

1                                   A bill to be entitled  
2           An act relating to growth management; amending s.  
3           163.3161, F.S.; redesignating the "Local Government  
4           Comprehensive Planning and Land Development Regulation  
5           Act" as the "Community Planning Act"; revising and  
6           providing intent and purpose of act; amending s. 163.3164,  
7           F.S.; revising definitions; amending s. 163.3167, F.S.;  
8           revising scope of the act; revising and providing duties  
9           of local governments and municipalities relating to  
10          comprehensive plans; deleting retroactive effect; creating  
11          s. 163.3168, F.S.; encouraging local governments to apply  
12          for certain innovative planning tools; authorizing the  
13          state land planning agency and other appropriate state and  
14          regional agencies to use direct and indirect technical  
15          assistance; amending s. 163.3171, F.S.; providing  
16          legislative intent; amending s. 163.3174, F.S.; deleting  
17          certain notice requirements relating to the establishment  
18          of local planning agencies by a governing body; amending  
19          s. 163.3177, F.S.; revising and providing duties of local  
20          governments; revising and providing required and optional  
21          elements of comprehensive plans; revising requirements of  
22          schedules of capital improvements; revising and providing  
23          provisions relating to capital improvements elements;  
24          revising major objectives of, and procedures relating to,  
25          the local comprehensive planning process; revising and  
26          providing required and optional elements of future land  
27          use plans; providing required transportation elements;  
28          revising and providing required conservation elements;

29 | revising and providing required housing elements; revising  
 30 | and providing required coastal management elements;  
 31 | revising and providing required intergovernmental  
 32 | coordination elements; amending s. 163.31777, F.S.;  
 33 | revising requirements relating to public schools'  
 34 | interlocal agreements; deleting duties of the Office of  
 35 | Educational Facilities, the state land planning agency,  
 36 | and local governments relating to such agreements;  
 37 | deleting an exemption; amending s. 163.3178, F.S.;  
 38 | deleting a deadline for local governments to amend coastal  
 39 | management elements and future land use maps; amending s.  
 40 | 163.3180, F.S.; revising and providing provisions relating  
 41 | to concurrency; revising concurrency requirements;  
 42 | revising application and findings; revising local  
 43 | government requirements; revising and providing  
 44 | requirements relating to transportation concurrency,  
 45 | transportation concurrency exception areas, urban infill,  
 46 | urban redevelopment, urban service, downtown  
 47 | revitalization areas, transportation concurrency  
 48 | management areas, long-term transportation and school  
 49 | concurrency management systems, development of regional  
 50 | impact, school concurrency, service areas, financial  
 51 | feasibility, interlocal agreements, and multimodal  
 52 | transportation districts; revising duties of the Office of  
 53 | Program Policy Analysis and the state land planning  
 54 | agency; providing requirements for local plans; providing  
 55 | for the limiting the liability of local governments under  
 56 | certain conditions; amending s. 163.3182, F.S.; revising

57 definitions; revising provisions relating to  
 58 transportation deficiency plans and projects; amending s.  
 59 163.3184, F.S.; providing a definition; providing  
 60 requirements for comprehensive plans and plan amendments;  
 61 providing a expedited state review process for adoption of  
 62 comprehensive plan amendments; providing requirements for  
 63 the adoption of comprehensive plan amendments; creating  
 64 the state-coordinated review process; providing and  
 65 revising provisions relating to the review process;  
 66 revising requirements relating to local government  
 67 transmittal of proposed plan or amendments; providing for  
 68 comment by reviewing agencies; deleting provisions  
 69 relating to regional, county, and municipal review;  
 70 revising provisions relating to state land planning agency  
 71 review; revising provisions relating to local government  
 72 review of comments; deleting provisions relating to notice  
 73 of intent and processes for compliance and noncompliance;  
 74 providing procedures for administrative challenges to  
 75 plans and plan amendments; providing for compliance  
 76 agreements; providing for mediation and expeditious  
 77 resolution; revising powers and duties of the  
 78 administration commission; revising provisions relating to  
 79 areas of critical state concern; providing for concurrent  
 80 zoning; amending s. 163.3187, F.S.; deleting provisions  
 81 relating to the amendment of adopted comprehensive plan  
 82 and providing the process for adoption of small-scale  
 83 comprehensive plan amendments; repealing s. 163.3189,  
 84 F.S., relating to process for amendment of adopted

85 | comprehensive plan; amending s. 163.3191, F.S., relating  
 86 | to the evaluation and appraisal of comprehensive plans;  
 87 | providing and revising local government requirements  
 88 | including notice, amendments, compliance, mediation,  
 89 | reports, and scoping meetings; amending s. 163.3229, F.S.;  
 90 | revising limitations on duration of development  
 91 | agreements; amending s. 163.3235, F.S.; revising  
 92 | requirements for periodic reviews of a development  
 93 | agreements; amending s. 163.3239, F.S.; revising recording  
 94 | requirements; amending s. 163.3243, F.S.; revising parties  
 95 | who may file an action for injunctive relief; amending s.  
 96 | 163.3245, F.S.; revising provisions relating to optional  
 97 | sector plans; authorizing the adoption of sector plans  
 98 | under certain circumstances; repealing s. 163.3246, F.S.,  
 99 | relating to local government comprehensive planning  
 100 | certification program; repealing s. 163.32465, F.S.,  
 101 | relating to state review of local comprehensive plans in  
 102 | urban areas; repealing s. 163.3247, F.S., relating to the  
 103 | Century Commission for a Sustainable Florida; creating s.  
 104 | 163.3248, F.S.; providing for the designation of rural  
 105 | land stewardship areas; providing purposes and  
 106 | requirements for the establishment of such areas;  
 107 | providing for the creation of rural land stewardship  
 108 | overlay zoning district and transferable rural land use  
 109 | credits; providing certain limitation relating to such  
 110 | credits; providing for incentives; providing legislative  
 111 | intent; amending s. 380.06, F.S.; revising exemptions;  
 112 | revising provisions to conform to changes made by this

113 act; repealing Rules 9J-5 and 9J-11.023, Florida  
 114 Administrative Code, relating to minimum criteria for  
 115 review of local government comprehensive plans and plan  
 116 amendments, evaluation and appraisal reports, land  
 117 development regulations and determinations of compliance;  
 118 amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217,  
 119 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203,  
 120 186.513, 189.415, 190.004, 190.005, 193.501, 287.042,  
 121 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155,  
 122 339.2819, 369.303, 369.321, 378.021, 380.06, 380.115,  
 123 380.031, 380.061, 380.065, 403.50665, 403.973, 420.5095,  
 124 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30,  
 125 and 1013.33, F.S.; revising provisions to conform to  
 126 changes made by this act; requiring the state land  
 127 planning agency to review certain administrative and  
 128 judicial proceedings; providing procedures for such  
 129 review; affirming statutory construction with respect to  
 130 other legislation passed at the same session; providing a  
 131 directive of the Division of Statutory Revision; providing  
 132 an effective date.

133

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

135

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

138 70.51 Land use and environmental dispute resolution.—

139 (26) A special magistrate's recommendation under this  
 140 section constitutes data in support of, and a support document

141 for, a comprehensive plan or comprehensive plan amendment, but  
 142 is not, in and of itself, dispositive of a determination of  
 143 compliance with chapter 163. ~~Any comprehensive plan amendment~~  
 144 ~~necessary to carry out the approved recommendation of a special~~  
 145 ~~magistrate under this section is exempt from the twice-a-year~~  
 146 ~~limit on plan amendments and may be adopted by the local~~  
 147 ~~government amendments in s. 163.3184(16) (d).~~

148 Section 2. Paragraphs (h) through (l) of subsection (3) of  
 149 section 163.06, Florida Statutes, are redesignated as paragraphs  
 150 (g) through (k), respectively, and present paragraph (g) of that  
 151 subsection is amended to read:

152 163.06 Miami River Commission.—

153 (3) The policy committee shall have the following powers  
 154 and duties:

155 ~~(g) Coordinate a joint planning area agreement between the~~  
 156 ~~Department of Community Affairs, the city, and the county under~~  
 157 ~~the provisions of s. 163.3177(11) (a), (b), and (c).~~

158 Section 3. Subsection (4) of section 163.2517, Florida  
 159 Statutes, is amended to read:

160 163.2517 Designation of urban infill and redevelopment  
 161 area.—

162 (4) In order for a local government to designate an urban  
 163 infill and redevelopment area, it must amend its comprehensive  
 164 land use plan under s. 163.3187 to delineate the boundaries of  
 165 the urban infill and redevelopment area within the future land  
 166 use element of its comprehensive plan pursuant to its adopted  
 167 urban infill and redevelopment plan. The state land planning  
 168 agency shall review the boundary delineation of the urban infill

169 and redevelopment area in the future land use element under s.  
 170 163.3184. However, an urban infill and redevelopment plan  
 171 adopted by a local government is not subject to review for  
 172 compliance as defined by s. 163.3184(1)(b), and the local  
 173 government is not required to adopt the plan as a comprehensive  
 174 plan amendment. ~~An amendment to the local comprehensive plan to~~  
 175 ~~designate an urban infill and redevelopment area is exempt from~~  
 176 ~~the twice-a-year amendment limitation of s. 163.3187.~~

177 Section 4. Section 163.3161, Florida Statutes, is amended  
 178 to read:

179 163.3161 Short title; intent and purpose.—

180 (1) This part shall be known and may be cited as the  
 181 "Community Local Government Comprehensive Planning and Land  
 182 Development Regulation Act."

183 (2) ~~In conformity with, and in furtherance of, the purpose~~  
 184 ~~of the Florida Environmental Land and Water Management Act of~~  
 185 ~~1972, chapter 380, It is the purpose of this act to utilize and~~  
 186 strengthen the existing role, processes, and powers of local  
 187 governments in the establishment and implementation of  
 188 comprehensive planning programs to guide and manage ~~control~~  
 189 future development consistent with the proper role of local  
 190 government.

191 (3) It is the intent of this act to focus the state role  
 192 in managing growth under this act to protecting the functions of  
 193 important state resources and facilities.

194 (4) It is the intent of this act that the ability of its  
 195 ~~adoption is necessary so that~~ local governments to ~~can~~ preserve  
 196 and enhance present advantages; encourage the most appropriate

197 use of land, water, and resources, consistent with the public  
 198 interest; overcome present handicaps; and deal effectively with  
 199 future problems that may result from the use and development of  
 200 land within their jurisdictions. Through the process of  
 201 comprehensive planning, it is intended that units of local  
 202 government can preserve, promote, protect, and improve the  
 203 public health, safety, comfort, good order, appearance,  
 204 convenience, law enforcement and fire prevention, and general  
 205 welfare; ~~prevent the overcrowding of land and avoid undue~~  
 206 ~~concentration of population;~~ facilitate the adequate and  
 207 efficient provision of transportation, water, sewerage, schools,  
 208 parks, recreational facilities, housing, and other requirements  
 209 and services; and conserve, develop, utilize, and protect  
 210 natural resources within their jurisdictions.

211 (5)~~(4)~~ It is the intent of this act to encourage and  
 212 ensure ~~assure~~ cooperation between and among municipalities and  
 213 counties and to encourage and assure coordination of planning  
 214 and development activities of units of local government with the  
 215 planning activities of regional agencies and state government in  
 216 accord with applicable provisions of law.

217 (6)~~(5)~~ It is the intent of this act that adopted  
 218 comprehensive plans shall have the legal status set out in this  
 219 act and that no public or private development shall be permitted  
 220 except in conformity with comprehensive plans, or elements or  
 221 portions thereof, prepared and adopted in conformity with this  
 222 act.

223 (7)~~(6)~~ It is the intent of this act that the activities of  
 224 units of local government in the preparation and adoption of



225 comprehensive plans, or elements or portions therefor, shall be  
 226 conducted in conformity with the provisions of this act.

227 (8)~~(7)~~ The provisions of this act in their interpretation  
 228 and application are declared to be the minimum requirements  
 229 necessary to accomplish the stated intent, purposes, and  
 230 objectives of this act; to protect human, environmental, social,  
 231 and economic resources; and to maintain, through orderly growth  
 232 and development, the character and stability of present and  
 233 future land use and development in this state.

234 (9)~~(8)~~ It is the intent of the Legislature that the repeal  
 235 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws  
 236 of Florida, and amendments to this part by this chapter law,  
 237 shall not be interpreted to limit or restrict the powers of  
 238 municipal or county officials, but shall be interpreted as a  
 239 recognition of their broad statutory and constitutional powers  
 240 to plan for and regulate the use of land. It is, further, the  
 241 intent of the Legislature to reconfirm that ss. 163.3161 through  
 242 163.3248 ~~163.3215~~ have provided and do provide the necessary  
 243 statutory direction and basis for municipal and county officials  
 244 to carry out their comprehensive planning and land development  
 245 regulation powers, duties, and responsibilities.

246 (10)~~(9)~~ It is the intent of the Legislature that all  
 247 governmental entities in this state recognize and respect  
 248 judicially acknowledged or constitutionally protected private  
 249 property rights. It is the intent of the Legislature that all  
 250 rules, ordinances, regulations, and programs adopted under the  
 251 authority of this act must be developed, promulgated,  
 252 implemented, and applied with sensitivity for private property

253 | rights and not be unduly restrictive, and property owners must  
 254 | be free from actions by others which would harm their property.  
 255 | Full and just compensation or other appropriate relief must be  
 256 | provided to any property owner for a governmental action that is  
 257 | determined to be an invalid exercise of the police power which  
 258 | constitutes a taking, as provided by law. Any such relief must  
 259 | be determined in a judicial action.

260 | (11) It is the intent of this part that the traditional  
 261 | economic base of this state, agriculture, tourism, and military  
 262 | presence, be recognized and protected. Further, it is the intent  
 263 | of this part to encourage economic diversification, workforce  
 264 | development, and community planning.

265 | (12) It is the intent of this part that new statutory  
 266 | requirements created by the Legislature will not require a local  
 267 | government whose plan has been found to be in compliance with  
 268 | this part to adopt amendments implementing the new statutory  
 269 | requirements until the evaluation and appraisal period provided  
 270 | in s. 163.3191, unless otherwise specified in law. However, any  
 271 | new amendments must comply with the requirements of this part.

272 | Section 5. Subsections (2) through (5) of section  
 273 | 163.3162, Florida Statutes, are renumbered as subsections (1)  
 274 | through (4), respectively, and present subsections (1) and (5)  
 275 | or that section are amended to read:

276 | 163.3162 Agricultural Lands and Practices Act.—

277 | ~~(1) SHORT TITLE. This section may be cited as the~~  
 278 | ~~"Agricultural Lands and Practices Act."~~

279 | (4) (5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—

280 | The owner of a parcel of land defined as an agricultural enclave

281 under s. 163.3164~~(33)~~ may apply for an amendment to the local  
 282 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.  
 283 Such amendment is presumed not to be urban sprawl as defined in  
 284 s. 163.3164 if it includes ~~consistent with rule 9J-5.006(5),~~  
 285 ~~Florida Administrative Code,~~ and may include land uses and  
 286 intensities of use that are consistent with the uses and  
 287 intensities of use of the industrial, commercial, or residential  
 288 areas that surround the parcel. This presumption may be rebutted  
 289 by clear and convincing evidence. Each application for a  
 290 comprehensive plan amendment under this subsection for a parcel  
 291 larger than 640 acres must include appropriate new urbanism  
 292 concepts such as clustering, mixed-use development, the creation  
 293 of rural village and city centers, and the transfer of  
 294 development rights in order to discourage urban sprawl while  
 295 protecting landowner rights.

296 (a) The local government and the owner of a parcel of land  
 297 that is the subject of an application for an amendment shall  
 298 have 180 days following the date that the local government  
 299 receives a complete application to negotiate in good faith to  
 300 reach consensus on the land uses and intensities of use that are  
 301 consistent with the uses and intensities of use of the  
 302 industrial, commercial, or residential areas that surround the  
 303 parcel. Within 30 days after the local government's receipt of  
 304 such an application, the local government and owner must agree  
 305 in writing to a schedule for information submittal, public  
 306 hearings, negotiations, and final action on the amendment, which  
 307 schedule may thereafter be altered only with the written consent  
 308 of the local government and the owner. Compliance with the

309 | schedule in the written agreement constitutes good faith  
 310 | negotiations for purposes of paragraph (c).

311 |         (b) Upon conclusion of good faith negotiations under  
 312 | paragraph (a), regardless of whether the local government and  
 313 | owner reach consensus on the land uses and intensities of use  
 314 | that are consistent with the uses and intensities of use of the  
 315 | industrial, commercial, or residential areas that surround the  
 316 | parcel, the amendment must be transmitted to the state land  
 317 | planning agency for review pursuant to s. 163.3184. If the local  
 318 | government fails to transmit the amendment within 180 days after  
 319 | receipt of a complete application, the amendment must be  
 320 | immediately transferred to the state land planning agency for  
 321 | such review ~~at the first available transmittal cycle~~. A plan  
 322 | amendment transmitted to the state land planning agency  
 323 | submitted under this subsection is presumed not to be urban  
 324 | sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~  
 325 | ~~5.006(5), Florida Administrative Code~~. This presumption may be  
 326 | rebutted by clear and convincing evidence.

327 |         (c) If the owner fails to negotiate in good faith, a plan  
 328 | amendment submitted under this subsection is not entitled to the  
 329 | rebuttable presumption under this subsection in the negotiation  
 330 | and amendment process.

331 |         (d) Nothing within this subsection relating to  
 332 | agricultural enclaves shall preempt or replace any protection  
 333 | currently existing for any property located within the  
 334 | boundaries of the following areas:

- 335 |             1. The Wekiva Study Area, as described in s. 369.316; or
- 336 |             2. The Everglades Protection Area, as defined in s.

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337 373.4592(2).

338 Section 6. Section 163.3164, Florida Statutes, is amended  
 339 to read:

340 163.3164 Community ~~Local Government Comprehensive~~ Planning  
 341 and ~~Land Development Regulation~~ Act; definitions.—As used in  
 342 this act:

343 (1) "Administration Commission" means the Governor and the  
 344 Cabinet, and for purposes of this chapter the commission shall  
 345 act on a simple majority vote, except that for purposes of  
 346 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,  
 347 affirmative action shall require the approval of the Governor  
 348 and at least two ~~three~~ other members of the commission.

349 (2) "Affordable housing" has the same meaning as in s.  
 350 420.0004(3).

351 (3) ~~(33)~~ "Agricultural enclave" means an unincorporated,  
 352 undeveloped parcel that:

353 (a) Is owned by a single person or entity;

354 (b) Has been in continuous use for bona fide agricultural  
 355 purposes, as defined by s. 193.461, for a period of 5 years  
 356 prior to the date of any comprehensive plan amendment  
 357 application;

358 (c) Is surrounded on at least 75 percent of its perimeter  
 359 by:

360 1. Property that has existing industrial, commercial, or  
 361 residential development; or

362 2. Property that the local government has designated, in  
 363 the local government's comprehensive plan, zoning map, and  
 364 future land use map, as land that is to be developed for

365 industrial, commercial, or residential purposes, and at least 75  
 366 percent of such property is existing industrial, commercial, or  
 367 residential development;

368 (d) Has public services, including water, wastewater,  
 369 transportation, schools, and recreation facilities, available or  
 370 such public services are scheduled in the capital improvement  
 371 element to be provided by the local government or can be  
 372 provided by an alternative provider of local government  
 373 infrastructure in order to ensure consistency with applicable  
 374 concurrency provisions of s. 163.3180; and

375 (e) Does not exceed 1,280 acres; however, if the property  
 376 is surrounded by existing or authorized residential development  
 377 that will result in a density at buildout of at least 1,000  
 378 residents per square mile, then the area shall be determined to  
 379 be urban and the parcel may not exceed 4,480 acres.

380 (4) "Antiquated subdivision" means a subdivision that was  
 381 recorded or approved more than 20 years ago and that has  
 382 substantially failed to be built and the continued buildout of  
 383 the subdivision in accordance with the subdivision's zoning and  
 384 land use purposes would cause an imbalance of land uses and  
 385 would be detrimental to the local and regional economies and  
 386 environment, hinder current planning practices, and lead to  
 387 inefficient and fiscally irresponsible development patterns as  
 388 determined by the respective jurisdiction in which the  
 389 subdivision is located.

390 ~~(5)-(2)~~ "Area" or "area of jurisdiction" means the total  
 391 area qualifying under the provisions of this act, whether this  
 392 be all of the lands lying within the limits of an incorporated

393 municipality, lands in and adjacent to incorporated  
 394 municipalities, all unincorporated lands within a county, or  
 395 areas comprising combinations of the lands in incorporated  
 396 municipalities and unincorporated areas of counties.

397 (6) "Capital improvement" means physical assets  
 398 constructed or purchased to provide, improve, or replace a  
 399 public facility and which are typically large scale and high in  
 400 cost. The cost of a capital improvement is generally  
 401 nonrecurring and may require multiyear financing. For the  
 402 purposes of this part, physical assets that have been identified  
 403 as existing or projected needs in the individual comprehensive  
 404 plan elements shall be considered capital improvements.

405 (7)-(3) "Coastal area" means the 35 coastal counties and  
 406 all coastal municipalities within their boundaries ~~designated~~  
 407 coastal by the state land planning agency.

408 (8) "Compatibility" means a condition in which land uses  
 409 or conditions can coexist in relative proximity to each other in  
 410 a stable fashion over time such that no use or condition is  
 411 unduly negatively impacted directly or indirectly by another use  
 412 or condition.

413 (9)-(4) "Comprehensive plan" means a plan that meets the  
 414 requirements of ss. 163.3177 and 163.3178.

415 (10) "Deepwater ports" means the ports identified in s.  
 416 403.021(9).

417 (11) "Density" means an objective measurement of the  
 418 number of people or residential units allowed per unit of land,  
 419 such as residents or employees per acre.

420 (12)-(5) "Developer" means any person, including a

421 governmental agency, undertaking any development as defined in  
 422 this act.

423 ~~(13)-(6)~~ "Development" has the same meaning as ~~given it~~ in  
 424 s. 380.04.

425 ~~(14)-(7)~~ "Development order" means any order granting,  
 426 denying, or granting with conditions an application for a  
 427 development permit.

