenced under paragraph (24) (l) or paragraph
886 (24) (m) shall provide written notification to the state land
887 planning agency of the decision to not enter into a binding
888 agreement or the failure to enter into a binding agreement
889 within the 12-month period referenced in paragraphs (a), (b) and
890 (c). Following the notification of the state land planning
891 agency, development-of-regional-impact review for projects
892 within an urban service boundary under paragraph (24) (l), or a
893 rural land stewardship area under paragraph (24) (m), must
894 address transportation impacts only.

895 (e) The vesting provision of s. 163.3167(8) relating to an
896 authorized development of regional impact shall not apply to

PCB CMAS 11-01

ORIGINAL

YEAR 2011

897 those projects partially exempt from the development-of-
898 regional-impact review process under paragraphs (a)-(d).

899 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

900 (a) The following are exempt from this section:

- 901 1. Any proposed development in a municipality that
- 902 qualifies as a dense urban land area as defined in s. 163.3164;
- 903 2. Any proposed development within a county that qualifies
- 904 as a dense urban land area as defined in s. 163.3164 and that is
- 905 located within an urban service area as defined in s. 163.3164
- 906 which has been adopted into the comprehensive plan; or
- 907 3. Any proposed development within a county, including the
- 908 municipalities located therein, which has a population of at
- 909 least 900,000, which qualifies as a dense urban land area under
- 910 s. 163.3164, but which does not have an urban service area
- 911 designated in the comprehensive plan.

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

- 917 1. Urban infill as defined in s. 163.3164;
- 918 2. Community redevelopment areas as defined in s. 163.340;
- 919 3. Downtown revitalization areas as defined in s.
- 920 163.3164;
- 921 4. Urban infill and redevelopment under s. 163.2517; or
- 922 5. Urban service areas as defined in s. 163.3164 or areas
- 923 within a designated urban service boundary under s.
- 924 163.3177(14).

PCB CMAS 11-01

ORIGINAL

YEAR 2011

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

- 930 1. Urban infill as defined in s. 163.3164;
- 931 2. Urban infill and redevelopment under s. 163.2517; or
- 932 3. Urban service areas as defined in s. 163.3164.

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

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

947 (f) Local governments must submit by mail a development
 948 order to the state land planning agency for projects that would
 949 be larger than 120 percent of any applicable development-of-
 950 regional-impact threshold and would require development-of-
 951 regional-impact review but for the exemption from the program
 952 under paragraphs (a)-(c). For such development orders, the state

PCB CMAS 11-01

ORIGINAL

YEAR 2011

953 land planning agency may appeal the development order pursuant
 954 to s. 380.07 for inconsistency with the comprehensive plan
 955 adopted under chapter 163.

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

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

967 (i) This subsection does not apply to areas:

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

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

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

974 Section 12. Sections 13, 14, and 34 of chapter 2009-96,
 975 Laws of Florida, are reenacted to read:

976 Section 13. (1)(a) The Legislature finds that the
 977 existing transportation concurrency system has not adequately
 978 addressed the transportation needs of this state in an
 979 effective, predictable, and equitable manner and is not
 980 producing a sustainable transportation system for the state. The

PCB CMAS 11-01

ORIGINAL

YEAR 2011

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

986 (b) The Legislature determines that the state shall
 987 evaluate and consider the implementation of a mobility fee to
 988 replace the existing transportation concurrency system. The
 989 mobility fee should be designed to provide for mobility needs,
 990 ensure that development provides mitigation for its impacts on
 991 the transportation system in approximate proportionality to
 992 those impacts, fairly distribute the fee among the governmental
 993 entities responsible for maintaining the impacted roadways, and
 994 promote compact, mixed-use, and energy-efficient development.