428 ~~(15)-(8)~~ "Development permit" includes any building permit,  
 429 zoning permit, subdivision approval, rezoning, certification,  
 430 special exception, variance, or any other official action of  
 431 local government having the effect of permitting the development  
 432 of land.

433 ~~(16)-(25)~~ "Downtown revitalization" means the physical and  
 434 economic renewal of a central business district of a community  
 435 as designated by local government, and includes both downtown  
 436 development and redevelopment.

437 (17) "Floodprone areas" means areas inundated during a  
 438 100-year flood event or areas identified by the National Flood  
 439 Insurance Program as an A Zone on flood insurance rate maps or  
 440 flood hazard boundary maps.

441 (18) "Goal" means the long-term end toward which programs  
 442 or activities are ultimately directed.

443 ~~(19)-(9)~~ "Governing body" means the board of county  
 444 commissioners of a county, the commission or council of an  
 445 incorporated municipality, or any other chief governing body of  
 446 a unit of local government, however designated, or the  
 447 combination of such bodies where joint utilization of the  
 448 provisions of this act is accomplished as provided herein.



449 |        ~~(20)-(10)~~ "Governmental agency" means:

450 |        (a) The United States or any department, commission,  
451 | agency, or other instrumentality thereof.

452 |        (b) This state or any department, commission, agency, or  
453 | other instrumentality thereof.

454 |        (c) Any local government, as defined in this section, or  
455 | any department, commission, agency, or other instrumentality  
456 | thereof.

457 |        (d) Any school board or other special district, authority,  
458 | or governmental entity.

459 |        (21) "Intensity" means an objective measurement of the  
460 | extent to which land may be developed or used, including the  
461 | consumption or use of the space above, on, or below ground; the  
462 | measurement of the use of or demand on natural resources; and  
463 | the measurement of the use of or demand on facilities and  
464 | services.

465 |        (22) "Internal trip capture" means trips generated by a  
466 | mixed-use project that travel from one on-site land use to  
467 | another on-site land use without using the external road  
468 | network.

469 |        ~~(23)-(11)~~ "Land" means the earth, water, and air, above,  
470 | below, or on the surface, and includes any improvements or  
471 | structures customarily regarded as land.

472 |        ~~(24)-(22)~~ "Land development regulation commission" means a  
473 | commission designated by a local government to develop and  
474 | recommend, to the local governing body, land development  
475 | regulations which implement the adopted comprehensive plan and  
476 | to review land development regulations, or amendments thereto,

477 for consistency with the adopted plan and report to the  
 478 governing body regarding its findings. The responsibilities of  
 479 the land development regulation commission may be performed by  
 480 the local planning agency.

481 (25)~~(23)~~ "Land development regulations" means ordinances  
 482 enacted by governing bodies for the regulation of any aspect of  
 483 development and includes any local government zoning, rezoning,  
 484 subdivision, building construction, or sign regulations or any  
 485 other regulations controlling the development of land, except  
 486 that this definition shall not apply in s. 163.3213.

487 (26)~~(12)~~ "Land use" means the development that has  
 488 occurred on the land, the development that is proposed by a  
 489 developer on the land, or the use that is permitted or  
 490 permissible on the land under an adopted comprehensive plan or  
 491 element or portion thereof, land development regulations, or a  
 492 land development code, as the context may indicate.

493 (27) "Level of service" means an indicator of the extent  
 494 or degree of service provided by, or proposed to be provided by,  
 495 a facility based on and related to the operational  
 496 characteristics of the facility. Level of service shall indicate  
 497 the capacity per unit of demand for each public facility.

498 (28)~~(13)~~ "Local government" means any county or  
 499 municipality.

500 (29)~~(14)~~ "Local planning agency" means the agency  
 501 designated to prepare the comprehensive plan or plan amendments  
 502 required by this act.

503 (30)~~(15)~~ A "Newspaper of general circulation" means a  
 504 newspaper published at least on a weekly basis and printed in

505 the language most commonly spoken in the area within which it  
 506 circulates, but does not include a newspaper intended primarily  
 507 for members of a particular professional or occupational group,  
 508 a newspaper whose primary function is to carry legal notices, or  
 509 a newspaper that is given away primarily to distribute  
 510 advertising.

511 (31) "New town" means an urban activity center and  
 512 community designated on the future land use map of sufficient  
 513 size, population and land use composition to support a variety  
 514 of economic and social activities consistent with an urban area  
 515 designation. New towns shall include basic economic activities;  
 516 all major land use categories, with the possible exception of  
 517 agricultural and industrial; and a centrally provided full range  
 518 of public facilities and services that demonstrate internal trip  
 519 capture. A new town shall be based on a master development plan.

520 (32) "Objective" means a specific, measurable,  
 521 intermediate end that is achievable and marks progress toward a  
 522 goal.

523 (33)~~(16)~~ "Parcel of land" means any quantity of land  
 524 capable of being described with such definiteness that its  
 525 locations and boundaries may be established, which is designated  
 526 by its owner or developer as land to be used, or developed as, a  
 527 unit or which has been used or developed as a unit.

528 (34)~~(17)~~ "Person" means an individual, corporation,  
 529 governmental agency, business trust, estate, trust, partnership,  
 530 association, two or more persons having a joint or common  
 531 interest, or any other legal entity.

532 (35) "Policy" means the way in which programs and

533 activities are conducted to achieve an identified goal.

534 (36)-(28) "Projects that promote public transportation"  
 535 means projects that directly affect the provisions of public  
 536 transit, including transit terminals, transit lines and routes,  
 537 separate lanes for the exclusive use of public transit services,  
 538 transit stops (shelters and stations), office buildings or  
 539 projects that include fixed-rail or transit terminals as part of  
 540 the building, and projects which are transit oriented and  
 541 designed to complement reasonably proximate planned or existing  
 542 public facilities.

543 (37)-(24) "Public facilities" means major capital  
 544 improvements, including, ~~but not limited to,~~ transportation,  
 545 sanitary sewer, solid waste, drainage, potable water,  
 546 educational, parks and recreational, ~~and health systems and~~  
 547 facilities, ~~and spoil disposal sites for maintenance dredging~~  
 548 ~~located in the intracoastal waterways, except for spoil disposal~~  
 549 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

550 (38)-(18) "Public notice" means notice as required by s.  
 551 125.66(2) for a county or by s. 166.041(3)(a) for a  
 552 municipality. The public notice procedures required in this part  
 553 are established as minimum public notice procedures.

554 (39)-(19) "Regional planning agency" means the council  
 555 created pursuant to chapter 186 ~~agency designated by the state~~  
 556 ~~land planning agency to exercise responsibilities under law in a~~  
 557 ~~particular region of the state.~~

558 (40) "Seasonal population" means part-time inhabitants who  
 559 use, or may be expected to use, public facilities or services,  
 560 but are not residents and includes tourists, migrant

561 farmworkers, and other short-term and long-term visitors.

562 ~~(41)-(31)~~ "Optional Sector plan" means the an optional  
 563 process authorized by s. 163.3245 in which one or more local  
 564 governments engage in long-term planning for a large area and by  
 565 agreement with the state land planning agency are allowed to  
 566 address regional development of regional impact issues through  
 567 adoption of detailed specific area plans within the planning  
 568 area within certain designated geographic areas identified in  
 569 the local comprehensive plan as a means of fostering innovative  
 570 planning and development strategies in s. 163.3177(11)(a) and  
 571 (b), furthering the purposes of this part and part I of chapter  
 572 380, reducing overlapping data and analysis requirements,  
 573 protecting regionally significant resources and facilities, and  
 574 addressing extrajurisdictional impacts. The term includes an  
 575 optional sector plan that was adopted before the effective date  
 576 of this act.

577 ~~(42)-(20)~~ "State land planning agency" means the Department  
 578 of Community Affairs.

579 ~~(43)-(21)~~ "Structure" has the same meaning as in given it  
 580 by s. 380.031(19).

581 ~~(44)~~ "Suitability" means the degree to which the existing  
 582 characteristics and limitations of land and water are compatible  
 583 with a proposed use or development.

584 ~~(45)~~ "Transit-oriented development" means a project or  
 585 projects, in areas identified in a local government  
 586 comprehensive plan, that is or will be served by existing or  
 587 planned transit service. These designated areas shall be  
 588 compact, moderate to high density developments, of mixed-use

589 character, interconnected with other land uses, bicycle and  
 590 pedestrian friendly, and designed to support frequent transit  
 591 service operating through, collectively or separately, rail,  
 592 fixed guideway, streetcar, or bus systems on dedicated  
 593 facilities or available roadway connections.

594 (46)~~(30)~~ "Transportation corridor management" means the  
 595 coordination of the planning of designated future transportation  
 596 corridors with land use planning within and adjacent to the  
 597 corridor to promote orderly growth, to meet the concurrency  
 598 requirements of this chapter, and to maintain the integrity of  
 599 the corridor for transportation purposes.

600 (47)~~(27)~~ "Urban infill" means the development of vacant  
 601 parcels in otherwise built-up areas where public facilities such  
 602 as sewer systems, roads, schools, and recreation areas are  
 603 already in place and the average residential density is at least  
 604 five dwelling units per acre, the average nonresidential  
 605 intensity is at least a floor area ratio of 1.0 and vacant,  
 606 developable land does not constitute more than 10 percent of the  
 607 area.

608 (48)~~(26)~~ "Urban redevelopment" means demolition and  
 609 reconstruction or substantial renovation of existing buildings  
 610 or infrastructure within urban infill areas, existing urban  
 611 service areas, or community redevelopment areas created pursuant  
 612 to part III.

613 (49)~~(29)~~ "Urban service area" means built-up areas where  
 614 public facilities and services, including, but not limited to,  
 615 central water and sewer capacity and roads, are already in place  
 616 or are committed in the first 3 years of the capital improvement

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617 ~~schedule. In addition, for counties that qualify as dense urban~~  
618 ~~land areas under subsection (34), the nonrural area of a county~~  
619 ~~which has adopted into the county charter a rural area~~  
620 ~~designation or areas identified in the comprehensive plan as~~  
621 ~~urban service areas or urban growth boundaries on or before July~~  
622 ~~1, 2009, are also urban service areas under this definition.~~

623 (50) "Urban sprawl" means a development pattern  
624 characterized by low density, automobile-dependent development  
625 with either a single use or multiple uses that are not  
626 functionally related, requiring the extension of public  
627 facilities and services in an inefficient manner, and failing to  
628 provide a clear separation between urban and rural uses.

629 ~~(32) "Financial feasibility" means that sufficient~~  
630 ~~revenues are currently available or will be available from~~  
631 ~~committed funding sources for the first 3 years, or will be~~  
632 ~~available from committed or planned funding sources for years 4~~  
633 ~~and 5, of a 5-year capital improvement schedule for financing~~  
634 ~~capital improvements, such as ad valorem taxes, bonds, state and~~  
635 ~~federal funds, tax revenues, impact fees, and developer~~  
636 ~~contributions, which are adequate to fund the projected costs of~~  
637 ~~the capital improvements identified in the comprehensive plan~~  
638 ~~necessary to ensure that adopted level-of-service standards are~~  
639 ~~achieved and maintained within the period covered by the 5-year~~  
640 ~~schedule of capital improvements. A comprehensive plan shall be~~  
641 ~~deemed financially feasible for transportation and school~~  
642 ~~facilities throughout the planning period addressed by the~~  
643 ~~capital improvements schedule if it can be demonstrated that the~~  
644 ~~level-of-service standards will be achieved and maintained by~~

645 ~~the end of the planning period even if in a particular year such~~  
 646 ~~improvements are not concurrent as required by s. 163.3180.~~

647 ~~(34) "Dense urban land area" means:~~

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

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

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

656

657 ~~The Office of Economic and Demographic Research within the~~  
 658 ~~Legislature shall annually calculate the population and density~~  
 659 ~~criteria needed to determine which jurisdictions qualify as~~  
 660 ~~dense urban land areas by using the most recent land area data~~  
 661 ~~from the decennial census conducted by the Bureau of the Census~~  
 662 ~~of the United States Department of Commerce and the latest~~  
 663 ~~available population estimates determined pursuant to s.~~  
 664 ~~186.901. If any local government has had an annexation,~~  
 665 ~~contraction, or new incorporation, the Office of Economic and~~  
 666 ~~Demographic Research shall determine the population density~~  
 667 ~~using the new jurisdictional boundaries as recorded in~~  
 668 ~~accordance with s. 171.091. The Office of Economic and~~  
 669 ~~Demographic Research shall submit to the state land planning~~  
 670 ~~agency a list of jurisdictions that meet the total population~~  
 671 ~~and density criteria necessary for designation as a dense urban~~  
 672 ~~land area by July 1, 2009, and every year thereafter. The state~~



673 ~~land planning agency shall publish the list of jurisdictions on~~  
 674 ~~its Internet website within 7 days after the list is received.~~  
 675 ~~The designation of jurisdictions that qualify or do not qualify~~  
 676 ~~as a dense urban land area is effective upon publication on the~~  
 677 ~~state land planning agency's Internet website.~~

678 Section 7. Section 163.3167, Florida Statutes, is amended  
 679 to read:

680 163.3167 Scope of act.—

681 (1) The several incorporated municipalities and counties  
 682 shall have power and responsibility:

683 (a) To plan for their future development and growth.

684 (b) To adopt and amend comprehensive plans, or elements or  
 685 portions thereof, to guide their future development and growth.

686 (c) To implement adopted or amended comprehensive plans by  
 687 the adoption of appropriate land development regulations or  
 688 elements thereof.

689 (d) To establish, support, and maintain administrative  
 690 instruments and procedures to carry out the provisions and  
 691 purposes of this act.

692

693 The powers and authority set out in this act may be employed by  
 694 municipalities and counties individually or jointly by mutual  
 695 agreement in accord with the provisions of this act and in such  
 696 combinations as their common interests may dictate and require.

697 (2) Each local government shall maintain ~~prepare~~ a  
 698 comprehensive plan of the type and in the manner set out in this  
 699 part or prepare amendments to its existing comprehensive plan to  
 700 conform it to the requirements of this part and in the manner

701 set out in this part. ~~In accordance with s. 163.3184, each local~~  
 702 ~~government shall submit to the state land planning agency its~~  
 703 ~~complete proposed comprehensive plan or its complete~~  
 704 ~~comprehensive plan as proposed to be amended.~~

705 ~~(3) When a local government has not prepared all of the~~  
 706 ~~required elements or has not amended its plan as required by~~  
 707 ~~subsection (2), the regional planning agency having~~  
 708 ~~responsibility for the area in which the local government lies~~  
 709 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~  
 710 ~~missing elements or adopt by rule amendments to the existing~~  
 711 ~~plan in accordance with this act by July 1, 1989, or within 1~~  
 712 ~~year after the dates specified or provided in subsection (2) and~~  
 713 ~~the state land planning agency review schedule, whichever is~~  
 714 ~~later. The regional planning agency shall provide at least 90~~  
 715 ~~days' written notice to any local government whose plan it is~~  
 716 ~~required by this subsection to prepare, prior to initiating the~~  
 717 ~~planning process. At least 90 days before the adoption by the~~  
 718 ~~regional planning agency of a comprehensive plan, or element or~~  
 719 ~~portion thereof, pursuant to this subsection, the regional~~  
 720 ~~planning agency shall transmit a copy of the proposed~~  
 721 ~~comprehensive plan, or element or portion thereof, to the local~~  
 722 ~~government and the state land planning agency for written~~  
 723 ~~comment. The state land planning agency shall review and comment~~  
 724 ~~on such plan, or element or portion thereof, in accordance with~~  
 725 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~  
 726 ~~applicable to the regional planning agency as if it were a~~  
 727 ~~governing body. Existing comprehensive plans shall remain in~~  
 728 ~~effect until they are amended pursuant to subsection (2), this~~

729 ~~subsection, s. 163.3187, or s. 163.3189.~~

730 (3)~~(4)~~ A municipality established after the effective date  
 731 of this act shall, within 1 year after incorporation, establish  
 732 a local planning agency, pursuant to s. 163.3174, and prepare  
 733 and adopt a comprehensive plan of the type and in the manner set  
 734 out in this act within 3 years after the date of such  
 735 incorporation. A county comprehensive plan shall be deemed  
 736 controlling until the municipality adopts a comprehensive plan  
 737 in accord with the provisions of this act. ~~If, upon the~~  
 738 ~~expiration of the 3-year time limit, the municipality has not~~  
 739 ~~adopted a comprehensive plan, the regional planning agency shall~~  
 740 ~~prepare and adopt a comprehensive plan for such municipality.~~

741 (4)~~(5)~~ Any comprehensive plan, or element or portion  
 742 thereof, adopted pursuant to the provisions of this act, which  
 743 but for its adoption after the deadlines established pursuant to  
 744 previous versions of this act would have been valid, shall be  
 745 valid.

746 ~~(6) When a regional planning agency is required to prepare~~  
 747 ~~or amend a comprehensive plan, or element or portion thereof,~~  
 748 ~~pursuant to subsections (3) and (4), the regional planning~~  
 749 ~~agency and the local government may agree to a method of~~  
 750 ~~compensating the regional planning agency for any verifiable,~~  
 751 ~~direct costs incurred. If an agreement is not reached within 6~~  
 752 ~~months after the date the regional planning agency assumes~~  
 753 ~~planning responsibilities for the local government pursuant to~~  
 754 ~~subsections (3) and (4) or by the time the plan or element, or~~  
 755 ~~portion thereof, is completed, whichever is earlier, the~~  
 756 ~~regional planning agency shall file invoices for verifiable,~~

757 ~~direct costs involved with the governing body. Upon the failure~~  
 758 ~~of the local government to pay such invoices within 90 days, the~~  
 759 ~~regional planning agency may, upon filing proper vouchers with~~  
 760 ~~the Chief Financial Officer, request payment by the Chief~~  
 761 ~~Financial Officer from unencumbered revenue or other tax sharing~~  
 762 ~~funds due such local government from the state for work actually~~  
 763 ~~performed, and the Chief Financial Officer shall pay such~~  
 764 ~~vouchers; however, the amount of such payment shall not exceed~~  
 765 ~~50 percent of such funds due such local government in any one~~  
 766 ~~year.~~

767 ~~(7) A local government that is being requested to pay~~  
 768 ~~costs may seek an administrative hearing pursuant to ss. 120.569~~  
 769 ~~and 120.57 to challenge the amount of costs and to determine if~~  
 770 ~~the statutory prerequisites for payment have been complied with.~~  
 771 ~~Final agency action shall be taken by the state land planning~~  
 772 ~~agency. Payment shall be withheld as to disputed amounts until~~  
 773 ~~proceedings under this subsection have been completed.~~

774 ~~(5)-(8)~~ Nothing in this act shall limit or modify the  
 775 rights of any person to complete any development that has been  
 776 authorized as a development of regional impact pursuant to  
 777 chapter 380 or who has been issued a final local development  
 778 order and development has commenced and is continuing in good  
 779 faith.

780 ~~(6)-(9)~~ The Reedy Creek Improvement District shall exercise  
 781 the authority of this part as it applies to municipalities,  
 782 consistent with the legislative act under which it was  
 783 established, for the total area under its jurisdiction.

784 ~~(7)-(10)~~ Nothing in this part shall supersede any provision

785 of ss. 341.8201-341.842.

786 ~~(11) Each local government is encouraged to articulate a~~  
 787 ~~vision of the future physical appearance and qualities of its~~  
 788 ~~community as a component of its local comprehensive plan. The~~  
 789 ~~vision should be developed through a collaborative planning~~  
 790 ~~process with meaningful public participation and shall be~~  
 791 ~~adopted by the governing body of the jurisdiction. Neighboring~~  
 792 ~~communities, especially those sharing natural resources or~~  
 793 ~~physical or economic infrastructure, are encouraged to create~~  
 794 ~~collective visions for greater than local areas. Such collective~~  
 795 ~~visions shall apply in each city or county only to the extent~~  
 796 ~~that each local government chooses to make them applicable. The~~  
 797 ~~state land planning agency shall serve as a clearinghouse for~~  
 798 ~~creating a community vision of the future and may utilize the~~  
 799 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~  
 800 ~~grants to help pay the costs of local visioning programs. When a~~  
 801 ~~local vision of the future has been created, a local government~~  
 802 ~~should review its comprehensive plan, land development~~  
 803 ~~regulations, and capital improvement program to ensure that~~  
 804 ~~these instruments will help to move the community toward its~~  
 805 ~~vision in a manner consistent with this act and with the state~~  
 806 ~~comprehensive plan. A local or regional vision must be~~  
 807 ~~consistent with the state vision, when adopted, and be~~  
 808 ~~internally consistent with the local or regional plan of which~~  
 809 ~~it is a component. The state land planning agency shall not~~  
 810 ~~adopt minimum criteria for evaluating or judging the form or~~  
 811 ~~content of a local or regional vision.~~

812 (8)~~(12)~~ An initiative or referendum process in regard to

813 any development order or in regard to any local comprehensive  
 814 plan amendment or map amendment ~~that affects five or fewer~~  
 815 ~~parcels of land~~ is prohibited.

816 (9) ~~(13)~~ Each local government shall address in its  
 817 comprehensive plan, as enumerated in this chapter, the water  
 818 supply sources necessary to meet and achieve the existing and  
 819 projected water use demand for the established planning period,  
 820 considering the applicable plan developed pursuant to s.  
 821 373.709.

822 (10) ~~(14)~~ (a) If a local government grants a development  
 823 order pursuant to its adopted land development regulations and  
 824 the order is not the subject of a pending appeal and the  
 825 timeframe for filing an appeal has expired, the development  
 826 order may not be invalidated by a subsequent judicial  
 827 determination that such land development regulations, or any  
 828 portion thereof that is relevant to the development order, are  
 829 invalid because of a deficiency in the approval standards.

830 (b) This subsection does not preclude or affect the timely  
 831 institution of any other remedy available at law or equity,  
 832 including a common law writ of certiorari proceeding pursuant to  
 833 Rule 9.190, Florida Rules of Appellate Procedure, or an original  
 834 proceeding pursuant to s. 163.3215, as applicable.

835 ~~(c) This subsection applies retroactively to any~~  
 836 ~~development order granted on or after January 1, 2002.~~

837 Section 8. Section 163.3168, Florida Statutes, is created  
 838 to read:

839 163.3168 Planning innovations and technical assistance.-

840 (1) The Legislature recognizes the need for innovative

841 planning and development strategies to promote a diverse economy  
 842 and vibrant rural and urban communities, while protecting  
 843 environmentally sensitive areas. The Legislature further  
 844 recognizes the substantial advantages of innovative approaches  
 845 to development directed to meet the needs of urban, rural, and  
 846 suburban areas.

847 (2) Local governments are encouraged to apply innovative  
 848 planning tools, including, but not limited to, visioning, sector  
 849 planning, and rural land stewardship area designations to  
 850 address future new development areas, urban service area  
 851 designations, urban growth boundaries, and mixed-use, high-  
 852 density development in urban areas.

853 (3) The state land planning agency shall help communities  
 854 find creative solutions to fostering vibrant, healthy  
 855 communities, while protecting the functions of important state  
 856 resources and facilities. The state land planning agency and all  
 857 other appropriate state and regional agencies may use various  
 858 means to provide direct and indirect technical assistance within  
 859 available resources. If plan amendments may adversely impact  
 860 important state resources or facilities, upon request by the  
 861 local government, the state land planning agency shall  
 862 coordinate multi-agency assistance, if needed, in developing an  
 863 amendment to minimize impacts on such resources or facilities.

864 Section 9. Subsection (4) of section 163.3171, Florida  
 865 Statutes, is amended to read:

866 163.3171 Areas of authority under this act.—

867 ~~(4) The state land planning agency and a Local governments~~  
 868 ~~may government shall have the power to enter into agreements~~

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869 with each other and ~~to agree together to enter into agreements~~  
 870 with a landowner, developer, or governmental agency as may be  
 871 necessary or desirable to effectuate the provisions and purposes  
 872 of ss. 163.3177(6) (h), ~~and (11) (a), (b), and (c),~~ and 163.3245,  
 873 and 163.3248. It is the Legislature's intent that joint  
 874 agreements entered into under the authority of this section be  
 875 liberally, broadly, and flexibly construed to facilitate  
 876 intergovernmental cooperation between cities and counties and to  
 877 encourage planning in advance of jurisdictional changes. Joint  
 878 agreements, executed before or after the effective date of this  
 879 act, include, but are not limited to, agreements that  
 880 contemplate municipal adoption of plans or plan amendments for  
 881 lands in advance of annexation of such lands into the  
 882 municipality, and may permit municipalities and counties to  
 883 exercise nonexclusive extrajurisdictional authority within  
 884 incorporated and unincorporated areas. The state land planning  
 885 agency shall not have authority to interpret, invalidate, or  
 886 declare inoperative such joint agreements, and the validity of  
 887 joint agreements may not be a basis for finding plans or plan  
 888 amendments not in compliance pursuant to the provisions of  
 889 chapter law.

890 Section 10. Subsection (1) of section 163.3174, Florida  
 891 Statutes, is amended to read:

892 163.3174 Local planning agency.—

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



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897 Notwithstanding any special act to the contrary, all local  
898 planning agencies or equivalent agencies that first review  
899 rezoning and comprehensive plan amendments in each municipality  
900 and county shall include a representative of the school district  
901 appointed by the school board as a nonvoting member of the local  
902 planning agency or equivalent agency to attend those meetings at  
903 which the agency considers comprehensive plan amendments and  
904 rezonings that would, if approved, increase residential density  
905 on the property that is the subject of the application. However,  
906 this subsection does not prevent the governing body of the local  
907 government from granting voting status to the school board  
908 member. The governing body may designate itself as the local  
909 planning agency pursuant to this subsection with the addition of  
910 a nonvoting school board representative. ~~The governing body~~  
911 ~~shall notify the state land planning agency of the establishment~~  
912 ~~of its local planning agency.~~ All local planning agencies shall  
913 provide opportunities for involvement by applicable community  
914 college boards, which may be accomplished by formal  
915 representation, membership on technical advisory committees, or  
916 other appropriate means. The local planning agency shall prepare  
917 the comprehensive plan or plan amendment after hearings to be  
918 held after public notice and shall make recommendations to the  
919 governing body regarding the adoption or amendment of the plan.  
920 The agency may be a local planning commission, the planning  
921 department of the local government, or other instrumentality,  
922 including a countywide planning entity established by special  
923 act or a council of local government officials created pursuant  
924 to s. 163.02, provided the composition of the council is fairly

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

925 representative of all the governing bodies in the county or  
 926 planning area; however:

927 (a) If a joint planning entity is in existence on the  
 928 effective date of this act which authorizes the governing bodies  
 929 to adopt and enforce a land use plan effective throughout the  
 930 joint planning area, that entity shall be the agency for those  
 931 local governments until such time as the authority of the joint  
 932 planning entity is modified by law.

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

936 Section 11. Section 163.3177, Florida Statutes, is amended  
 937 to read:

938 163.3177 Required and optional elements of comprehensive  
 939 plan; studies and surveys.—

940 (1) The comprehensive plan shall provide the ~~consist of~~  
 941 ~~materials in such descriptive form, written or graphic, as may~~  
 942 ~~be appropriate to the prescription of principles, guidelines,~~  
 943 ~~and standards, and strategies~~ for the orderly and balanced  
 944 future economic, social, physical, environmental, and fiscal  
 945 development of the area that reflects community commitments to  
 946 implement the plan and its elements. These principles and  
 947 strategies shall guide future decisions in a consistent manner  
 948 and shall contain programs and activities to ensure  
 949 comprehensive plans are implemented. The sections of the  
 950 comprehensive plan containing the principles and strategies,  
 951 generally provided as goals, objectives, and policies, shall  
 952 describe how the local government's programs, activities, and

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953 land development regulations will be initiated, modified, or  
954 continued to implement the comprehensive plan in a consistent  
955 manner. It is not the intent of this part to require the  
956 inclusion of implementing regulations in the comprehensive plan  
957 but rather to require identification of those programs,  
958 activities, and land development regulations that will be part  
959 of the strategy for implementing the comprehensive plan and the  
960 principles that describe how the programs, activities, and land  
961 development regulations will be carried out. The plan shall  
962 establish meaningful and predictable standards for the use and  
963 development of land and provide meaningful guidelines for the  
964 content of more detailed land development and use regulations.

965 (a) The comprehensive plan shall consist of elements as  
966 described in this section, and may include optional elements.

967 (b) A local government may include, as part of its adopted  
968 plan, documents adopted by reference but not incorporated  
969 verbatim into the plan. The adoption by reference must identify  
970 the title and author of the document and indicate clearly what  
971 provisions and edition of the document is being adopted.

972 (c) The format of these principles and guidelines is at  
973 the discretion of the local government, but typically is  
974 expressed in goals, objectives, policies, and strategies.

975 (d) Proposed elements shall identify procedures for  
976 monitoring, evaluating, and appraising implementation of the  
977 plan.

978 (e) When a federal, state, or regional agency has  
979 implemented a regulatory program, a local government is not  
980 required to duplicate or exceed that regulatory program in its

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981 local comprehensive plan.

982 (f) All mandatory and optional elements of the  
983 comprehensive plan and plan amendments shall be based upon a  
984 justification by the local government that may include, but not  
985 be limited to, surveys, studies, community goals and vision, and  
986 other data available at the time of adoption of the  
987 comprehensive plan or plan amendment. To be based on data means  
988 to react to it in an appropriate way and to the extent necessary  
989 indicated by the data available on that particular subject at  
990 the time of adoption of the plan or plan amendment at issue.

991 1. Surveys, studies, and data utilized in the preparation  
992 of the comprehensive plan shall not be deemed a part of the  
993 comprehensive plan unless adopted as a part of it. Copies of  
994 such studies, surveys, data, and supporting documents shall be  
995 made available for public inspection, and copies of such plans  
996 shall be made available to the public upon payment of reasonable  
997 charges for reproduction. Support data or summaries shall not be  
998 subject to the compliance review process, but the comprehensive  
999 plan must be clearly based on appropriate data. Support data or  
1000 summaries may be used to aid in the determination of compliance  
1001 and consistency.

1002 2. Data must be taken from professionally accepted  
1003 sources. The application of a methodology utilized in data  
1004 collection or whether a particular methodology is professionally  
1005 accepted may be evaluated. However, the evaluation shall not  
1006 include whether one accepted methodology is better than another.  
1007 Original data collection by local governments is not required.  
1008 However, local governments may use original data so long as

1009 methodologies are professionally accepted.

1010 3. The comprehensive plan shall be based upon resident and  
 1011 seasonal population estimates and projections, which shall  
 1012 either be those provided by the University of Florida, Bureau of  
 1013 Economic and Business Research, or generated by the local  
 1014 government based upon a professionally acceptable methodology.

1015 (2) Coordination of the several elements of the local  
 1016 comprehensive plan shall be a major objective of the planning  
 1017 process. The several elements of the comprehensive plan shall be  
 1018 consistent. Where data is relevant to several elements,  
 1019 consistent data shall be used, including population estimates  
 1020 and projections unless alternative data can be justified for a  
 1021 plan amendment through new supporting data and analysis. Each  
 1022 map depicting future conditions must reflect the principles,  
 1023 guidelines, and standards within all elements and each such map  
 1024 must be contained within the comprehensive plan, and the  
 1025 ~~comprehensive plan shall be financially feasible. Financial~~  
 1026 ~~feasibility shall be determined using professionally accepted~~  
 1027 ~~methodologies and applies to the 5-year planning period, except~~  
 1028 ~~in the case of a long-term transportation or school concurrency~~  
 1029 ~~management system, in which case a 10-year or 15-year period~~  
 1030 ~~applies.~~

1031 (3) (a) The comprehensive plan shall contain a capital  
 1032 improvements element designed to consider the need for and the  
 1033 location of public facilities in order to encourage the  
 1034 efficient use of such facilities and set forth:

1035 1. A component that outlines principles for construction,  
 1036 extension, or increase in capacity of public facilities, as well

1037 as a component that outlines principles for correcting existing  
 1038 public facility deficiencies, which are necessary to implement  
 1039 the comprehensive plan. The components shall cover at least a 5-  
 1040 year period.

1041 2. Estimated public facility costs, including a  
 1042 delineation of when facilities will be needed, the general  
 1043 location of the facilities, and projected revenue sources to  
 1044 fund the facilities.

1045 3. Standards to ensure the availability of public  
 1046 facilities and the adequacy of those facilities including  
 1047 acceptable levels of service.

1048 ~~4. Standards for the management of debt.~~

1049 ~~4.5.~~ A schedule of capital improvements which includes any  
 1050 publicly funded projects of federal, state, or local government,  
 1051 and which may include privately funded projects for which the  
 1052 local government has no fiscal responsibility. Projects,  
 1053 necessary to ensure that any adopted level-of-service standards  
 1054 are achieved and maintained for the 5-year period must be  
 1055 identified as either funded or unfunded and given a level of  
 1056 priority for funding. ~~For capital improvements that will be~~  
 1057 ~~funded by the developer, financial feasibility shall be~~  
 1058 ~~demonstrated by being guaranteed in an enforceable development~~  
 1059 ~~agreement or interlocal agreement pursuant to paragraph (10)(h),~~  
 1060 ~~or other enforceable agreement. These development agreements and~~  
 1061 ~~interlocal agreements shall be reflected in the schedule of~~  
 1062 ~~capital improvements if the capital improvement is necessary to~~  
 1063 ~~serve development within the 5-year schedule. If the local~~  
 1064 ~~government uses planned revenue sources that require referenda~~

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1065 ~~or other actions to secure the revenue source, the plan must, in~~  
 1066 ~~the event the referenda are not passed or actions do not secure~~  
 1067 ~~the planned revenue source, identify other existing revenue~~  
 1068 ~~sources that will be used to fund the capital projects or~~  
 1069 ~~otherwise amend the plan to ensure financial feasibility.~~

1070 5.6. The schedule must include transportation improvements  
 1071 included in the applicable metropolitan planning organization's  
 1072 transportation improvement program adopted pursuant to s.  
 1073 339.175(8) to the extent that such improvements are relied upon  
 1074 to ensure concurrency and financial feasibility. The schedule  
 1075 must ~~also~~ be coordinated with the applicable metropolitan  
 1076 planning organization's long-range transportation plan adopted  
 1077 pursuant to s. 339.175(7).

1078 (b)~~1.~~ The capital improvements element must be reviewed by  
 1079 the local government on an annual basis. Modifications and  
 1080 ~~modified as necessary in accordance with s. 163.3187 or s.~~  
 1081 ~~163.3189 in order to maintain a financially feasible 5-year~~  
 1082 ~~schedule of capital improvements. Corrections and modifications~~  
 1083 ~~concerning costs; revenue sources; or acceptance of facilities~~  
 1084 ~~pursuant to dedications which are consistent with the plan may~~  
 1085 be accomplished by ordinance and shall not be deemed to be  
 1086 amendments to the local comprehensive plan. ~~A copy of the~~  
 1087 ~~ordinance shall be transmitted to the state land planning~~  
 1088 ~~agency. An amendment to the comprehensive plan is required to~~  
 1089 ~~update the schedule on an annual basis or to eliminate, defer,~~  
 1090 ~~or delay the construction for any facility listed in the 5-year~~  
 1091 ~~schedule. All public facilities must be consistent with the~~  
 1092 ~~capital improvements element. The annual update to the capital~~

1093 ~~improvements element of the comprehensive plan need not comply~~  
 1094 ~~with the financial feasibility requirement until December 1,~~  
 1095 ~~2011. Thereafter, a local government may not amend its future~~  
 1096 ~~land use map, except for plan amendments to meet new~~  
 1097 ~~requirements under this part and emergency amendments pursuant~~  
 1098 ~~to s. 163.3187(1)(a), after December 1, 2011, and every year~~  
 1099 ~~thereafter, unless and until the local government has adopted~~  
 1100 ~~the annual update and it has been transmitted to the state land~~  
 1101 ~~planning agency.~~

1102 ~~2. Capital improvements element amendments adopted after~~  
 1103 ~~the effective date of this act shall require only a single~~  
 1104 ~~public hearing before the governing board which shall be an~~  
 1105 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~  
 1106 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1107 ~~(c) If the local government does not adopt the required~~  
 1108 ~~annual update to the schedule of capital improvements, the state~~  
 1109 ~~land planning agency must notify the Administration Commission.~~  
 1110 ~~A local government that has a demonstrated lack of commitment to~~  
 1111 ~~meeting its obligations identified in the capital improvements~~  
 1112 ~~element may be subject to sanctions by the Administration~~  
 1113 ~~Commission pursuant to s. 163.3184(11).~~

1114 ~~(d) If a local government adopts a long-term concurrency~~  
 1115 ~~management system pursuant to s. 163.3180(9), it must also adopt~~  
 1116 ~~a long-term capital improvements schedule covering up to a 10-~~  
 1117 ~~year or 15-year period, and must update the long-term schedule~~  
 1118 ~~annually. The long-term schedule of capital improvements must be~~  
 1119 ~~financially feasible.~~

1120 ~~(e) At the discretion of the local government and~~



1121 ~~notwithstanding the requirements of this subsection, a~~  
 1122 ~~comprehensive plan, as revised by an amendment to the plan's~~  
 1123 ~~future land use map, shall be deemed to be financially feasible~~  
 1124 ~~and to have achieved and maintained level of service standards~~  
 1125 ~~as required by this section with respect to transportation~~  
 1126 ~~facilities if the amendment to the future land use map is~~  
 1127 ~~supported by a:~~

1128 ~~1. Condition in a development order for a development of~~  
 1129 ~~regional impact or binding agreement that addresses~~  
 1130 ~~proportionate share mitigation consistent with s. 163.3180(12);~~  
 1131 ~~or~~

1132 ~~2. Binding agreement addressing proportionate fair share~~  
 1133 ~~mitigation consistent with s. 163.3180(16) (f) and the property~~  
 1134 ~~subject to the amendment to the future land use map is located~~  
 1135 ~~within an area designated in a comprehensive plan for urban~~  
 1136 ~~infill, urban redevelopment, downtown revitalization, urban~~  
 1137 ~~infill and redevelopment, or an urban service area. The binding~~  
 1138 ~~agreement must be based on the maximum amount of development~~  
 1139 ~~identified by the future land use map amendment or as may be~~  
 1140 ~~otherwise restricted through a special area plan policy or map~~  
 1141 ~~notation in the comprehensive plan.~~

1142 ~~(f) A local government's comprehensive plan and plan~~  
 1143 ~~amendments for land uses within all transportation concurrency~~  
 1144 ~~exception areas that are designated and maintained in accordance~~  
 1145 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~  
 1146 ~~achieve and maintain level of service standards for~~  
 1147 ~~transportation.~~

1148 (4) (a) Coordination of the local comprehensive plan with

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1149 the comprehensive plans of adjacent municipalities, the county,  
 1150 adjacent counties, or the region; with the appropriate water  
 1151 management district's regional water supply plans approved  
 1152 pursuant to s. 373.709; and with adopted rules pertaining to  
 1153 designated areas of critical state concern; ~~and with the state~~  
 1154 ~~comprehensive plan~~ shall be a major objective of the local  
 1155 comprehensive planning process. ~~To that end, in the preparation~~  
 1156 ~~of a comprehensive plan or element thereof, and in the~~  
 1157 ~~comprehensive plan or element as adopted, the governing body~~  
 1158 ~~shall include a specific policy statement indicating the~~  
 1159 ~~relationship of the proposed development of the area to the~~  
 1160 ~~comprehensive plans of adjacent municipalities, the county,~~  
 1161 ~~adjacent counties, or the region and to the state comprehensive~~  
 1162 ~~plan, as the case may require and as such adopted plans or plans~~  
 1163 ~~in preparation may exist.~~

1164 (b) When all or a portion of the land in a local  
 1165 government jurisdiction is or becomes part of a designated area  
 1166 of critical state concern, the local government shall clearly  
 1167 identify those portions of the local comprehensive plan that  
 1168 shall be applicable to the critical area and shall indicate the  
 1169 relationship of the proposed development of the area to the  
 1170 rules for the area of critical state concern.

1171 (5) (a) Each local government comprehensive plan must  
 1172 include at least two planning periods, one covering at least the  
 1173 first 5-year period occurring after the plan's adoption and one  
 1174 covering at least a 10-year period. Additional planning periods  
 1175 for specific components, elements, land use amendments, or  
 1176 projects shall be permissible and accepted as part of the

1177 planning process.

1178 (b) The comprehensive plan and its elements shall contain  
 1179 guidelines or policies ~~policy recommendations~~ for the  
 1180 implementation of the plan and its elements.

1181 (6) In addition to the requirements of subsections (1)-(5)  
 1182 ~~and (12)~~, the comprehensive plan shall include the following  
 1183 elements:

1184 (a) A future land use plan element designating proposed  
 1185 future general distribution, location, and extent of the uses of  
 1186 land for residential uses, commercial uses, industry,  
 1187 agriculture, recreation, conservation, education, ~~public~~  
 1188 ~~buildings and grounds~~, other public facilities, and other  
 1189 categories of the public and private uses of land. The  
 1190 approximate acreage and the general range of density or  
 1191 intensity of use shall be provided for the gross land area  
 1192 included in each existing land use category. The element shall  
 1193 establish the long-term end toward which land use programs and  
 1194 activities are ultimately directed. ~~Counties are encouraged to~~  
 1195 ~~designate rural land stewardship areas, pursuant to paragraph~~  
 1196 ~~(11)(d), as overlays on the future land use map.~~

1197 1. Each future land use category must be defined in terms  
 1198 of uses included, and must include standards to be followed in  
 1199 the control and distribution of population densities and  
 1200 building and structure intensities. The proposed distribution,  
 1201 location, and extent of the various categories of land use shall  
 1202 be shown on a land use map or map series which shall be  
 1203 supplemented by goals, policies, and measurable objectives.

1204 2. The future land use plan and plan amendments shall be

1205 based upon surveys, studies, and data regarding the area, as  
 1206 applicable, including:

1207       a. The amount of land required to accommodate anticipated  
 1208 growth.~~†~~

1209       b. The projected residential and seasonal population of  
 1210 the area.~~†~~

1211       c. The character of undeveloped land.~~†~~

1212       d. The availability of water supplies, public facilities,  
 1213 and services.~~†~~

1214       e. The need for redevelopment, including the renewal of  
 1215 blighted areas and the elimination of nonconforming uses which  
 1216 are inconsistent with the character of the community.~~†~~

1217       f. The compatibility of uses on lands adjacent to or  
 1218 closely proximate to military installations.~~†~~

1219       g. The compatibility of uses on lands adjacent to an  
 1220 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~

1221       h. The discouragement of urban sprawl.~~†~~; ~~energy-efficient~~  
 1222 ~~land use patterns accounting for existing and future electric~~  
 1223 ~~power generation and transmission systems; greenhouse gas~~  
 1224 ~~reduction strategies; and, in rural communities,~~

1225       i. The need for job creation, capital investment, and  
 1226 economic development that will strengthen and diversify the  
 1227 community's economy.

1228       j. The need to modify land uses and development patterns  
 1229 within antiquated subdivisions. ~~The future land use plan may~~  
 1230 ~~designate areas for future planned development use involving~~  
 1231 ~~combinations of types of uses for which special regulations may~~  
 1232 ~~be necessary to ensure development in accord with the principles~~

1233 ~~and standards of the comprehensive plan and this act.~~

1234 3. The future land use plan element shall include criteria

1235 to be used to:

1236 a. Achieve the compatibility of lands adjacent or closely

1237 proximate to military installations, considering factors

1238 identified in s. 163.3175(5). ~~and~~

1239 b. Achieve the compatibility of lands adjacent to an

1240 airport as defined in s. 330.35 and consistent with s. 333.02.

1241 c. Encourage preservation of recreational and commercial

1242 working waterfronts for water dependent uses in coastal

1243 communities.

1244 d. Encourage the location of schools proximate to urban

1245 residential areas to the extent possible.

1246 e. Coordinate future land uses with the topography and

1247 soil conditions, and the availability of facilities and

1248 services.

1249 f. Ensure the protection of natural and historic

1250 resources.

1251 g. Provide for the compatibility of adjacent land uses.

1252 h. Provide guidelines for the implementation of mixed use

1253 development including the types of uses allowed, the percentage

1254 distribution among the mix of uses, or other standards, and the

1255 density and intensity of each use.