995 (2) The state land planning agency and the Department of
 996 Transportation shall continue their respective current mobility
 997 fee studies and develop and submit to the President of the
 998 Senate and the Speaker of the House of Representatives, no later
 999 than December 1, 2009, a final joint report on the mobility fee
 1000 methodology study, complete with recommended legislation and a
 1001 plan to implement the mobility fee as a replacement for the
 1002 existing local government adopted and implemented transportation
 1003 concurrency management systems. The final joint report shall
 1004 also contain, but is not limited to, an economic analysis of
 1005 implementation of the mobility fee, activities necessary to
 1006 implement the fee, and potential costs and benefits at the state
 1007 and local levels and to the private sector.

1008 Section 14. (1) Except as provided in subsection (4), and

PCB CMAS 11-01

ORIGINAL

YEAR 2011

1009 in recognition of 2009 real estate market conditions, any permit
 1010 issued by the Department of Environmental Protection or a water
 1011 management district pursuant to part IV of chapter 373, Florida
 1012 Statutes, that has an expiration date of September 1, 2008,
 1013 through January 1, 2012, is extended and renewed for a period of
 1014 2 years following its date of expiration. This extension
 1015 includes any local government-issued development order or
 1016 building permit. The 2-year extension also applies to build out
 1017 dates including any build out date extension previously granted
 1018 under s. 380.06(19)(c), Florida Statutes. This section shall not
 1019 be construed to prohibit conversion from the construction phase
 1020 to the operation phase upon completion of construction.

1021 (2) The commencement and completion dates for any required
 1022 mitigation associated with a phased construction project shall
 1023 be extended such that mitigation takes place in the same
 1024 timeframe relative to the phase as originally permitted.

1025 (3) The holder of a valid permit or other authorization
 1026 that is eligible for the 2-year extension shall notify the
 1027 authorizing agency in writing no later than December 31, 2009,
 1028 identifying the specific authorization for which the holder
 1029 intends to use the extension and the anticipated timeframe for
 1030 acting on the authorization.

1031 (4) The extension provided for in subsection (1) does not
 1032 apply to:

1033 (a) A permit or other authorization under any programmatic
 1034 or regional general permit issued by the Army Corps of
 1035 Engineers.

1036 (b) A permit or other authorization held by an owner or

PCB CMAS 11-01

ORIGINAL

YEAR 2011

1037 operator determined to be in significant noncompliance with the
 1038 conditions of the permit or authorization as established through
 1039 the issuance of a warning letter or notice of violation, the
 1040 initiation of formal enforcement, or other equivalent action by
 1041 the authorizing agency.

1042 (c) A permit or other authorization, if granted an
 1043 extension, that would delay or prevent compliance with a court
 1044 order.

1045 (5) Permits extended under this section shall continue to
 1046 be governed by rules in effect at the time the permit was
 1047 issued, except when it can be demonstrated that the rules in
 1048 effect at the time the permit was issued would create an
 1049 immediate threat to public safety or health. This provision
 1050 shall apply to any modification of the plans, terms, and
 1051 conditions of the permit that lessens the environmental impact,
 1052 except that any such modification shall not extend the time
 1053 limit beyond 2 additional years.

1054 (6) Nothing in this section shall impair the authority of
 1055 a county or municipality to require the owner of a property,
 1056 that has notified the county or municipality of the owner's
 1057 intention to receive the extension of time granted by this
 1058 section, to maintain and secure the property in a safe and
 1059 sanitary condition in compliance with applicable laws and
 1060 ordinances.

1061 Section 34. The Legislature finds that this act fulfills
 1062 an important state interest.

1063 Section 13. The Legislature finds that this act fulfills
 1064 an important state interest.

PCB CMAS 11-01

ORIGINAL

YEAR 2011

1065 Section 14. This act shall take effect upon becoming a
 1066 law, and those portions of this act which were amended or
 1067 created by chapter 2009-96, Laws of Florida, shall operate
 1068 retroactively to June 1, 2009. If such retroactive application
 1069 is held by a court of last resort to be unconstitutional, this
 1070 act shall apply prospectively from the date that this act
 1071 becomes a law.