1256 4. ~~In addition, for rural communities,~~ The amount of land

1257 designated for future planned uses ~~industrial use~~ shall provide

1258 a balance of uses that foster vibrant, viable communities,

1259 provide economic development strategies, and address outdated

1260 development patterns, such as antiquated subdivisions. The

1261 amount of land designated for future land uses should allow the  
 1262 operation of real estate markets to provide adequate choices for  
 1263 permanent and seasonal residents and business and ~~be based upon~~  
 1264 ~~surveys and studies that reflect the need for job creation,~~  
 1265 ~~capital investment, and the necessity to strengthen and~~  
 1266 ~~diversify the local economies, and may not be limited solely by~~  
 1267 ~~the projected population of the rural community. The element~~  
 1268 shall accommodate at least the minimum amount of land required  
 1269 to accommodate the medium projections of the Bureau of Business  
 1270 and Economic Research.

1271 5. The future land use plan of a county may ~~also~~ designate  
 1272 areas for possible future municipal incorporation.

1273 6. The land use maps or map series shall generally  
 1274 identify and depict historic district boundaries and shall  
 1275 designate historically significant properties meriting  
 1276 protection. ~~For coastal counties, the future land use element~~  
 1277 ~~must include, without limitation, regulatory incentives and~~  
 1278 ~~criteria that encourage the preservation of recreational and~~  
 1279 ~~commercial working waterfronts as defined in s. 342.07.~~

1280 7. The future land use element must clearly identify the  
 1281 land use categories in which public schools are an allowable  
 1282 use. When delineating the land use categories in which public  
 1283 schools are an allowable use, a local government shall include  
 1284 in the categories sufficient land proximate to residential  
 1285 development to meet the projected needs for schools in  
 1286 coordination with public school boards and may establish  
 1287 differing criteria for schools of different type or size. Each  
 1288 local government shall include lands contiguous to existing

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1289 school sites, to the maximum extent possible, within the land  
1290 use categories in which public schools are an allowable use. ~~The~~  
1291 ~~failure by a local government to comply with these school siting~~  
1292 ~~requirements will result in the prohibition of the local~~  
1293 ~~government's ability to amend the local comprehensive plan,~~  
1294 ~~except for plan amendments described in s. 163.3187(1)(b), until~~  
1295 ~~the school siting requirements are met. Amendments proposed by a~~  
1296 ~~local government for purposes of identifying the land use~~  
1297 ~~categories in which public schools are an allowable use are~~  
1298 ~~exempt from the limitation on the frequency of plan amendments~~  
1299 ~~contained in s. 163.3187. The future land use element shall~~  
1300 ~~include criteria that encourage the location of schools~~  
1301 ~~proximate to urban residential areas to the extent possible and~~  
1302 ~~shall require that the local government seek to collocate public~~  
1303 ~~facilities, such as parks, libraries, and community centers,~~  
1304 ~~with schools to the extent possible and to encourage the use of~~  
1305 ~~elementary schools as focal points for neighborhoods. For~~  
1306 ~~schools serving predominantly rural counties, defined as a~~  
1307 ~~county with a population of 100,000 or fewer, an agricultural~~  
1308 ~~land use category is eligible for the location of public school~~  
1309 ~~facilities if the local comprehensive plan contains school~~  
1310 ~~siting criteria and the location is consistent with such~~  
1311 ~~eriteria.~~

1312 8. Future land use map amendments shall be based upon the  
1313 following analyses:

1314 a. An analysis of the availability of facilities and  
1315 services.

1316 b. An analysis of the suitability of the plan amendment

1317 for its proposed use considering the character of the  
 1318 undeveloped land, soils, topography, natural resources, and  
 1319 historic resources on site.

1320 c. An analysis of the minimum amount of land needed as  
 1321 determined by the local government.

1322 9. The future land use element and any amendment to the  
 1323 future land use element shall discourage the proliferation of  
 1324 urban sprawl.

1325 a. The primary indicators that a plan or plan amendment  
 1326 does not discourage the proliferation of urban sprawl are listed  
 1327 below. The evaluation of the presence of these indicators shall  
 1328 consist of an analysis of the plan or plan amendment within the  
 1329 context of features and characteristics unique to each locality  
 1330 in order to determine whether the plan or plan amendment:

1331 (I) Promotes, allows, or designates for development  
 1332 substantial areas of the jurisdiction to develop as low-  
 1333 intensity, low-density, or single-use development or uses.

1334 (II) Promotes, allows, or designates significant amounts  
 1335 of urban development to occur in rural areas at substantial  
 1336 distances from existing urban areas while not using undeveloped  
 1337 lands that are available and suitable for development.

1338 (III) Promotes, allows, or designates urban development in  
 1339 radial, strip, isolated, or ribbon patterns generally emanating  
 1340 from existing urban developments.

1341 (IV) Fails to adequately protect and conserve natural  
 1342 resources, such as wetlands, floodplains, native vegetation,  
 1343 environmentally sensitive areas, natural groundwater aquifer  
 1344 recharge areas, lakes, rivers, shorelines, beaches, bays,



1345 estuarine systems, and other significant natural systems.  
 1346 (V) Fails to adequately protect adjacent agricultural  
 1347 areas and activities, including silviculture, active  
 1348 agricultural and silvicultural activities, passive agricultural  
 1349 activities, and dormant, unique, and prime farmlands and soils.  
 1350 (VI) Fails to maximize use of existing public facilities  
 1351 and services.  
 1352 (VII) Fails to maximize use of future public facilities  
 1353 and services.  
 1354 (VIII) Allows for land use patterns or timing which  
 1355 disproportionately increase the cost in time, money, and energy  
 1356 of providing and maintaining facilities and services, including  
 1357 roads, potable water, sanitary sewer, stormwater management, law  
 1358 enforcement, education, health care, fire and emergency  
 1359 response, and general government.  
 1360 (IX) Fails to provide a clear separation between rural and  
 1361 urban uses.  
 1362 (X) Discourages or inhibits infill development or the  
 1363 redevelopment of existing neighborhoods and communities.  
 1364 (XI) Fails to encourage a functional mix of uses.  
 1365 (XII) Results in poor accessibility among linked or  
 1366 related land uses.  
 1367 (XIII) Results in the loss of significant amounts of  
 1368 functional open space.  
 1369 b. The future land use element or plan amendment shall be  
 1370 determined to discourage the proliferation of urban sprawl if it  
 1371 incorporates a development pattern or urban form that achieves  
 1372 four or more of the following:

1373 (I) Directs or locates economic growth and associated land  
 1374 development to geographic areas of the community in a manner  
 1375 that does not have an adverse impact on and protects natural  
 1376 resources and ecosystems.

1377 (II) Promotes the efficient and cost-effective provision  
 1378 or extension of public infrastructure and services.

1379 (III) Promotes walkable and connected communities and  
 1380 provides for compact development and a mix of uses at densities  
 1381 and intensities that will support a range of housing choices and  
 1382 a multimodal transportation system, including pedestrian,  
 1383 bicycle, and transit, if available.

1384 (IV) Promotes conservation of water and energy.

1385 (V) Preserves agricultural areas and activities, including  
 1386 silviculture, and dormant, unique, and prime farmlands and  
 1387 soils.

1388 (VI) Preserves open space and natural lands and provides  
 1389 for public open space and recreation needs.

1390 (VII) Creates a balance of land uses based upon demands of  
 1391 residential population for the nonresidential needs of an area.

1392 (VIII) Provides uses, densities, and intensities of use  
 1393 and urban form that would remediate an existing or planned  
 1394 development pattern in the vicinity that constitutes sprawl or  
 1395 if it provides for an innovative development pattern such as  
 1396 transit-oriented developments or new towns as defined in s.  
 1397 163.3164.

1398 10. The future land use element shall include a future  
 1399 land use map or map series.

1400 a. The proposed distribution, extent, and location of the

1401 following uses shall be shown on the future land use map or map  
 1402 series:

- 1403 (I) Residential.
- 1404 (II) Commercial.
- 1405 (III) Industrial.
- 1406 (IV) Agricultural.
- 1407 (V) Recreational.
- 1408 (VI) Conservation.
- 1409 (VII) Educational.
- 1410 (VIII) Public.

1411 b. The following areas shall also be shown on the future  
 1412 land use map or map series, if applicable:

- 1413 (I) Historic district boundaries and designated  
 1414 historically significant properties.
- 1415 (II) Transportation concurrency management area boundaries  
 1416 or transportation concurrency exception area boundaries.
- 1417 (III) Multimodal transportation district boundaries.
- 1418 (IV) Mixed use categories.

1419 c. The following natural resources or conditions shall be  
 1420 shown on the future land use map or map series, if applicable:

- 1421 (I) Existing and planned public potable waterwells, cones  
 1422 of influence, and wellhead protection areas.
- 1423 (II) Beaches and shores, including estuarine systems.
- 1424 (III) Rivers, bays, lakes, floodplains, and harbors.
- 1425 (IV) Wetlands.
- 1426 (V) Minerals and soils.
- 1427 (VI) Coastal high hazard areas.

1428 11. Local governments required to update or amend their

1429 comprehensive plan to include criteria and address compatibility  
 1430 of lands adjacent or closely proximate to existing military  
 1431 installations, or lands adjacent to an airport as defined in s.  
 1432 330.35 and consistent with s. 333.02, in their future land use  
 1433 plan element shall transmit the update or amendment to the state  
 1434 land planning agency by June 30, 2012.

1435 (b)1. A transportation element addressing mobility issues  
 1436 in relationship to the size and character of the local  
 1437 government. The purpose of the transportation element shall be  
 1438 to plan for a multimodal transportation system that places  
 1439 emphasis on public transportation systems, where feasible. The  
 1440 element shall provide for a safe, convenient multimodal  
 1441 transportation system, coordinated with the future land use map  
 1442 or map series and designed to support all elements of the  
 1443 comprehensive plan. A local government that has all or part of  
 1444 its jurisdiction included within the metropolitan planning area  
 1445 of a metropolitan planning organization (M.P.O.) pursuant to s.  
 1446 339.175 shall prepare and adopt a transportation element  
 1447 consistent with this subsection. Local governments that are not  
 1448 located within the metropolitan planning area of an M.P.O. shall  
 1449 address traffic circulation, mass transit, and ports, and  
 1450 aviation and related facilities consistent with this subsection,  
 1451 except that local governments with a population of 50,000 or  
 1452 less shall only be required to address transportation  
 1453 circulation. The element shall be coordinated with the plans and  
 1454 programs of any applicable metropolitan planning organization,  
 1455 transportation authority, Florida Transportation Plan, and  
 1456 Department of Transportation's adopted work program. The

1457 transportation element shall address

1458 ~~(b) A traffic circulation, including element consisting of~~

1459 ~~the types, locations, and extent of existing and proposed major~~

1460 ~~thoroughfares and transportation routes, including bicycle and~~

1461 ~~pedestrian ways. Transportation corridors, as defined in s.~~

1462 ~~334.03, may be designated in the transportation traffic~~

1463 ~~circulation element pursuant to s. 337.273. If the~~

1464 ~~transportation corridors are designated, the local government~~

1465 ~~may adopt a transportation corridor management ordinance. The~~

1466 ~~element shall reflect the data, analysis, and associated~~

1467 ~~principles and strategies relating to:~~

1468 ~~a. The existing transportation system levels of service~~

1469 ~~and system needs and the availability of transportation~~

1470 ~~facilities and services.~~

1471 ~~b. The growth trends and travel patterns and interactions~~

1472 ~~between land use and transportation.~~

1473 ~~c. Existing and projected intermodal deficiencies and~~

1474 ~~needs.~~

1475 ~~d. The projected transportation system levels of service~~

1476 ~~and system needs based upon the future land use map and the~~

1477 ~~projected integrated transportation system.~~

1478 ~~e. How the local government will correct existing facility~~

1479 ~~deficiencies, meet the identified needs of the projected~~

1480 ~~transportation system, and advance the purpose of this paragraph~~

1481 ~~and the other elements of the comprehensive plan.~~

1482 ~~2. Local governments within a metropolitan planning area~~

1483 ~~designated as an M.P.O. pursuant to s. 339.175 shall also~~

1484 ~~address:~~

- 1485        a. All alternative modes of travel, such as public
- 1486 transportation, pedestrian, and bicycle travel.
- 1487        b. Aviation, rail, seaport facilities, access to those
- 1488 facilities, and intermodal terminals.
- 1489        c. The capability to evacuate the coastal population
- 1490 before an impending natural disaster.
- 1491        d. Airports, projected airport and aviation development,
- 1492 and land use compatibility around airports, which includes areas
- 1493 defined in ss. 333.01 and 333.02.
- 1494        e. An identification of land use densities, building
- 1495 intensities, and transportation management programs to promote
- 1496 public transportation systems in designated public
- 1497 transportation corridors so as to encourage population densities
- 1498 sufficient to support such systems.
- 1499        3. Mass-transit provisions showing proposed methods for
- 1500 the moving of people, rights-of-way, terminals, and related
- 1501 facilities shall address:
- 1502        a. The provision of efficient public transit services
- 1503 based upon existing and proposed major trip generators and
- 1504 attractors, safe and convenient public transit terminals, land
- 1505 uses, and accommodation of the special needs of the
- 1506 transportation disadvantaged.
- 1507        b. Plans for port, aviation, and related facilities
- 1508 coordinated with the general circulation and transportation
- 1509 element.
- 1510        c. Plans for the circulation of recreational traffic,
- 1511 including bicycle facilities, exercise trails, riding
- 1512 facilities, and such other matters as may be related to the

1513 improvement and safety of movement of all types of recreational  
 1514 traffic.

1515 4. An airport master plan, and any subsequent amendments  
 1516 to the airport master plan, prepared by a licensed publicly  
 1517 owned and operated airport under s. 333.06 may be incorporated  
 1518 into the local government comprehensive plan by the local  
 1519 government having jurisdiction under this act for the area in  
 1520 which the airport or projected airport development is located by  
 1521 the adoption of a comprehensive plan amendment. In the amendment  
 1522 to the local comprehensive plan that integrates the airport  
 1523 master plan, the comprehensive plan amendment shall address land  
 1524 use compatibility consistent with chapter 333 regarding airport  
 1525 zoning; the provision of regional transportation facilities for  
 1526 the efficient use and operation of the transportation system and  
 1527 airport; consistency with the local government transportation  
 1528 circulation element and applicable M.P.O. long-range  
 1529 transportation plans; the execution of any necessary interlocal  
 1530 agreements for the purposes of the provision of public  
 1531 facilities and services to maintain the adopted level-of-service  
 1532 standards for facilities subject to concurrency; and may address  
 1533 airport-related or aviation-related development. Development or  
 1534 expansion of an airport consistent with the adopted airport  
 1535 master plan that has been incorporated into the local  
 1536 comprehensive plan in compliance with this part, and airport-  
 1537 related or aviation-related development that has been addressed  
 1538 in the comprehensive plan amendment that incorporates the  
 1539 airport master plan, shall not be a development of regional  
 1540 impact. Notwithstanding any other general law, an airport that

1541 has received a development-of-regional-impact development order  
 1542 pursuant to s. 380.06, but which is no longer required to  
 1543 undergo development-of-regional-impact review pursuant to this  
 1544 subsection, may rescind its development-of-regional-impact order  
 1545 upon written notification to the applicable local government.  
 1546 Upon receipt by the local government, the development-of-  
 1547 regional-impact development order shall be deemed rescinded.

1548 5. The transportation element shall include a map or map  
 1549 series showing the general location of the existing and proposed  
 1550 transportation system features and shall be coordinated with the  
 1551 future land use map or map series. ~~The traffic circulation~~  
 1552 ~~element shall incorporate transportation strategies to address~~  
 1553 ~~reduction in greenhouse gas emissions from the transportation~~  
 1554 ~~sector.~~

1555 (c) A general sanitary sewer, solid waste, drainage,  
 1556 potable water, and natural groundwater aquifer recharge element  
 1557 correlated to principles and guidelines for future land use,  
 1558 indicating ways to provide for future potable water, drainage,  
 1559 sanitary sewer, solid waste, and aquifer recharge protection  
 1560 requirements for the area. The element may be a detailed  
 1561 engineering plan including a topographic map depicting areas of  
 1562 prime groundwater recharge.

1563 1. Each local government shall address in the data and  
 1564 analyses required by this section those facilities that provide  
 1565 service within the local government's jurisdiction. Local  
 1566 governments that provide facilities to serve areas within other  
 1567 local government jurisdictions shall also address those  
 1568 facilities in the data and analyses required by this section,



1569 using data from the comprehensive plan for those areas for the  
 1570 purpose of projecting facility needs as required in this  
 1571 subsection. For shared facilities, each local government shall  
 1572 indicate the proportional capacity of the systems allocated to  
 1573 serve its jurisdiction.

1574 2. The element shall describe the problems and needs and  
 1575 the general facilities that will be required for solution of the  
 1576 problems and needs, including correcting existing facility  
 1577 deficiencies. The element shall address coordinating the  
 1578 extension of, or increase in the capacity of, facilities to meet  
 1579 future needs while maximizing the use of existing facilities and  
 1580 discouraging urban sprawl; conservation of potable water  
 1581 resources; and protecting the functions of natural groundwater  
 1582 recharge areas and natural drainage features. ~~The element shall~~  
 1583 ~~also include a topographic map depicting any areas adopted by a~~  
 1584 ~~regional water management district as prime groundwater recharge~~  
 1585 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~  
 1586 ~~be given special consideration when the local government is~~  
 1587 ~~engaged in zoning or considering future land use for said~~  
 1588 ~~designated areas. For areas served by septic tanks, soil surveys~~  
 1589 ~~shall be provided which indicate the suitability of soils for~~  
 1590 ~~septic tanks.~~

1591 3. Within 18 months after the governing board approves an  
 1592 updated regional water supply plan, the element must incorporate  
 1593 the alternative water supply project or projects selected by the  
 1594 local government from those identified in the regional water  
 1595 supply plan pursuant to s. 373.709(2) (a) or proposed by the  
 1596 local government under s. 373.709(8) (b). If a local government

1597 is located within two water management districts, the local  
 1598 government shall adopt its comprehensive plan amendment within  
 1599 18 months after the later updated regional water supply plan.  
 1600 The element must identify such alternative water supply projects  
 1601 and traditional water supply projects and conservation and reuse  
 1602 necessary to meet the water needs identified in s. 373.709(2)(a)  
 1603 within the local government's jurisdiction and include a work  
 1604 plan, covering at least a 10-year planning period, for building  
 1605 public, private, and regional water supply facilities, including  
 1606 development of alternative water supplies, which are identified  
 1607 in the element as necessary to serve existing and new  
 1608 development. The work plan shall be updated, at a minimum, every  
 1609 5 years within 18 months after the governing board of a water  
 1610 management district approves an updated regional water supply  
 1611 plan. ~~Amendments to incorporate the work plan do not count~~  
 1612 ~~toward the limitation on the frequency of adoption of amendments~~  
 1613 ~~to the comprehensive plan.~~ Local governments, public and private  
 1614 utilities, regional water supply authorities, special districts,  
 1615 and water management districts are encouraged to cooperatively  
 1616 plan for the development of multijurisdictional water supply  
 1617 facilities that are sufficient to meet projected demands for  
 1618 established planning periods, including the development of  
 1619 alternative water sources to supplement traditional sources of  
 1620 groundwater and surface water supplies.

1621 (d) A conservation element for the conservation, use, and  
 1622 protection of natural resources in the area, including air,  
 1623 water, water recharge areas, wetlands, waterwells, estuarine  
 1624 marshes, soils, beaches, shores, flood plains, rivers, bays,

1625 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
 1626 minerals, and other natural and environmental resources,  
 1627 including factors that affect energy conservation.

1628 1. The following natural resources, where present within  
 1629 the local government's boundaries, shall be identified and  
 1630 analyzed and existing recreational or conservation uses, known  
 1631 pollution problems, including hazardous wastes, and the  
 1632 potential for conservation, recreation, use, or protection shall  
 1633 also be identified:

1634 a. Rivers, bays, lakes, wetlands including estuarine  
 1635 marshes, groundwaters, and springs, including information on  
 1636 quality of the resource available.

1637 b. Floodplains.

1638 c. Known sources of commercially valuable minerals.

1639 d. Areas known to have experienced soil erosion problems.

1640 e. Areas that are the location of recreationally and  
 1641 commercially important fish or shellfish, wildlife, marine  
 1642 habitats, and vegetative communities, including forests,  
 1643 indicating known dominant species present and species listed by  
 1644 federal, state, or local government agencies as endangered,  
 1645 threatened, or species of special concern.

1646 2. The element must contain principles, guidelines, and  
 1647 standards for conservation that provide long-term goals and  
 1648 which:

1649 a. Protects air quality.

1650 b. Conserves, appropriately uses, and protects the quality  
 1651 and quantity of current and projected water sources and waters  
 1652 that flow into estuarine waters or oceanic waters and protect

1653 from activities and land uses known to affect adversely the  
 1654 quality and quantity of identified water sources, including  
 1655 natural groundwater recharge areas, wellhead protection areas,  
 1656 and surface waters used as a source of public water supply.

1657 c. Provides for the emergency conservation of water  
 1658 sources in accordance with the plans of the regional water  
 1659 management district.

1660 d. Conserves, appropriately uses, and protects minerals,  
 1661 soils, and native vegetative communities, including forests,  
 1662 from destruction by development activities.

1663 e. Conserves, appropriately uses, and protects fisheries,  
 1664 wildlife, wildlife habitat, and marine habitat and restricts  
 1665 activities known to adversely affect the survival of endangered  
 1666 and threatened wildlife.

1667 f. Protects existing natural reservations identified in  
 1668 the recreation and open space element.

1669 g. Maintains cooperation with adjacent local governments  
 1670 to conserve, appropriately use, or protect unique vegetative  
 1671 communities located within more than one local jurisdiction.

1672 h. Designates environmentally sensitive lands for  
 1673 protection based on locally determined criteria which further  
 1674 the goals and objectives of the conservation element.

1675 i. Manages hazardous waste to protect natural resources.

1676 j. Protects and conserves wetlands and the natural  
 1677 functions of wetlands.

1678 k. Directs future land uses that are incompatible with the  
 1679 protection and conservation of wetlands and wetland functions  
 1680 away from wetlands. The type, intensity or density, extent,

1681 distribution, and location of allowable land uses and the types,  
 1682 values, functions, sizes, conditions, and locations of wetlands  
 1683 are land use factors that shall be considered when directing  
 1684 incompatible land uses away from wetlands. Land uses shall be  
 1685 distributed in a manner that minimizes the effect and impact on  
 1686 wetlands. The protection and conservation of wetlands by the  
 1687 direction of incompatible land uses away from wetlands shall  
 1688 occur in combination with other principles, guidelines,  
 1689 standards, and strategies in the comprehensive plan. Where  
 1690 incompatible land uses are allowed to occur, mitigation shall be  
 1691 considered as one means to compensate for loss of wetlands  
 1692 functions.

1693 3. Local governments shall assess their Current and, ~~as~~  
 1694 ~~well as~~ projected, ~~water~~ needs and sources for at least a 10-  
 1695 year period based on the demands for industrial, agricultural,  
 1696 and potable water use and the quality and quantity of water  
 1697 available to meet these demands shall be analyzed. The analysis  
 1698 shall consider the existing levels of water conservation, use,  
 1699 and protection and applicable policies of the regional water  
 1700 management district and further must consider, ~~considering~~ the  
 1701 appropriate regional water supply plan approved pursuant to s.  
 1702 373.709, or, in the absence of an approved regional water supply  
 1703 plan, the district water management plan approved pursuant to s.  
 1704 373.036(2). This information shall be submitted to the  
 1705 appropriate agencies. ~~The land use map or map series contained~~  
 1706 ~~in the future land use element shall generally identify and~~  
 1707 ~~depict the following:~~

1708 ~~1. Existing and planned waterwells and cones of influence~~

- 1709 ~~where applicable.~~
- 1710       2. ~~Beaches and shores, including estuarine systems.~~
- 1711       3. ~~Rivers, bays, lakes, flood plains, and harbors.~~
- 1712       4. ~~Wetlands.~~
- 1713       5. ~~Minerals and soils.~~
- 1714       6. ~~Energy conservation.~~

1715

1716 ~~The land uses identified on such maps shall be consistent with~~  
 1717 ~~applicable state law and rules.~~

1718       (e) A recreation and open space element indicating a  
 1719 comprehensive system of public and private sites for recreation,  
 1720 including, but not limited to, natural reservations, parks and  
 1721 playgrounds, parkways, beaches and public access to beaches,  
 1722 open spaces, waterways, and other recreational facilities.

1723       (f)1. A housing element consisting of ~~standards, plans,~~  
 1724 ~~and principles,~~ guidelines, standards, and strategies to be  
 1725 followed in:

- 1726           a. The provision of housing for all current and  
 1727 anticipated future residents of the jurisdiction.
- 1728           b. The elimination of substandard dwelling conditions.
- 1729           c. The structural and aesthetic improvement of existing  
 1730 housing.
- 1731           d. The provision of adequate sites for future housing,  
 1732 including affordable workforce housing as defined in s.  
 1733 380.0651(3)(j), housing for low-income, very low-income, and  
 1734 moderate-income families, mobile homes, and group home  
 1735 facilities and foster care facilities, with supporting  
 1736 infrastructure and public facilities.

1737 e. Provision for relocation housing and identification of  
 1738 historically significant and other housing for purposes of  
 1739 conservation, rehabilitation, or replacement.

1740 f. The formulation of housing implementation programs.

1741 g. The creation or preservation of affordable housing to  
 1742 minimize the need for additional local services and avoid the  
 1743 concentration of affordable housing units only in specific areas  
 1744 of the jurisdiction.

1745 ~~h. Energy efficiency in the design and construction of new~~  
 1746 ~~housing.~~

1747 ~~i. Use of renewable energy resources.~~

1748 ~~j. Each county in which the gap between the buying power~~  
 1749 ~~of a family of four and the median county home sale price~~  
 1750 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~  
 1751 ~~Corporation, and which is not designated as an area of critical~~  
 1752 ~~state concern shall adopt a plan for ensuring affordable~~  
 1753 ~~workforce housing. At a minimum, the plan shall identify~~  
 1754 ~~adequate sites for such housing. For purposes of this sub-~~  
 1755 ~~subparagraph, the term "workforce housing" means housing that is~~  
 1756 ~~affordable to natural persons or families whose total household~~  
 1757 ~~income does not exceed 140 percent of the area median income,~~  
 1758 ~~adjusted for household size.~~

1759 ~~k. As a precondition to receiving any state affordable~~  
 1760 ~~housing funding or allocation for any project or program within~~  
 1761 ~~the jurisdiction of a county that is subject to sub-subparagraph~~  
 1762 ~~j., a county must, by July 1 of each year, provide certification~~  
 1763 ~~that the county has complied with the requirements of sub-~~  
 1764 ~~subparagraph j.~~

1765           2. The principles, guidelines, standards, and strategies  
 1766 ~~goals, objectives, and policies~~ of the housing element must be  
 1767 based on the data and analysis prepared on housing needs,  
 1768 including an inventory taken from the latest decennial United  
 1769 States Census or more recent estimates, and the affordable  
 1770 housing needs assessment, which shall include the number and  
 1771 distribution of dwelling units by type, tenure, age, rent,  
 1772 value, monthly cost of owner-occupied units, and rent or cost to  
 1773 income ratio, and shall show the number of dwelling units that  
 1774 are substandard. The inventory shall also include the  
 1775 methodology used to estimate the condition of housing, a  
 1776 projection of the anticipated number of households by size,  
 1777 income range, and age of residents derived from the population  
 1778 projections, and the minimum housing need of the current and  
 1779 anticipated future residents of the jurisdiction.

1780           3. The housing element must express principles,  
 1781 guidelines, standards, and strategies that reflect, as needed,  
 1782 the creation and preservation of affordable housing for all  
 1783 current and anticipated future residents of the jurisdiction,  
 1784 elimination of substandard housing conditions, adequate sites,  
 1785 and distribution of housing for a range of incomes and types,  
 1786 including mobile and manufactured homes. The element must  
 1787 provide for specific programs and actions to partner with  
 1788 private and nonprofit sectors to address housing needs in the  
 1789 jurisdiction, streamline the permitting process, and minimize  
 1790 costs and delays for affordable housing, establish standards to  
 1791 address the quality of housing, stabilization of neighborhoods,  
 1792 and identification and improvement of historically significant



1793 housing.

1794 4. State and federal housing plans prepared on behalf of  
 1795 the local government must be consistent with the goals,  
 1796 objectives, and policies of the housing element. Local  
 1797 governments are encouraged to use job training, job creation,  
 1798 and economic solutions to address a portion of their affordable  
 1799 housing concerns.

1800 ~~2. To assist local governments in housing data collection~~  
 1801 ~~and analysis and assure uniform and consistent information~~  
 1802 ~~regarding the state's housing needs, the state land planning~~  
 1803 ~~agency shall conduct an affordable housing needs assessment for~~  
 1804 ~~all local jurisdictions on a schedule that coordinates the~~  
 1805 ~~implementation of the needs assessment with the evaluation and~~  
 1806 ~~appraisal reports required by s. 163.3191. Each local government~~  
 1807 ~~shall utilize the data and analysis from the needs assessment as~~  
 1808 ~~one basis for the housing element of its local comprehensive~~  
 1809 ~~plan. The agency shall allow a local government the option to~~  
 1810 ~~perform its own needs assessment, if it uses the methodology~~  
 1811 ~~established by the agency by rule.~~

1812 (g)~~4.~~ For those units of local government identified in s.  
 1813 380.24, a coastal management element, appropriately related to  
 1814 the particular requirements of paragraphs (d) and (e) and  
 1815 meeting the requirements of s. 163.3178(2) and (3). The coastal  
 1816 management element shall set forth the principles, guidelines,  
 1817 standards, and strategies ~~policies~~ that shall guide the local  
 1818 government's decisions and program implementation with respect  
 1819 to the following objectives:

1820 1.a. Maintain, restore, and enhance Maintenance,

1821 ~~restoration, and enhancement~~ of the overall quality of the  
 1822 coastal zone environment, including, but not limited to, its  
 1823 amenities and aesthetic values.

1824 ~~2.b.~~ 2.b. Preserve the continued existence of viable  
 1825 populations of all species of wildlife and marine life.

1826 ~~3.e.~~ 3.e. Protect the orderly and balanced utilization and  
 1827 preservation, consistent with sound conservation principles, of  
 1828 all living and nonliving coastal zone resources.

1829 ~~4.d.~~ 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable  
 1830 loss of coastal zone resources.

1831 ~~5.e.~~ 5.e. Use ecological planning principles and assumptions ~~to~~  
 1832 ~~be used~~ in the determination of the suitability ~~and extent~~ of  
 1833 permitted development.

1834 ~~f.~~ ~~Proposed management and regulatory techniques.~~

1835 ~~6.g.~~ 6.g. Limit ~~Limitation~~ of public expenditures that  
 1836 subsidize development in ~~high-hazard~~ coastal high-hazard areas.

1837 ~~7.h.~~ 7.h. Protect ~~Protection~~ of human life against the effects  
 1838 of natural disasters.

1839 ~~8.i.~~ 8.i. Direct the orderly development, maintenance, and use  
 1840 of ports identified in s. 403.021(9) to facilitate deepwater  
 1841 commercial navigation and other related activities.

1842 ~~9.j.~~ 9.j. Preserve historic and archaeological resources, which  
 1843 include the ~~Preservation, including~~ sensitive adaptive use of  
 1844 these ~~historic and archaeological~~ resources.

1845 ~~2.~~ ~~As part of this element, a local government that has a~~  
 1846 ~~coastal management element in its comprehensive plan is~~  
 1847 ~~encouraged to adopt recreational surface water use policies that~~  
 1848 ~~include applicable criteria for and consider such factors as~~

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1849 ~~natural resources, manatee protection needs, protection of~~  
1850 ~~working waterfronts and public access to the water, and~~  
1851 ~~recreation and economic demands. Criteria for manatee protection~~  
1852 ~~in the recreational surface water use policies should reflect~~  
1853 ~~applicable guidance outlined in the Boat Facility Siting Guide~~  
1854 ~~prepared by the Fish and Wildlife Conservation Commission. If~~  
1855 ~~the local government elects to adopt recreational surface water~~  
1856 ~~use policies by comprehensive plan amendment, such comprehensive~~  
1857 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~  
1858 ~~Local governments that wish to adopt recreational surface water~~  
1859 ~~use policies may be eligible for assistance with the development~~  
1860 ~~of such policies through the Florida Coastal Management Program.~~  
1861 ~~The Office of Program Policy Analysis and Government~~  
1862 ~~Accountability shall submit a report on the adoption of~~  
1863 ~~recreational surface water use policies under this subparagraph~~  
1864 ~~to the President of the Senate, the Speaker of the House of~~  
1865 ~~Representatives, and the majority and minority leaders of the~~  
1866 ~~Senate and the House of Representatives no later than December~~  
1867 ~~1, 2010.~~

1868 (h)1. An intergovernmental coordination element showing  
1869 relationships and stating principles and guidelines to be used  
1870 in coordinating the adopted comprehensive plan with the plans of  
1871 school boards, regional water supply authorities, and other  
1872 units of local government providing services but not having  
1873 regulatory authority over the use of land, with the  
1874 comprehensive plans of adjacent municipalities, the county,  
1875 adjacent counties, or the region, with the state comprehensive  
1876 plan and with the applicable regional water supply plan approved

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

1877 pursuant to s. 373.709, as the case may require and as such  
 1878 adopted plans or plans in preparation may exist. This element of  
 1879 the local comprehensive plan must demonstrate consideration of  
 1880 the particular effects of the local plan, when adopted, upon the  
 1881 development of adjacent municipalities, the county, adjacent  
 1882 counties, or the region, or upon the state comprehensive plan,  
 1883 as the case may require.

1884 a. The intergovernmental coordination element must provide  
 1885 procedures for identifying and implementing joint planning  
 1886 areas, especially for the purpose of annexation, municipal  
 1887 incorporation, and joint infrastructure service areas.

1888 ~~b. The intergovernmental coordination element must provide~~  
 1889 ~~for recognition of campus master plans prepared pursuant to s.~~  
 1890 ~~1013.30 and airport master plans under paragraph (k).~~

1891 ~~e.~~ The intergovernmental coordination element shall  
 1892 provide for a dispute resolution process, as established  
 1893 pursuant to s. 186.509, for bringing intergovernmental disputes  
 1894 to closure in a timely manner.

1895 ~~c.d.~~ The intergovernmental coordination element shall  
 1896 provide for interlocal agreements as established pursuant to s.  
 1897 333.03(1)(b).

1898 2. The intergovernmental coordination element shall also  
 1899 state principles and guidelines to be used in coordinating the  
 1900 adopted comprehensive plan with the plans of school boards and  
 1901 other units of local government providing facilities and  
 1902 services but not having regulatory authority over the use of  
 1903 land. In addition, the intergovernmental coordination element  
 1904 must describe joint processes for collaborative planning and

1905 decisionmaking on population projections and public school  
 1906 siting, the location and extension of public facilities subject  
 1907 to concurrency, and siting facilities with countywide  
 1908 significance, including locally unwanted land uses whose nature  
 1909 and identity are established in an agreement.

1910 3. Within 1 year after adopting their intergovernmental  
 1911 coordination elements, each county, all the municipalities  
 1912 within that county, the district school board, and any unit of  
 1913 local government service providers in that county shall  
 1914 establish by interlocal or other formal agreement executed by  
 1915 all affected entities, the joint processes described in this  
 1916 subparagraph consistent with their adopted intergovernmental  
 1917 coordination elements. The element must:

1918 a. Ensure that the local government addresses through  
 1919 coordination mechanisms the impacts of development proposed in  
 1920 the local comprehensive plan upon development in adjacent  
 1921 municipalities, the county, adjacent counties, the region, and  
 1922 the state. The area of concern for municipalities shall include  
 1923 adjacent municipalities, the county, and counties adjacent to  
 1924 the municipality. The area of concern for counties shall include  
 1925 all municipalities within the county, adjacent counties, and  
 1926 adjacent municipalities.

1927 b. Ensure coordination in establishing level of service  
 1928 standards for public facilities with any state, regional, or  
 1929 local entity having operational and maintenance responsibility  
 1930 for such facilities.

1931 ~~3. To foster coordination between special districts and~~  
 1932 ~~local general-purpose governments as local general-purpose~~

1933 ~~governments implement local comprehensive plans, each~~  
 1934 ~~independent special district must submit a public facilities~~  
 1935 ~~report to the appropriate local government as required by s.~~  
 1936 ~~189.415.~~

1937 ~~4. Local governments shall execute an interlocal agreement~~  
 1938 ~~with the district school board, the county, and nonexempt~~  
 1939 ~~municipalities pursuant to s. 163.31777. The local government~~  
 1940 ~~shall amend the intergovernmental coordination element to ensure~~  
 1941 ~~that coordination between the local government and school board~~  
 1942 ~~is pursuant to the agreement and shall state the obligations of~~  
 1943 ~~the local government under the agreement. Plan amendments that~~  
 1944 ~~comply with this subparagraph are exempt from the provisions of~~  
 1945 ~~s. 163.3187(1).~~

1946 ~~5. By January 1, 2004, any county having a population~~  
 1947 ~~greater than 100,000, and the municipalities and special~~  
 1948 ~~districts within that county, shall submit a report to the~~  
 1949 ~~Department of Community Affairs which identifies:~~

1950 ~~a. All existing or proposed interlocal service delivery~~  
 1951 ~~agreements relating to education; sanitary sewer; public safety;~~  
 1952 ~~solid waste; drainage; potable water; parks and recreation; and~~  
 1953 ~~transportation facilities.~~

1954 ~~b. Any deficits or duplication in the provision of~~  
 1955 ~~services within its jurisdiction, whether capital or~~  
 1956 ~~operational. Upon request, the Department of Community Affairs~~  
 1957 ~~shall provide technical assistance to the local governments in~~  
 1958 ~~identifying deficits or duplication.~~

1959 ~~6. Within 6 months after submission of the report, the~~  
 1960 ~~Department of Community Affairs shall, through the appropriate~~

1961 ~~regional planning council, coordinate a meeting of all local~~  
 1962 ~~governments within the regional planning area to discuss the~~  
 1963 ~~reports and potential strategies to remedy any identified~~  
 1964 ~~deficiencies or duplications.~~

1965 ~~7. Each local government shall update its~~  
 1966 ~~intergovernmental coordination element based upon the findings~~  
 1967 ~~in the report submitted pursuant to subparagraph 5. The report~~  
 1968 ~~may be used as supporting data and analysis for the~~  
 1969 ~~intergovernmental coordination element.~~

1970 ~~(i) The optional elements of the comprehensive plan in~~  
 1971 ~~paragraphs (7) (a) and (b) are required elements for those~~  
 1972 ~~municipalities having populations greater than 50,000, and those~~  
 1973 ~~counties having populations greater than 75,000, as determined~~  
 1974 ~~under s. 186.901.~~

1975 ~~(j) For each unit of local government within an urbanized~~  
 1976 ~~area designated for purposes of s. 339.175, a transportation~~  
 1977 ~~element, which must be prepared and adopted in lieu of the~~  
 1978 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~  
 1979 ~~and (d) and which shall address the following issues:~~

1980 ~~1. Traffic circulation, including major thoroughfares and~~  
 1981 ~~other routes, including bicycle and pedestrian ways.~~

1982 ~~2. All alternative modes of travel, such as public~~  
 1983 ~~transportation, pedestrian, and bicycle travel.~~

1984 ~~3. Parking facilities.~~

1985 ~~4. Aviation, rail, seaport facilities, access to those~~  
 1986 ~~facilities, and intermodal terminals.~~

1987 ~~5. The availability of facilities and services to serve~~  
 1988 ~~existing land uses and the compatibility between future land use~~

1989 ~~and transportation elements.~~

1990 ~~6. The capability to evacuate the coastal population prior~~

1991 ~~to an impending natural disaster.~~

1992 ~~7. Airports, projected airport and aviation development,~~

1993 ~~and land use compatibility around airports, which includes areas~~

1994 ~~defined in ss. 333.01 and 333.02.~~

1995 ~~8. An identification of land use densities, building~~

1996 ~~intensities, and transportation management programs to promote~~

1997 ~~public transportation systems in designated public~~

1998 ~~transportation corridors so as to encourage population densities~~

1999 ~~sufficient to support such systems.~~

2000 ~~9. May include transportation corridors, as defined in s.~~

2001 ~~334.03, intended for future transportation facilities designated~~

2002 ~~pursuant to s. 337.273. If transportation corridors are~~

2003 ~~designated, the local government may adopt a transportation~~

2004 ~~corridor management ordinance.~~

2005 ~~10. The incorporation of transportation strategies to~~

2006 ~~address reduction in greenhouse gas emissions from the~~

2007 ~~transportation sector.~~

2008 ~~(k) An airport master plan, and any subsequent amendments~~

2009 ~~to the airport master plan, prepared by a licensed publicly~~

2010 ~~owned and operated airport under s. 333.06 may be incorporated~~

2011 ~~into the local government comprehensive plan by the local~~

2012 ~~government having jurisdiction under this act for the area in~~

2013 ~~which the airport or projected airport development is located by~~

2014 ~~the adoption of a comprehensive plan amendment. In the amendment~~

2015 ~~to the local comprehensive plan that integrates the airport~~

2016 ~~master plan, the comprehensive plan amendment shall address land~~



2017 ~~use compatibility consistent with chapter 333 regarding airport~~  
 2018 ~~zoning; the provision of regional transportation facilities for~~  
 2019 ~~the efficient use and operation of the transportation system and~~  
 2020 ~~airport; consistency with the local government transportation~~  
 2021 ~~circulation element and applicable metropolitan planning~~  
 2022 ~~organization long-range transportation plans; and the execution~~  
 2023 ~~of any necessary interlocal agreements for the purposes of the~~  
 2024 ~~provision of public facilities and services to maintain the~~  
 2025 ~~adopted level-of-service standards for facilities subject to~~  
 2026 ~~concurrency; and may address airport-related or aviation-related~~  
 2027 ~~development. Development or expansion of an airport consistent~~  
 2028 ~~with the adopted airport master plan that has been incorporated~~  
 2029 ~~into the local comprehensive plan in compliance with this part,~~  
 2030 ~~and airport-related or aviation-related development that has~~  
 2031 ~~been addressed in the comprehensive plan amendment that~~  
 2032 ~~incorporates the airport master plan, shall not be a development~~  
 2033 ~~of regional impact. Notwithstanding any other general law, an~~  
 2034 ~~airport that has received a development-of-regional-impact~~  
 2035 ~~development order pursuant to s. 380.06, but which is no longer~~  
 2036 ~~required to undergo development-of-regional-impact review~~  
 2037 ~~pursuant to this subsection, may abandon its development-of-~~  
 2038 ~~regional-impact order upon written notification to the~~  
 2039 ~~applicable local government. Upon receipt by the local~~  
 2040 ~~government, the development-of-regional-impact development order~~  
 2041 ~~is void.~~

2042 ~~(7) The comprehensive plan may include the following~~  
 2043 ~~additional elements, or portions or phases thereof:~~

2044 ~~(a) As a part of the circulation element of paragraph~~

2045 ~~(6) (b) or as a separate element, a mass transit element showing~~  
 2046 ~~proposed methods for the moving of people, rights-of-way,~~  
 2047 ~~terminals, related facilities, and fiscal considerations for the~~  
 2048 ~~accomplishment of the element.~~

2049 ~~(b) As a part of the circulation element of paragraph~~  
 2050 ~~(6) (b) or as a separate element, plans for port, aviation, and~~  
 2051 ~~related facilities coordinated with the general circulation and~~  
 2052 ~~transportation element.~~

2053 ~~(c) As a part of the circulation element of paragraph~~  
 2054 ~~(6) (b) and in coordination with paragraph (6) (c), where~~  
 2055 ~~applicable, a plan element for the circulation of recreational~~  
 2056 ~~traffic, including bicycle facilities, exercise trails, riding~~  
 2057 ~~facilities, and such other matters as may be related to the~~  
 2058 ~~improvement and safety of movement of all types of recreational~~  
 2059 ~~traffic.~~

2060 ~~(d) As a part of the circulation element of paragraph~~  
 2061 ~~(6) (b) or as a separate element, a plan element for the~~  
 2062 ~~development of offstreet parking facilities for motor vehicles~~  
 2063 ~~and the fiscal considerations for the accomplishment of the~~  
 2064 ~~element.~~

2065 ~~(e) A public buildings and related facilities element~~  
 2066 ~~showing locations and arrangements of civic and community~~  
 2067 ~~centers, public schools, hospitals, libraries, police and fire~~  
 2068 ~~stations, and other public buildings. This plan element should~~  
 2069 ~~show particularly how it is proposed to effect coordination with~~  
 2070 ~~governmental units, such as school boards or hospital~~  
 2071 ~~authorities, having public development and service~~  
 2072 ~~responsibilities, capabilities, and potential but not having~~

2073 ~~land development regulatory authority. This element may include~~  
 2074 ~~plans for architecture and landscape treatment of their grounds.~~

2075 ~~(f) A recommended community design element which may~~  
 2076 ~~consist of design recommendations for land subdivision,~~  
 2077 ~~neighborhood development and redevelopment, design of open space~~  
 2078 ~~locations, and similar matters to the end that such~~  
 2079 ~~recommendations may be available as aids and guides to~~  
 2080 ~~developers in the future planning and development of land in the~~  
 2081 ~~area.~~

2082 ~~(g) A general area redevelopment element consisting of~~  
 2083 ~~plans and programs for the redevelopment of slums and blighted~~  
 2084 ~~locations in the area and for community redevelopment, including~~  
 2085 ~~housing sites, business and industrial sites, public buildings~~  
 2086 ~~sites, recreational facilities, and other purposes authorized by~~  
 2087 ~~law.~~

2088 ~~(h) A safety element for the protection of residents and~~  
 2089 ~~property of the area from fire, hurricane, or manmade or natural~~  
 2090 ~~catastrophe, including such necessary features for protection as~~  
 2091 ~~evacuation routes and their control in an emergency, water~~  
 2092 ~~supply requirements, minimum road widths, clearances around and~~  
 2093 ~~elevations of structures, and similar matters.~~

2094 ~~(i) An historical and scenic preservation element setting~~  
 2095 ~~out plans and programs for those structures or lands in the area~~  
 2096 ~~having historical, archaeological, architectural, scenic, or~~  
 2097 ~~similar significance.~~

2098 ~~(j) An economic element setting forth principles and~~  
 2099 ~~guidelines for the commercial and industrial development, if~~  
 2100 ~~any, and the employment and personnel utilization within the~~

2101 ~~area. The element may detail the type of commercial and~~  
 2102 ~~industrial development sought, correlated to the present and~~  
 2103 ~~projected employment needs of the area and to other elements of~~  
 2104 ~~the plans, and may set forth methods by which a balanced and~~  
 2105 ~~stable economic base will be pursued.~~

2106 ~~(k) Such other elements as may be peculiar to, and~~  
 2107 ~~necessary for, the area concerned and as are added to the~~  
 2108 ~~comprehensive plan by the governing body upon the recommendation~~  
 2109 ~~of the local planning agency.~~

2110 ~~(l) Local governments that are not required to prepare~~  
 2111 ~~coastal management elements under s. 163.3178 are encouraged to~~  
 2112 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~  
 2113 ~~plans should, at a minimum, establish long-term policies~~  
 2114 ~~regarding redevelopment, infrastructure, densities,~~  
 2115 ~~nonconforming uses, and future land use patterns. Grants to~~  
 2116 ~~assist local governments in the preparation of these hazard~~  
 2117 ~~mitigation/postdisaster redevelopment plans shall be available~~  
 2118 ~~through the Emergency Management Preparedness and Assistance~~  
 2119 ~~Account in the Grants and Donations Trust Fund administered by~~  
 2120 ~~the department, if such account is created by law. The plans~~  
 2121 ~~must be in compliance with the requirements of this act and~~  
 2122 ~~chapter 252.~~

2123 ~~(8) All elements of the comprehensive plan, whether~~  
 2124 ~~mandatory or optional, shall be based upon data appropriate to~~  
 2125 ~~the element involved. Surveys and studies utilized in the~~  
 2126 ~~preparation of the comprehensive plan shall not be deemed a part~~  
 2127 ~~of the comprehensive plan unless adopted as a part of it. Copies~~  
 2128 ~~of such studies, surveys, and supporting documents shall be made~~

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2129 ~~available to public inspection, and copies of such plans shall~~  
 2130 ~~be made available to the public upon payment of reasonable~~  
 2131 ~~charges for reproduction.~~

2132 ~~(9) The state land planning agency shall, by February 15,~~  
 2133 ~~1986, adopt by rule minimum criteria for the review and~~  
 2134 ~~determination of compliance of the local government~~  
 2135 ~~comprehensive plan elements required by this act. Such rules~~  
 2136 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~  
 2137 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~  
 2138 ~~become effective only after they have been submitted to the~~  
 2139 ~~President of the Senate and the Speaker of the House of~~  
 2140 ~~Representatives for review by the Legislature no later than 30~~  
 2141 ~~days prior to the next regular session of the Legislature. In~~  
 2142 ~~its review the Legislature may reject, modify, or take no action~~  
 2143 ~~relative to the rules. The agency shall conform the rules to the~~  
 2144 ~~changes made by the Legislature, or, if no action was taken, the~~  
 2145 ~~agency rules shall become effective. The rule shall include~~  
 2146 ~~criteria for determining whether:~~

2147 ~~(a) Proposed elements are in compliance with the~~  
 2148 ~~requirements of part II, as amended by this act.~~

2149 ~~(b) Other elements of the comprehensive plan are related~~  
 2150 ~~to and consistent with each other.~~

2151 ~~(c) The local government comprehensive plan elements are~~  
 2152 ~~consistent with the state comprehensive plan and the appropriate~~  
 2153 ~~regional policy plan pursuant to s. 186.508.~~

2154 ~~(d) Certain bays, estuaries, and harbors that fall under~~  
 2155 ~~the jurisdiction of more than one local government are managed~~  
 2156 ~~in a consistent and coordinated manner in the case of local~~

2157 ~~governments required to include a coastal management element in~~  
 2158 ~~their comprehensive plans pursuant to paragraph (6) (g).~~

2159 ~~(c) Proposed elements identify the mechanisms and~~  
 2160 ~~procedures for monitoring, evaluating, and appraising~~  
 2161 ~~implementation of the plan. Specific measurable objectives are~~  
 2162 ~~included to provide a basis for evaluating effectiveness as~~  
 2163 ~~required by s. 163.3191.~~

2164 ~~(f) Proposed elements contain policies to guide future~~  
 2165 ~~decisions in a consistent manner.~~

2166 ~~(g) Proposed elements contain programs and activities to~~  
 2167 ~~ensure that comprehensive plans are implemented.~~

2168 ~~(h) Proposed elements identify the need for and the~~  
 2169 ~~processes and procedures to ensure coordination of all~~  
 2170 ~~development activities and services with other units of local~~  
 2171 ~~government, regional planning agencies, water management~~  
 2172 ~~districts, and state and federal agencies as appropriate.~~

2173  
 2174 ~~The state land planning agency may adopt procedural rules that~~  
 2175 ~~are consistent with this section and chapter 120 for the review~~  
 2176 ~~of local government comprehensive plan elements required under~~  
 2177 ~~this section. The state land planning agency shall provide model~~  
 2178 ~~plans and ordinances and, upon request, other assistance to~~  
 2179 ~~local governments in the adoption and implementation of their~~  
 2180 ~~revised local government comprehensive plans. The review and~~  
 2181 ~~comment provisions applicable prior to October 1, 1985, shall~~  
 2182 ~~continue in effect until the criteria for review and~~  
 2183 ~~determination are adopted pursuant to this subsection and the~~  
 2184 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2185       ~~(10) The Legislature recognizes the importance and~~  
 2186 ~~significance of chapter 9J-5, Florida Administrative Code, the~~  
 2187 ~~Minimum Criteria for Review of Local Government Comprehensive~~  
 2188 ~~Plans and Determination of Compliance of the Department of~~  
 2189 ~~Community Affairs that will be used to determine compliance of~~  
 2190 ~~local comprehensive plans. The Legislature reserved unto itself~~  
 2191 ~~the right to review chapter 9J-5, Florida Administrative Code,~~  
 2192 ~~and to reject, modify, or take no action relative to this rule.~~  
 2193 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~  
 2194 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~  
 2195 ~~expresses the following legislative intent:~~

2196       ~~(a) The Legislature finds that in order for the department~~  
 2197 ~~to review local comprehensive plans, it is necessary to define~~  
 2198 ~~the term "consistency." Therefore, for the purpose of~~  
 2199 ~~determining whether local comprehensive plans are consistent~~  
 2200 ~~with the state comprehensive plan and the appropriate regional~~  
 2201 ~~policy plan, a local plan shall be consistent with such plans if~~  
 2202 ~~the local plan is "compatible with" and "furthers" such plans.~~  
 2203 ~~The term "compatible with" means that the local plan is not in~~  
 2204 ~~conflict with the state comprehensive plan or appropriate~~  
 2205 ~~regional policy plan. The term "furthers" means to take action~~  
 2206 ~~in the direction of realizing goals or policies of the state or~~  
 2207 ~~regional plan. For the purposes of determining consistency of~~  
 2208 ~~the local plan with the state comprehensive plan or the~~  
 2209 ~~appropriate regional policy plan, the state or regional plan~~  
 2210 ~~shall be construed as a whole and no specific goal and policy~~  
 2211 ~~shall be construed or applied in isolation from the other goals~~  
 2212 ~~and policies in the plans.~~

2213           ~~(b) Each local government shall review all the state~~  
 2214 ~~comprehensive plan goals and policies and shall address in its~~  
 2215 ~~comprehensive plan the goals and policies which are relevant to~~  
 2216 ~~the circumstances or conditions in its jurisdiction. The~~  
 2217 ~~decision regarding which particular state comprehensive plan~~  
 2218 ~~goals and policies will be furthered by the expenditure of a~~  
 2219 ~~local government's financial resources in any given year is a~~  
 2220 ~~decision which rests solely within the discretion of the local~~  
 2221 ~~government. Intergovernmental coordination, as set forth in~~  
 2222 ~~paragraph (6) (h), shall be utilized to the extent required to~~  
 2223 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~  
 2224 ~~Code.~~

2225           ~~(c) The Legislature declares that if any portion of~~  
 2226 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~  
 2227 ~~conflict with this part, the appropriate statutory provision~~  
 2228 ~~shall prevail.~~

2229           ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~  
 2230 ~~mandate the creation, limitation, or elimination of regulatory~~  
 2231 ~~authority, nor does it authorize the adoption or require the~~  
 2232 ~~repeal of any rules, criteria, or standards of any local,~~  
 2233 ~~regional, or state agency.~~

2234           ~~(e) It is the Legislature's intent that support data or~~  
 2235 ~~summaries thereof shall not be subject to the compliance review~~  
 2236 ~~process, but the Legislature intends that goals and policies be~~  
 2237 ~~clearly based on appropriate data. The department may utilize~~  
 2238 ~~support data or summaries thereof to aid in its determination of~~  
 2239 ~~compliance and consistency. The Legislature intends that the~~  
 2240 ~~department may evaluate the application of a methodology~~



2241 ~~utilized in data collection or whether a particular methodology~~  
 2242 ~~is professionally accepted. However, the department shall not~~  
 2243 ~~evaluate whether one accepted methodology is better than~~  
 2244 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~  
 2245 ~~construed to require original data collection by local~~  
 2246 ~~governments; however, Local governments are not to be~~  
 2247 ~~discouraged from utilizing original data so long as~~  
 2248 ~~methodologies are professionally accepted.~~

2249 ~~(f) The Legislature recognizes that under this section,~~  
 2250 ~~local governments are charged with setting levels of service for~~  
 2251 ~~public facilities in their comprehensive plans in accordance~~  
 2252 ~~with which development orders and permits will be issued~~  
 2253 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~  
 2254 ~~the authority of state, regional, or local agencies as otherwise~~  
 2255 ~~provided by law.~~

2256 ~~(g) Definitions contained in chapter 9J-5, Florida~~  
 2257 ~~Administrative Code, are not intended to modify or amend the~~  
 2258 ~~definitions utilized for purposes of other programs or rules or~~  
 2259 ~~to establish or limit regulatory authority. Local governments~~  
 2260 ~~may establish alternative definitions in local comprehensive~~  
 2261 ~~plans, as long as such definitions accomplish the intent of this~~  
 2262 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2263 ~~(h) It is the intent of the Legislature that public~~  
 2264 ~~facilities and services needed to support development shall be~~  
 2265 ~~available concurrent with the impacts of such development in~~  
 2266 ~~accordance with s. 163.3180. In meeting this intent, public~~  
 2267 ~~facility and service availability shall be deemed sufficient if~~  
 2268 ~~the public facilities and services for a development are phased,~~

2269 ~~or the development is phased, so that the public facilities and~~  
 2270 ~~those related services which are deemed necessary by the local~~  
 2271 ~~government to operate the facilities necessitated by that~~  
 2272 ~~development are available concurrent with the impacts of the~~  
 2273 ~~development. The public facilities and services, unless already~~  
 2274 ~~available, are to be consistent with the capital improvements~~  
 2275 ~~element of the local comprehensive plan as required by paragraph~~  
 2276 ~~(3) (a) or guaranteed in an enforceable development agreement.~~  
 2277 ~~This shall include development agreements pursuant to this~~  
 2278 ~~chapter or in an agreement or a development order issued~~  
 2279 ~~pursuant to chapter 380. Nothing herein shall be construed to~~  
 2280 ~~require a local government to address services in its capital~~  
 2281 ~~improvements plan or to limit a local government's ability to~~  
 2282 ~~address any service in its capital improvements plan that it~~  
 2283 ~~deems necessary.~~

2284 ~~(i) The department shall take into account the factors~~  
 2285 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~  
 2286 ~~it provides assistance to local governments and applies the rule~~  
 2287 ~~in specific situations with regard to the detail of the data and~~  
 2288 ~~analysis required.~~

2289 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~  
 2290 ~~effective pursuant to subsection (9). The Legislature hereby~~  
 2291 ~~directs the department to adopt amendments as necessary which~~  
 2292 ~~conform chapter 9J-5, Florida Administrative Code, with the~~  
 2293 ~~requirements of this legislative intent by October 1, 1986.~~

2294 ~~(k) In order for local governments to prepare and adopt~~  
 2295 ~~comprehensive plans with knowledge of the rules that are applied~~  
 2296 ~~to determine consistency of the plans with this part, there~~

2297 ~~should be no doubt as to the legal standing of chapter 9J-5,~~  
 2298 ~~Florida Administrative Code, at the close of the 1986~~  
 2299 ~~legislative session. Therefore, the Legislature declares that~~  
 2300 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~  
 2301 ~~subject to rule challenges under s. 120.56(2), or to drawout~~  
 2302 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~  
 2303 ~~Florida Administrative Code, as amended, is subject to rule~~  
 2304 ~~challenges under s. 120.56(3), as nothing herein indicates~~  
 2305 ~~approval or disapproval of any portion of chapter 9J-5 not~~  
 2306 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~  
 2307 ~~Florida Administrative Code, exclusive of the amendments adopted~~  
 2308 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~  
 2309 ~~to the full chapter 120 process. All amendments shall have~~  
 2310 ~~effective dates as provided in chapter 120 and submission to the~~  
 2311 ~~President of the Senate and Speaker of the House of~~  
 2312 ~~Representatives shall not be required.~~

2313 ~~(1) The state land planning agency shall consider land use~~  
 2314 ~~compatibility issues in the vicinity of all airports in~~  
 2315 ~~coordination with the Department of Transportation and adjacent~~  
 2316 ~~to or in close proximity to all military installations in~~  
 2317 ~~coordination with the Department of Defense.~~

2318 ~~(11)(a) The Legislature recognizes the need for innovative~~  
 2319 ~~planning and development strategies which will address the~~  
 2320 ~~anticipated demands of continued urbanization of Florida's~~  
 2321 ~~coastal and other environmentally sensitive areas, and which~~  
 2322 ~~will accommodate the development of less populated regions of~~  
 2323 ~~the state which seek economic development and which have~~  
 2324 ~~suitable land and water resources to accommodate growth in an~~

2325 ~~environmentally acceptable manner. The Legislature further~~  
 2326 ~~recognizes the substantial advantages of innovative approaches~~  
 2327 ~~to development which may better serve to protect environmentally~~  
 2328 ~~sensitive areas, maintain the economic viability of agricultural~~  
 2329 ~~and other predominantly rural land uses, and provide for the~~  
 2330 ~~cost efficient delivery of public facilities and services.~~

2331 ~~(b) It is the intent of the Legislature that the local~~  
 2332 ~~government comprehensive plans and plan amendments adopted~~  
 2333 ~~pursuant to the provisions of this part provide for a planning~~  
 2334 ~~process which allows for land use efficiencies within existing~~  
 2335 ~~urban areas and which also allows for the conversion of rural~~  
 2336 ~~lands to other uses, where appropriate and consistent with the~~  
 2337 ~~other provisions of this part and the affected local~~  
 2338 ~~comprehensive plans, through the application of innovative and~~  
 2339 ~~flexible planning and development strategies and creative land~~  
 2340 ~~use planning techniques, which may include, but not be limited~~  
 2341 ~~to, urban villages, new towns, satellite communities, area based~~  
 2342 ~~allocations, clustering and open space provisions, mixed-use~~  
 2343 ~~development, and sector planning.~~

2344 ~~(c) It is the further intent of the Legislature that local~~  
 2345 ~~government comprehensive plans and implementing land development~~  
 2346 ~~regulations shall provide strategies which maximize the use of~~  
 2347 ~~existing facilities and services through redevelopment, urban~~  
 2348 ~~infill development, and other strategies for urban~~  
 2349 ~~revitalization.~~

2350 ~~(d)1. The department, in cooperation with the Department~~  
 2351 ~~of Agriculture and Consumer Services, the Department of~~  
 2352 ~~Environmental Protection, water management districts, and~~

2353 ~~regional planning councils, shall provide assistance to local~~  
 2354 ~~governments in the implementation of this paragraph and rule 9J-~~  
 2355 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~  
 2356 ~~those provisions shall include a process by which the department~~  
 2357 ~~may authorize local governments to designate all or portions of~~  
 2358 ~~lands classified in the future land use element as predominantly~~  
 2359 ~~agricultural, rural, open, open rural, or a substantively~~  
 2360 ~~equivalent land use, as a rural land stewardship area within~~  
 2361 ~~which planning and economic incentives are applied to encourage~~  
 2362 ~~the implementation of innovative and flexible planning and~~  
 2363 ~~development strategies and creative land use planning~~  
 2364 ~~techniques, including those contained herein and in rule 9J-~~  
 2365 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~  
 2366 ~~include, but is not limited to:~~

2367       ~~a. Assistance from the Department of Environmental~~  
 2368 ~~Protection and water management districts in creating the~~  
 2369 ~~geographic information systems land cover database and aerial~~  
 2370 ~~photogrammetry needed to prepare for a rural land stewardship~~  
 2371 ~~area;~~

2372       ~~b. Support for local government implementation of rural~~  
 2373 ~~land stewardship concepts by providing information and~~  
 2374 ~~assistance to local governments regarding land acquisition~~  
 2375 ~~programs that may be used by the local government or landowners~~  
 2376 ~~to leverage the protection of greater acreage and maximize the~~  
 2377 ~~effectiveness of rural land stewardship areas; and~~

2378       ~~e. Expansion of the role of the Department of Community~~  
 2379 ~~Affairs as a resource agency to facilitate establishment of~~  
 2380 ~~rural land stewardship areas in smaller rural counties that do~~

2381 ~~not have the staff or planning budgets to create a rural land~~  
 2382 ~~stewardship area.~~

2383 ~~2. The department shall encourage participation by local~~  
 2384 ~~governments of different sizes and rural characteristics in~~  
 2385 ~~establishing and implementing rural land stewardship areas. It~~  
 2386 ~~is the intent of the Legislature that rural land stewardship~~  
 2387 ~~areas be used to further the following broad principles of rural~~  
 2388 ~~sustainability: restoration and maintenance of the economic~~  
 2389 ~~value of rural land; control of urban sprawl; identification and~~  
 2390 ~~protection of ecosystems, habitats, and natural resources;~~  
 2391 ~~promotion of rural economic activity; maintenance of the~~  
 2392 ~~viability of Florida's agricultural economy; and protection of~~  
 2393 ~~the character of rural areas of Florida. Rural land stewardship~~  
 2394 ~~areas may be multicounty in order to encourage coordinated~~  
 2395 ~~regional stewardship planning.~~

2396 ~~3. A local government, in conjunction with a regional~~  
 2397 ~~planning council, a stakeholder organization of private land~~  
 2398 ~~owners, or another local government, shall notify the department~~  
 2399 ~~in writing of its intent to designate a rural land stewardship~~  
 2400 ~~area. The written notification shall describe the basis for the~~  
 2401 ~~designation, including the extent to which the rural land~~  
 2402 ~~stewardship area enhances rural land values, controls urban~~  
 2403  ~~sprawl, provides necessary open space for agriculture and~~  
 2404 ~~protection of the natural environment, promotes rural economic~~  
 2405 ~~activity, and maintains rural character and the economic~~  
 2406 ~~viability of agriculture.~~

2407 ~~4. A rural land stewardship area shall be not less than~~  
 2408 ~~10,000 acres and shall be located outside of municipalities and~~

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2409 ~~established urban growth boundaries, and shall be designated by~~  
2410 ~~plan amendment. The plan amendment designating a rural land~~  
2411 ~~stewardship area shall be subject to review by the Department of~~  
2412 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~  
2413 ~~the following:~~

2414 ~~a. Criteria for the designation of receiving areas within~~  
2415 ~~rural land stewardship areas in which innovative planning and~~  
2416 ~~development strategies may be applied. Criteria shall at a~~  
2417 ~~minimum provide for the following: adequacy of suitable land to~~  
2418 ~~accommodate development so as to avoid conflict with~~  
2419 ~~environmentally sensitive areas, resources, and habitats;~~  
2420 ~~compatibility between and transition from higher density uses to~~  
2421 ~~lower intensity rural uses; the establishment of receiving area~~  
2422 ~~service boundaries which provide for a separation between~~  
2423 ~~receiving areas and other land uses within the rural land~~  
2424 ~~stewardship area through limitations on the extension of~~  
2425 ~~services; and connection of receiving areas with the rest of the~~  
2426 ~~rural land stewardship area using rural design and rural road~~  
2427 ~~corridors.~~

2428 ~~b. Goals, objectives, and policies setting forth the~~  
2429 ~~innovative planning and development strategies to be applied~~  
2430 ~~within rural land stewardship areas pursuant to the provisions~~  
2431 ~~of this section.~~

2432 ~~c. A process for the implementation of innovative planning~~  
2433 ~~and development strategies within the rural land stewardship~~  
2434 ~~area, including those described in this subsection and rule 9J-~~  
2435 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~  
2436 ~~functional mix of land uses, including adequate available~~

2437 ~~workforce housing, including low, very low and moderate income~~  
 2438 ~~housing for the development anticipated in the receiving area~~  
 2439 ~~and which are applied through the adoption by the local~~  
 2440 ~~government of zoning and land development regulations applicable~~  
 2441 ~~to the rural land stewardship area.~~

2442 ~~d. A process which encourages visioning pursuant to s.~~  
 2443 ~~163.3167(11) to ensure that innovative planning and development~~  
 2444 ~~strategies comply with the provisions of this section.~~

2445 ~~e. The control of sprawl through the use of innovative~~  
 2446 ~~strategies and creative land use techniques consistent with the~~  
 2447 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~  
 2448 ~~Administrative Code.~~

2449 ~~5. A receiving area shall be designated by the adoption of~~  
 2450 ~~a land development regulation. Prior to the designation of a~~  
 2451 ~~receiving area, the local government shall provide the~~  
 2452 ~~Department of Community Affairs a period of 30 days in which to~~  
 2453 ~~review a proposed receiving area for consistency with the rural~~  
 2454 ~~land stewardship area plan amendment and to provide comments to~~  
 2455 ~~the local government. At the time of designation of a~~  
 2456 ~~stewardship receiving area, a listed species survey will be~~  
 2457 ~~performed. If listed species occur on the receiving area site,~~  
 2458 ~~the developer shall coordinate with each appropriate local,~~  
 2459 ~~state, or federal agency to determine if adequate provisions~~  
 2460 ~~have been made to protect those species in accordance with~~  
 2461 ~~applicable regulations. In determining the adequacy of~~  
 2462 ~~provisions for the protection of listed species and their~~  
 2463 ~~habitats, the rural land stewardship area shall be considered as~~  
 2464 ~~a whole, and the impacts to areas to be developed as receiving~~



2465 ~~areas shall be considered together with the environmental~~  
 2466 ~~benefits of areas protected as sending areas in fulfilling this~~  
 2467 ~~criteria.~~

2468 ~~6. Upon the adoption of a plan amendment creating a rural~~  
 2469 ~~land stewardship area, the local government shall, by ordinance,~~  
 2470 ~~establish the methodology for the creation, conveyance, and use~~  
 2471 ~~of transferable rural land use credits, otherwise referred to as~~  
 2472 ~~stewardship credits, the application of which shall not~~  
 2473 ~~constitute a right to develop land, nor increase density of~~  
 2474 ~~land, except as provided by this section. The total amount of~~  
 2475 ~~transferable rural land use credits within the rural land~~  
 2476 ~~stewardship area must enable the realization of the long-term~~  
 2477 ~~vision and goals for the 25-year or greater projected population~~  
 2478 ~~of the rural land stewardship area, which may take into~~  
 2479 ~~consideration the anticipated effect of the proposed receiving~~  
 2480 ~~areas. Transferable rural land use credits are subject to the~~  
 2481 ~~following limitations:~~

2482 ~~a. Transferable rural land use credits may only exist~~  
 2483 ~~within a rural land stewardship area.~~

2484 ~~b. Transferable rural land use credits may only be used on~~  
 2485 ~~lands designated as receiving areas and then solely for the~~  
 2486 ~~purpose of implementing innovative planning and development~~  
 2487 ~~strategies and creative land use planning techniques adopted by~~  
 2488 ~~the local government pursuant to this section.~~

2489 ~~e. Transferable rural land use credits assigned to a~~  
 2490 ~~parcel of land within a rural land stewardship area shall cease~~  
 2491 ~~to exist if the parcel of land is removed from the rural land~~  
 2492 ~~stewardship area by plan amendment.~~

2493 ~~d. Neither the creation of the rural land stewardship area~~  
 2494 ~~by plan amendment nor the assignment of transferable rural land~~  
 2495 ~~use credits by the local government shall operate to displace~~  
 2496 ~~the underlying density of land uses assigned to a parcel of land~~  
 2497 ~~within the rural land stewardship area; however, if transferable~~  
 2498 ~~rural land use credits are transferred from a parcel for use~~  
 2499 ~~within a designated receiving area, the underlying density~~  
 2500 ~~assigned to the parcel of land shall cease to exist.~~

2501 ~~e. The underlying density on each parcel of land located~~  
 2502 ~~within a rural land stewardship area shall not be increased or~~  
 2503 ~~decreased by the local government, except as a result of the~~  
 2504 ~~conveyance or use of transferable rural land use credits, as~~  
 2505 ~~long as the parcel remains within the rural land stewardship~~  
 2506 ~~area.~~

2507 ~~f. Transferable rural land use credits shall cease to~~  
 2508 ~~exist on a parcel of land where the underlying density assigned~~  
 2509 ~~to the parcel of land is utilized.~~

2510 ~~g. An increase in the density of use on a parcel of land~~  
 2511 ~~located within a designated receiving area may occur only~~  
 2512 ~~through the assignment or use of transferable rural land use~~  
 2513 ~~credits and shall not require a plan amendment.~~

2514 ~~h. A change in the density of land use on parcels located~~  
 2515 ~~within receiving areas shall be specified in a development order~~  
 2516 ~~which reflects the total number of transferable rural land use~~  
 2517 ~~credits assigned to the parcel of land and the infrastructure~~  
 2518 ~~and support services necessary to provide for a functional mix~~  
 2519 ~~of land uses corresponding to the plan of development.~~

2520 ~~i. Land within a rural land stewardship area may be~~

2521 ~~removed from the rural land stewardship area through a plan~~  
 2522 ~~amendment.~~

2523 ~~j. Transferable rural land use credits may be assigned at~~  
 2524 ~~different ratios of credits per acre according to the natural~~  
 2525 ~~resource or other beneficial use characteristics of the land and~~  
 2526 ~~according to the land use remaining following the transfer of~~  
 2527 ~~credits, with the highest number of credits per acre assigned to~~  
 2528 ~~the most environmentally valuable land or, in locations where~~  
 2529 ~~the retention of open space and agricultural land is a priority,~~  
 2530 ~~to such lands.~~

2531 ~~k. The use or conveyance of transferable rural land use~~  
 2532 ~~credits must be recorded in the public records of the county in~~  
 2533 ~~which the property is located as a covenant or restrictive~~  
 2534 ~~easement running with the land in favor of the county and either~~  
 2535 ~~the Department of Environmental Protection, Department of~~  
 2536 ~~Agriculture and Consumer Services, a water management district,~~  
 2537 ~~or a recognized statewide land trust.~~

2538 ~~7. Owners of land within rural land stewardship areas~~  
 2539 ~~should be provided incentives to enter into rural land~~  
 2540 ~~stewardship agreements, pursuant to existing law and rules~~  
 2541 ~~adopted thereto, with state agencies, water management~~  
 2542 ~~districts, and local governments to achieve mutually agreed upon~~  
 2543 ~~conservation objectives. Such incentives may include, but not be~~  
 2544 ~~limited to, the following:~~

2545 ~~a. Opportunity to accumulate transferable mitigation~~  
 2546 ~~credits.~~

2547 ~~b. Extended permit agreements.~~

2548 ~~e. Opportunities for recreational leases and ecotourism.~~

2549 ~~d. Payment for specified land management services on~~  
 2550 ~~publicly owned land, or property under covenant or restricted~~  
 2551 ~~easement in favor of a public entity.~~

2552 ~~e. Option agreements for sale to public entities or~~  
 2553 ~~private land conservation entities, in either fee or easement,~~  
 2554 ~~upon achievement of conservation objectives.~~

2555 ~~8. The department shall report to the Legislature on an~~  
 2556 ~~annual basis on the results of implementation of rural land~~  
 2557 ~~stewardship areas authorized by the department, including~~  
 2558 ~~successes and failures in achieving the intent of the~~  
 2559 ~~Legislature as expressed in this paragraph.~~

2560 ~~(c) The Legislature finds that mixed-use, high-density~~  
 2561 ~~development is appropriate for urban infill and redevelopment~~  
 2562 ~~areas. Mixed-use projects accommodate a variety of uses,~~  
 2563 ~~including residential and commercial, and usually at higher~~  
 2564 ~~densities that promote pedestrian-friendly, sustainable~~  
 2565 ~~communities. The Legislature recognizes that mixed-use, high-~~  
 2566 ~~density development improves the quality of life for residents~~  
 2567 ~~and businesses in urban areas. The Legislature finds that mixed-~~  
 2568 ~~use, high-density redevelopment and infill benefits residents by~~  
 2569 ~~creating a livable community with alternative modes of~~  
 2570 ~~transportation. Furthermore, the Legislature finds that local~~  
 2571 ~~zoning ordinances often discourage mixed-use, high-density~~  
 2572 ~~development in areas that are appropriate for urban infill and~~  
 2573 ~~redevelopment. The Legislature intends to discourage single-use~~  
 2574 ~~zoning in urban areas which often leads to lower-density, land-~~  
 2575 ~~intensive development outside an urban service area. Therefore,~~  
 2576 ~~the Department of Community Affairs shall provide technical~~

2577 ~~assistance to local governments in order to encourage mixed-use,~~  
 2578 ~~high-density urban infill and redevelopment projects.~~

2579 ~~(f) The Legislature finds that a program for the transfer~~  
 2580 ~~of development rights is a useful tool to preserve historic~~  
 2581 ~~buildings and create public open spaces in urban areas. A~~  
 2582 ~~program for the transfer of development rights allows the~~  
 2583 ~~transfer of density credits from historic properties and public~~  
 2584 ~~open spaces to areas designated for high-density development.~~  
 2585 ~~The Legislature recognizes that high-density development is~~  
 2586 ~~integral to the success of many urban infill and redevelopment~~  
 2587 ~~projects. The Legislature intends to encourage high-density~~  
 2588 ~~urban infill and redevelopment while preserving historic~~  
 2589 ~~structures and open spaces. Therefore, the Department of~~  
 2590 ~~Community Affairs shall provide technical assistance to local~~  
 2591 ~~governments in order to promote the transfer of development~~  
 2592 ~~rights within urban areas for high-density infill and~~  
 2593 ~~redevelopment projects.~~

2594 ~~(g) The implementation of this subsection shall be subject~~  
 2595 ~~to the provisions of this chapter, chapters 186 and 187, and~~  
 2596 ~~applicable agency rules.~~

2597 ~~(h) The department may adopt rules necessary to implement~~  
 2598 ~~the provisions of this subsection.~~

2599 ~~(12) A public school facilities element adopted to~~  
 2600 ~~implement a school concurrency program shall meet the~~  
 2601 ~~requirements of this subsection. Each county and each~~  
 2602 ~~municipality within the county, unless exempt or subject to a~~  
 2603 ~~waiver, must adopt a public school facilities element that is~~  
 2604 ~~consistent with those adopted by the other local governments~~

2605 ~~within the county and enter the interlocal agreement pursuant to~~  
 2606 ~~s. 163.31777.~~

2607 ~~(a) The state land planning agency may provide a waiver to~~  
 2608 ~~a county and to the municipalities within the county if the~~  
 2609 ~~capacity rate for all schools within the school district is no~~  
 2610 ~~greater than 100 percent and the projected 5-year capital outlay~~  
 2611 ~~full-time equivalent student growth rate is less than 10~~  
 2612 ~~percent. The state land planning agency may allow for a~~  
 2613 ~~projected 5-year capital outlay full-time equivalent student~~  
 2614 ~~growth rate to exceed 10 percent when the projected 10-year~~  
 2615 ~~capital outlay full-time equivalent student enrollment is less~~  
 2616 ~~than 2,000 students and the capacity rate for all schools within~~  
 2617 ~~the school district in the tenth year will not exceed the 100-~~  
 2618 ~~percent limitation. The state land planning agency may allow for~~  
 2619 ~~a single school to exceed the 100-percent limitation if it can~~  
 2620 ~~be demonstrated that the capacity rate for that single school is~~  
 2621 ~~not greater than 105 percent. In making this determination, the~~  
 2622 ~~state land planning agency shall consider the following~~  
 2623 ~~criteria:~~

2624 ~~1. Whether the exceedance is due to temporary~~  
 2625 ~~circumstances;~~

2626 ~~2. Whether the projected 5-year capital outlay full time~~  
 2627 ~~equivalent student growth rate for the school district is~~  
 2628 ~~approaching the 10-percent threshold;~~

2629 ~~3. Whether one or more additional schools within the~~  
 2630 ~~school district are at or approaching the 100-percent threshold;~~

2631 ~~and~~

2632 ~~4. The adequacy of the data and analysis submitted to~~

2633 ~~support the waiver request.~~

2634 ~~(b) A municipality in a nonexempt county is exempt if the~~  
 2635 ~~municipality meets all of the following criteria for having no~~  
 2636 ~~significant impact on school attendance:~~

2637 ~~1. The municipality has issued development orders for~~  
 2638 ~~fewer than 50 residential dwelling units during the preceding 5~~  
 2639 ~~years, or the municipality has generated fewer than 25~~  
 2640 ~~additional public school students during the preceding 5 years.~~

2641 ~~2. The municipality has not annexed new land during the~~  
 2642 ~~preceding 5 years in land use categories that permit residential~~  
 2643 ~~uses that will affect school attendance rates.~~

2644 ~~3. The municipality has no public schools located within~~  
 2645 ~~its boundaries.~~

2646 ~~(c) A public school facilities element shall be based upon~~  
 2647 ~~data and analyses that address, among other items, how level of~~  
 2648 ~~service standards will be achieved and maintained. Such data and~~  
 2649 ~~analyses must include, at a minimum, such items as: the~~  
 2650 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~  
 2651 ~~year school district facilities work program adopted pursuant to~~  
 2652 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~  
 2653 ~~1013.31 and an existing educational and ancillary plant map or~~  
 2654 ~~map series; information on existing development and development~~  
 2655 ~~anticipated for the next 5 years and the long term planning~~  
 2656 ~~period; an analysis of problems and opportunities for existing~~  
 2657 ~~schools and schools anticipated in the future; an analysis of~~  
 2658 ~~opportunities to collocate future schools with other public~~  
 2659 ~~facilities such as parks, libraries, and community centers; an~~  
 2660 ~~analysis of the need for supporting public facilities for~~

2661 ~~existing and future schools; an analysis of opportunities to~~  
 2662 ~~locate schools to serve as community focal points; projected~~  
 2663 ~~future population and associated demographics, including~~  
 2664 ~~development patterns year by year for the upcoming 5-year and~~  
 2665 ~~long-term planning periods; and anticipated educational and~~  
 2666 ~~ancillary plants with land area requirements.~~

2667 ~~(d) The element shall contain one or more goals which~~  
 2668 ~~establish the long-term end toward which public school programs~~  
 2669 ~~and activities are ultimately directed.~~

2670 ~~(e) The element shall contain one or more objectives for~~  
 2671 ~~each goal, setting specific, measurable, intermediate ends that~~  
 2672 ~~are achievable and mark progress toward the goal.~~

2673 ~~(f) The element shall contain one or more policies for~~  
 2674 ~~each objective which establish the way in which programs and~~  
 2675 ~~activities will be conducted to achieve an identified goal.~~

2676 ~~(g) The objectives and policies shall address items such~~  
 2677 ~~as:~~

- 2678 ~~1. The procedure for an annual update process;~~
- 2679 ~~2. The procedure for school site selection;~~
- 2680 ~~3. The procedure for school permitting;~~
- 2681 ~~4. Provision for infrastructure necessary to support~~  
 2682 ~~proposed schools, including potable water, wastewater, drainage,~~  
 2683 ~~solid waste, transportation, and means by which to assure safe~~  
 2684 ~~access to schools, including sidewalks, bicycle paths, turn~~  
 2685 ~~lanes, and signalization;~~
- 2686 ~~5. Provision for colocation of other public facilities,~~  
 2687 ~~such as parks, libraries, and community centers, in proximity to~~  
 2688 ~~public schools;~~



2689 ~~6. Provision for location of schools proximate to~~  
 2690 ~~residential areas and to complement patterns of development,~~  
 2691 ~~including the location of future school sites so they serve as~~  
 2692 ~~community focal points;~~

2693 ~~7. Measures to ensure compatibility of school sites and~~  
 2694 ~~surrounding land uses;~~

2695 ~~8. Coordination with adjacent local governments and the~~  
 2696 ~~school district on emergency preparedness issues, including the~~  
 2697 ~~use of public schools to serve as emergency shelters; and~~

2698 ~~9. Coordination with the future land use element.~~

2699 ~~(h) The element shall include one or more future~~  
 2700 ~~conditions maps which depict the anticipated location of~~  
 2701 ~~educational and ancillary plants, including the general location~~  
 2702 ~~of improvements to existing schools or new schools anticipated~~  
 2703 ~~over the 5-year or long-term planning period. The maps will of~~  
 2704 ~~necessity be general for the long-term planning period and more~~  
 2705 ~~specific for the 5-year period. Maps indicating general~~  
 2706 ~~locations of future schools or school improvements may not~~  
 2707 ~~prescribe a land use on a particular parcel of land.~~

2708 ~~(i) The state land planning agency shall establish a~~  
 2709 ~~phased schedule for adoption of the public school facilities~~  
 2710 ~~element and the required updates to the public schools~~  
 2711 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~  
 2712 ~~shall provide for each county and local government within the~~  
 2713 ~~county to adopt the element and update to the agreement no later~~  
 2714 ~~than December 1, 2008. Plan amendments to adopt a public school~~  
 2715 ~~facilities element are exempt from the provisions of s.~~  
 2716 ~~163.3187(1).~~

2717       ~~(j) The state land planning agency may issue a notice to~~  
 2718 ~~the school board and the local government to show cause why~~  
 2719 ~~sanctions should not be enforced for failure to enter into an~~  
 2720 ~~approved interlocal agreement as required by s. 163.31777 or for~~  
 2721 ~~failure to implement provisions relating to public school~~  
 2722 ~~concurrency. If the state land planning agency finds that~~  
 2723 ~~insufficient cause exists for the school board's or local~~  
 2724 ~~government's failure to enter into an approved interlocal~~  
 2725 ~~agreement as required by s. 163.31777 or for the school board's~~  
 2726 ~~or local government's failure to implement the provisions~~  
 2727 ~~relating to public school concurrency, the state land planning~~  
 2728 ~~agency shall submit its finding to the Administration Commission~~  
 2729 ~~which may impose on the local government any of the sanctions~~  
 2730 ~~set forth in s. 163.3184(11) (a) and (b) and may impose on the~~  
 2731 ~~district school board any of the sanctions set forth in s.~~  
 2732 ~~1008.32(4).~~

2733       ~~(13) Local governments are encouraged to develop a~~  
 2734 ~~community vision that provides for sustainable growth,~~  
 2735 ~~recognizes its fiscal constraints, and protects its natural~~  
 2736 ~~resources. At the request of a local government, the applicable~~  
 2737 ~~regional planning council shall provide assistance in the~~  
 2738 ~~development of a community vision.~~

2739       ~~(a) As part of the process of developing a community~~  
 2740 ~~vision under this section, the local government must hold two~~  
 2741 ~~public meetings with at least one of those meetings before the~~  
 2742 ~~local planning agency. Before those public meetings, the local~~  
 2743 ~~government must hold at least one public workshop with~~  
 2744 ~~stakeholder groups such as neighborhood associations, community~~

2745 ~~organizations, businesses, private property owners, housing and~~  
 2746 ~~development interests, and environmental organizations.~~

2747 ~~(b) The local government must, at a minimum, discuss five~~  
 2748 ~~of the following topics as part of the workshops and public~~  
 2749 ~~meetings required under paragraph (a):~~

2750 ~~1. Future growth in the area using population forecasts~~  
 2751 ~~from the Bureau of Economic and Business Research;~~

2752 ~~2. Priorities for economic development;~~

2753 ~~3. Preservation of open space, environmentally sensitive~~  
 2754 ~~lands, and agricultural lands;~~

2755 ~~4. Appropriate areas and standards for mixed-use~~  
 2756 ~~development;~~

2757 ~~5. Appropriate areas and standards for high-density~~  
 2758 ~~commercial and residential development;~~

2759 ~~6. Appropriate areas and standards for economic~~  
 2760 ~~development opportunities and employment centers;~~

2761 ~~7. Provisions for adequate workforce housing;~~

2762 ~~8. An efficient, interconnected multimodal transportation~~  
 2763 ~~system; and~~

2764 ~~9. Opportunities to create land use patterns that~~  
 2765 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2766 ~~(c) As part of the workshops and public meetings, the~~  
 2767 ~~local government must discuss strategies for addressing the~~  
 2768 ~~topics discussed under paragraph (b), including:~~

2769 ~~1. Strategies to preserve open space and environmentally~~  
 2770 ~~sensitive lands, and to encourage a healthy agricultural~~

2771 ~~economy, including innovative planning and development~~

2772 ~~strategies, such as the transfer of development rights;~~

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2773 ~~2. Incentives for mixed-use development, including~~  
2774 ~~increased height and intensity standards for buildings that~~  
2775 ~~provide residential use in combination with office or commercial~~  
2776 ~~space;~~

2777 ~~3. Incentives for workforce housing;~~

2778 ~~4. Designation of an urban service boundary pursuant to~~  
2779 ~~subsection (2); and~~

2780 ~~5. Strategies to provide mobility within the community and~~  
2781 ~~to protect the Strategic Intermodal System, including the~~  
2782 ~~development of a transportation corridor management plan under~~  
2783 ~~s. 337.273.~~

2784 ~~(d) The community vision must reflect the community's~~  
2785 ~~shared concept for growth and development of the community,~~  
2786 ~~including visual representations depicting the desired land use~~  
2787 ~~patterns and character of the community during a 10-year~~  
2788 ~~planning timeframe. The community vision must also take into~~  
2789 ~~consideration economic viability of the vision and private~~  
2790 ~~property interests.~~

2791 ~~(e) After the workshops and public meetings required under~~  
2792 ~~paragraph (a) are held, the local government may amend its~~  
2793 ~~comprehensive plan to include the community vision as a~~  
2794 ~~component in the plan. This plan amendment must be transmitted~~  
2795 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~  
2796 ~~163.3189 at public hearings of the governing body other than~~  
2797 ~~those identified in paragraph (a).~~

2798 ~~(f) Amendments submitted under this subsection are exempt~~  
2799 ~~from the limitation on the frequency of plan amendments in s.~~  
2800 ~~163.3187.~~

2801 ~~(g) A local government that has developed a community~~  
 2802 ~~vision or completed a visioning process after July 1, 2000, and~~  
 2803 ~~before July 1, 2005, which substantially accomplishes the goals~~  
 2804 ~~set forth in this subsection and the appropriate goals,~~  
 2805 ~~policies, or objectives have been adopted as part of the~~  
 2806 ~~comprehensive plan or reflected in subsequently adopted land~~  
 2807 ~~development regulations and the plan amendment incorporating the~~  
 2808 ~~community vision as a component has been found in compliance is~~  
 2809 ~~eligible for the incentives in s. 163.3184(17).~~

2810 ~~(14) Local governments are also encouraged to designate an~~  
 2811 ~~urban service boundary. This area must be appropriate for~~  
 2812 ~~compact, contiguous urban development within a 10-year planning~~  
 2813 ~~timeframe. The urban service area boundary must be identified on~~  
 2814 ~~the future land use map or map series. The local government~~  
 2815 ~~shall demonstrate that the land included within the urban~~  
 2816 ~~service boundary is served or is planned to be served with~~  
 2817 ~~adequate public facilities and services based on the local~~  
 2818 ~~government's adopted level of service standards by adopting a~~  
 2819 ~~10-year facilities plan in the capital improvements element~~  
 2820 ~~which is financially feasible. The local government shall~~  
 2821 ~~demonstrate that the amount of land within the urban service~~  
 2822 ~~boundary does not exceed the amount of land needed to~~  
 2823 ~~accommodate the projected population growth at densities~~  
 2824 ~~consistent with the adopted comprehensive plan within the 10-~~  
 2825 ~~year planning timeframe.~~

2826 ~~(a) As part of the process of establishing an urban~~  
 2827 ~~service boundary, the local government must hold two public~~  
 2828 ~~meetings with at least one of those meetings before the local~~

2829 ~~planning agency. Before those public meetings, the local~~  
 2830 ~~government must hold at least one public workshop with~~  
 2831 ~~stakeholder groups such as neighborhood associations, community~~  
 2832 ~~organizations, businesses, private property owners, housing and~~  
 2833 ~~development interests, and environmental organizations.~~

2834 ~~(b)1. After the workshops and public meetings required~~  
 2835 ~~under paragraph (a) are held, the local government may amend its~~  
 2836 ~~comprehensive plan to include the urban service boundary. This~~  
 2837 ~~plan amendment must be transmitted and adopted pursuant to the~~  
 2838 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~  
 2839 ~~governing body other than those required under paragraph (a).~~

2840 ~~2. This subsection does not prohibit new development~~  
 2841 ~~outside an urban service boundary. However, a local government~~  
 2842 ~~that establishes an urban service boundary under this subsection~~  
 2843 ~~is encouraged to require a full-cost accounting analysis for any~~  
 2844 ~~new development outside the boundary and to consider the results~~  
 2845 ~~of that analysis when adopting a plan amendment for property~~  
 2846 ~~outside the established urban service boundary.~~

2847 ~~(c) Amendments submitted under this subsection are exempt~~  
 2848 ~~from the limitation on the frequency of plan amendments in s.~~  
 2849 ~~163.3187.~~

2850 ~~(d) A local government that has adopted an urban service~~  
 2851 ~~boundary before July 1, 2005, which substantially accomplishes~~  
 2852 ~~the goals set forth in this subsection is not required to comply~~  
 2853 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
 2854 ~~to be eligible for the incentives under s. 163.3184(17). In~~  
 2855 ~~order to satisfy the provisions of this paragraph, the local~~  
 2856 ~~government must secure a determination from the state land~~

2857 ~~planning agency that the urban service boundary adopted before~~  
 2858 ~~July 1, 2005, substantially complies with the criteria of this~~  
 2859 ~~subsection, based on data and analysis submitted by the local~~  
 2860 ~~government to support this determination. The determination by~~  
 2861 ~~the state land planning agency is not subject to administrative~~  
 2862 ~~challenge.~~

2863 (7) ~~(15)~~ (a) The Legislature finds that:

2864 1. There are a number of rural agricultural industrial  
 2865 centers in the state that process, produce, or aid in the  
 2866 production or distribution of a variety of agriculturally based  
 2867 products, including, but not limited to, fruits, vegetables,  
 2868 timber, and other crops, and juices, paper, and building  
 2869 materials. Rural agricultural industrial centers have a  
 2870 significant amount of existing associated infrastructure that is  
 2871 used for processing, producing, or distributing agricultural  
 2872 products.

2873 2. Such rural agricultural industrial centers are often  
 2874 located within or near communities in which the economy is  
 2875 largely dependent upon agriculture and agriculturally based  
 2876 products. The centers significantly enhance the economy of such  
 2877 communities. However, these agriculturally based communities are  
 2878 often socioeconomically challenged and designated as rural areas  
 2879 of critical economic concern. If such rural agricultural  
 2880 industrial centers are lost and not replaced with other job-  
 2881 creating enterprises, the agriculturally based communities will  
 2882 lose a substantial amount of their economies.

2883 3. The state has a compelling interest in preserving the  
 2884 viability of agriculture and protecting rural agricultural

2885 communities and the state from the economic upheaval that would  
 2886 result from short-term or long-term adverse changes in the  
 2887 agricultural economy. To protect these communities and promote  
 2888 viable agriculture for the long term, it is essential to  
 2889 encourage and permit diversification of existing rural  
 2890 agricultural industrial centers by providing for jobs that are  
 2891 not solely dependent upon, but are compatible with and  
 2892 complement, existing agricultural industrial operations and to  
 2893 encourage the creation and expansion of industries that use  
 2894 agricultural products in innovative ways. However, the expansion  
 2895 and diversification of these existing centers must be  
 2896 accomplished in a manner that does not promote urban sprawl into  
 2897 surrounding agricultural and rural areas.

2898 (b) As used in this subsection, the term "rural  
 2899 agricultural industrial center" means a developed parcel of land  
 2900 in an unincorporated area on which there exists an operating  
 2901 agricultural industrial facility or facilities that employ at  
 2902 least 200 full-time employees in the aggregate and process and  
 2903 prepare for transport a farm product, as defined in s. 163.3162,  
 2904 or any biomass material that could be used, directly or  
 2905 indirectly, for the production of fuel, renewable energy,  
 2906 bioenergy, or alternative fuel as defined by law. The center may  
 2907 also include land contiguous to the facility site which is not  
 2908 used for the cultivation of crops, but on which other existing  
 2909 activities essential to the operation of such facility or  
 2910 facilities are located or conducted. The parcel of land must be  
 2911 located within, or within 10 miles of, a rural area of critical  
 2912 economic concern.



2913 (c)1. A landowner whose land is located within a rural  
 2914 agricultural industrial center may apply for an amendment to the  
 2915 local government comprehensive plan for the purpose of  
 2916 designating and expanding the existing agricultural industrial  
 2917 uses of facilities located within the center or expanding the  
 2918 existing center to include industrial uses or facilities that  
 2919 are not dependent upon but are compatible with agriculture and  
 2920 the existing uses and facilities. A local government  
 2921 comprehensive plan amendment under this paragraph must:

2922 a. Not increase the physical area of the existing rural  
 2923 agricultural industrial center by more than 50 percent or 320  
 2924 acres, whichever is greater.

2925 b. Propose a project that would, upon completion, create  
 2926 at least 50 new full-time jobs.

2927 c. Demonstrate that sufficient infrastructure capacity  
 2928 exists or will be provided to support the expanded center at the  
 2929 level-of-service standards adopted in the local government  
 2930 comprehensive plan.

2931 d. Contain goals, objectives, and policies that will  
 2932 ensure that any adverse environmental impacts of the expanded  
 2933 center will be adequately addressed and mitigation implemented  
 2934 or demonstrate that the local government comprehensive plan  
 2935 contains such provisions.

2936 2. Within 6 months after receiving an application as  
 2937 provided in this paragraph, the local government shall transmit  
 2938 the application to the state land planning agency for review  
 2939 pursuant to this chapter together with any needed amendments to  
 2940 the applicable sections of its comprehensive plan to include

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2941 goals, objectives, and policies that provide for the expansion  
 2942 of rural agricultural industrial centers and discourage urban  
 2943 sprawl in the surrounding areas. Such goals, objectives, and  
 2944 policies must promote and be consistent with the findings in  
 2945 this subsection. An amendment that meets the requirements of  
 2946 this subsection is presumed not to be urban sprawl as defined in  
 2947 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~  
 2948 ~~Administrative Code~~. This presumption may be rebutted by a  
 2949 preponderance of the evidence.

2950 (d) This subsection does not apply to an optional sector  
 2951 plan adopted pursuant to s. 163.3245, a rural land stewardship  
 2952 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any  
 2953 comprehensive plan amendment that includes an inland port  
 2954 terminal or affiliated port development.

2955 (e) Nothing in this subsection shall be construed to  
 2956 confer the status of rural area of critical economic concern, or  
 2957 any of the rights or benefits derived from such status, on any  
 2958 land area not otherwise designated as such pursuant to s.  
 2959 288.0656(7).

2960 Section 12. Section 163.31777, Florida Statutes, is  
 2961 amended to read:

2962 163.31777 Public schools interlocal agreement.—

2963 (1) ~~(a)~~ The county and municipalities located within the  
 2964 geographic area of a school district shall enter into an  
 2965 interlocal agreement with the district school board which  
 2966 jointly establishes the specific ways in which the plans and  
 2967 processes of the district school board and the local governments  
 2968 are to be coordinated. ~~The interlocal agreements shall be~~

2969 ~~submitted to the state land planning agency and the Office of~~  
 2970 ~~Educational Facilities in accordance with a schedule published~~  
 2971 ~~by the state land planning agency.~~

2972 ~~(b) The schedule must establish staggered due dates for~~  
 2973 ~~submission of interlocal agreements that are executed by both~~  
 2974 ~~the local government and the district school board, commencing~~  
 2975 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
 2976 ~~set the same date for all governmental entities within a school~~  
 2977 ~~district. However, if the county where the school district is~~  
 2978 ~~located contains more than 20 municipalities, the state land~~  
 2979 ~~planning agency may establish staggered due dates for the~~  
 2980 ~~submission of interlocal agreements by these municipalities. The~~  
 2981 ~~schedule must begin with those areas where both the number of~~  
 2982 ~~districtwide capital-outlay full-time-equivalent students equals~~  
 2983 ~~80 percent or more of the current year's school capacity and the~~  
 2984 ~~projected 5-year student growth is 1,000 or greater, or where~~  
 2985 ~~the projected 5-year student growth rate is 10 percent or~~  
 2986 ~~greater.~~

2987 ~~(c) If the student population has declined over the 5-year~~  
 2988 ~~period preceding the due date for submittal of an interlocal~~  
 2989 ~~agreement by the local government and the district school board,~~  
 2990 ~~the local government and the district school board may petition~~  
 2991 ~~the state land planning agency for a waiver of one or more~~  
 2992 ~~requirements of subsection (2). The waiver must be granted if~~  
 2993 ~~the procedures called for in subsection (2) are unnecessary~~  
 2994 ~~because of the school district's declining school age~~  
 2995 ~~population, considering the district's 5-year facilities work~~  
 2996 ~~program prepared pursuant to s. 1013.35. The state land planning~~

2997 ~~agency may modify or revoke the waiver upon a finding that the~~  
 2998 ~~conditions upon which the waiver was granted no longer exist.~~  
 2999 ~~The district school board and local governments must submit an~~  
 3000 ~~interlocal agreement within 1 year after notification by the~~  
 3001 ~~state land planning agency that the conditions for a waiver no~~  
 3002 ~~longer exist.~~

3003 ~~(d) Interlocal agreements between local governments and~~  
 3004 ~~district school boards adopted pursuant to s. 163.3177 before~~  
 3005 ~~the effective date of this section must be updated and executed~~  
 3006 ~~pursuant to the requirements of this section, if necessary.~~  
 3007 ~~Amendments to interlocal agreements adopted pursuant to this~~  
 3008 ~~section must be submitted to the state land planning agency~~  
 3009 ~~within 30 days after execution by the parties for review~~  
 3010 ~~consistent with this section.~~ Local governments and the district  
 3011 school board in each school district are encouraged to adopt a  
 3012 single interlocal agreement to which all join as parties. The  
 3013 state land planning agency shall assemble and make available  
 3014 ~~model interlocal agreements meeting the requirements of this~~  
 3015 ~~section and notify local governments and, jointly with the~~  
 3016 ~~Department of Education, the district school boards of the~~  
 3017 ~~requirements of this section, the dates for compliance, and the~~  
 3018 ~~sanctions for noncompliance. The state land planning agency~~  
 3019 ~~shall be available to informally review proposed interlocal~~  
 3020 ~~agreements. If the state land planning agency has not received a~~  
 3021 ~~proposed interlocal agreement for informal review, the state~~  
 3022 ~~land planning agency shall, at least 60 days before the deadline~~  
 3023 ~~for submission of the executed agreement, renotify the local~~  
 3024 ~~government and the district school board of the upcoming~~

3025 ~~deadline and the potential for sanctions.~~

3026 (2) At a minimum, the interlocal agreement must address  
 3027 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~  
 3028 ~~for exempt local governments as provided in s. 163.3177(12), and~~  
 3029 ~~must address~~ the following issues:

3030 (a) A process by which each local government and the  
 3031 district school board agree and base their plans on consistent  
 3032 projections of the amount, type, and distribution of population  
 3033 growth and student enrollment. The geographic distribution of  
 3034 jurisdiction-wide growth forecasts is a major objective of the  
 3035 process.

3036 (b) A process to coordinate and share information relating  
 3037 to existing and planned public school facilities, including  
 3038 school renovations and closures, and local government plans for  
 3039 development and redevelopment.

3040 (c) Participation by affected local governments with the  
 3041 district school board in the process of evaluating potential  
 3042 school closures, significant renovations to existing schools,  
 3043 and new school site selection before land acquisition. Local  
 3044 governments shall advise the district school board as to the  
 3045 consistency of the proposed closure, renovation, or new site  
 3046 with the local comprehensive plan, including appropriate  
 3047 circumstances and criteria under which a district school board  
 3048 may request an amendment to the comprehensive plan for school  
 3049 siting.

3050 (d) A process for determining the need for and timing of  
 3051 onsite and offsite improvements to support new, proposed  
 3052 expansion, or redevelopment of existing schools. The process

3053 must address identification of the party or parties responsible  
 3054 for the improvements.

3055 (e) A process for the school board to inform the local  
 3056 government regarding the effect of comprehensive plan amendments  
 3057 on school capacity. The capacity reporting must be consistent  
 3058 with laws and rules relating to measurement of school facility  
 3059 capacity and must also identify how the district school board  
 3060 will meet the public school demand based on the facilities work  
 3061 program adopted pursuant to s. 1013.35.

3062 (f) Participation of the local governments in the  
 3063 preparation of the annual update to the district school board's  
 3064 5-year district facilities work program and educational plant  
 3065 survey prepared pursuant to s. 1013.35.

3066 (g) A process for determining where and how joint use of  
 3067 either school board or local government facilities can be shared  
 3068 for mutual benefit and efficiency.

3069 (h) A procedure for the resolution of disputes between the  
 3070 district school board and local governments, which may include  
 3071 the dispute resolution processes contained in chapters 164 and  
 3072 186.

3073 (i) An oversight process, including an opportunity for  
 3074 public participation, for the implementation of the interlocal  
 3075 agreement.

3076 ~~(3) (a) The Office of Educational Facilities shall submit~~  
 3077 ~~any comments or concerns regarding the executed interlocal~~  
 3078 ~~agreement to the state land planning agency within 30 days after~~  
 3079 ~~receipt of the executed interlocal agreement. The state land~~  
 3080 ~~planning agency shall review the executed interlocal agreement~~

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3081 ~~to determine whether it is consistent with the requirements of~~  
 3082 ~~subsection (2), the adopted local government comprehensive plan,~~  
 3083 ~~and other requirements of law. Within 60 days after receipt of~~  
 3084 ~~an executed interlocal agreement, the state land planning agency~~  
 3085 ~~shall publish a notice of intent in the Florida Administrative~~  
 3086 ~~Weekly and shall post a copy of the notice on the agency's~~  
 3087 ~~Internet site. The notice of intent must state whether the~~  
 3088 ~~interlocal agreement is consistent or inconsistent with the~~  
 3089 ~~requirements of subsection (2) and this subsection, as~~  
 3090 ~~appropriate.~~

3091 ~~(b) The state land planning agency's notice is subject to~~  
 3092 ~~challenge under chapter 120; however, an affected person, as~~  
 3093 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~  
 3094 ~~administrative proceeding, and this proceeding is the sole means~~  
 3095 ~~available to challenge the consistency of an interlocal~~  
 3096 ~~agreement required by this section with the criteria contained~~  
 3097 ~~in subsection (2) and this subsection. In order to have~~  
 3098 ~~standing, each person must have submitted oral or written~~  
 3099 ~~comments, recommendations, or objections to the local government~~  
 3100 ~~or the school board before the adoption of the interlocal~~  
 3101 ~~agreement by the school board and local government. The district~~  
 3102 ~~school board and local governments are parties to any such~~  
 3103 ~~proceeding. In this proceeding, when the state land planning~~  
 3104 ~~agency finds the interlocal agreement to be consistent with the~~  
 3105 ~~criteria in subsection (2) and this subsection, the interlocal~~  
 3106 ~~agreement shall be determined to be consistent with subsection~~  
 3107 ~~(2) and this subsection if the local government's and school~~  
 3108 ~~board's determination of consistency is fairly debatable. When~~

3109 ~~the state planning agency finds the interlocal agreement to be~~  
 3110 ~~inconsistent with the requirements of subsection (2) and this~~  
 3111 ~~subsection, the local government's and school board's~~  
 3112 ~~determination of consistency shall be sustained unless it is~~  
 3113 ~~shown by a preponderance of the evidence that the interlocal~~  
 3114 ~~agreement is inconsistent.~~

3115 ~~(c) If the state land planning agency enters a final order~~  
 3116 ~~that finds that the interlocal agreement is inconsistent with~~  
 3117 ~~the requirements of subsection (2) or this subsection, it shall~~  
 3118 ~~forward it to the Administration Commission, which may impose~~  
 3119 ~~sanctions against the local government pursuant to s.~~  
 3120 ~~163.3184(11) and may impose sanctions against the district~~  
 3121 ~~school board by directing the Department of Education to~~  
 3122 ~~withhold from the district school board an equivalent amount of~~  
 3123 ~~funds for school construction available pursuant to ss. 1013.65,~~  
 3124 ~~1013.68, 1013.70, and 1013.72.~~

3125 ~~(4) If an executed interlocal agreement is not timely~~  
 3126 ~~submitted to the state land planning agency for review, the~~  
 3127 ~~state land planning agency shall, within 15 working days after~~  
 3128 ~~the deadline for submittal, issue to the local government and~~  
 3129 ~~the district school board a Notice to Show Cause why sanctions~~  
 3130 ~~should not be imposed for failure to submit an executed~~  
 3131 ~~interlocal agreement by the deadline established by the agency.~~  
 3132 ~~The agency shall forward the notice and the responses to the~~  
 3133 ~~Administration Commission, which may enter a final order citing~~  
 3134 ~~the failure to comply and imposing sanctions against the local~~  
 3135 ~~government and district school board by directing the~~  
 3136 ~~appropriate agencies to withhold at least 5 percent of state~~



3137 ~~funds pursuant to s. 163.3184(11) and by directing the~~  
 3138 ~~Department of Education to withhold from the district school~~  
 3139 ~~board at least 5 percent of funds for school construction~~  
 3140 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~  
 3141 ~~1013.72.~~

3142 ~~(5) Any local government transmitting a public school~~  
 3143 ~~element to implement school concurrency pursuant to the~~  
 3144 ~~requirements of s. 163.3180 before the effective date of this~~  
 3145 ~~section is not required to amend the element or any interlocal~~  
 3146 ~~agreement to conform with the provisions of this section if the~~  
 3147 ~~element is adopted prior to or within 1 year after the effective~~  
 3148 ~~date of this section and remains in effect until the county~~  
 3149 ~~conducts its evaluation and appraisal report and identifies~~  
 3150 ~~changes necessary to more fully conform to the provisions of~~  
 3151 ~~this section.~~

3152 ~~(6) Except as provided in subsection (7), municipalities~~  
 3153 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
 3154 ~~from the requirements of subsections (1), (2), and (3).~~

3155 ~~(7) At the time of the evaluation and appraisal report,~~  
 3156 ~~each exempt municipality shall assess the extent to which it~~  
 3157 ~~continues to meet the criteria for exemption under s.~~  
 3158 ~~163.3177(12). If the municipality continues to meet these~~  
 3159 ~~eriteria, the municipality shall continue to be exempt from the~~  
 3160 ~~interlocal-agreement requirement. Each municipality exempt under~~  
 3161 ~~s. 163.3177(12) must comply with the provisions of this section~~  
 3162 ~~within 1 year after the district school board proposes, in its~~  
 3163 ~~5-year district facilities work program, a new school within the~~  
 3164 ~~municipality's jurisdiction.~~

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3165 Section 13. Subsection (9) of section 163.3178, Florida  
 3166 Statutes, is amended to read:

3167 163.3178 Coastal management.—

3168 (9) (a) ~~Local governments may elect to comply with rule 9J-~~  
 3169 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~  
 3170 ~~process provided in this section.~~ A proposed comprehensive plan  
 3171 amendment shall be found in compliance with state coastal high-  
 3172 hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7.,~~  
 3173 ~~Florida Administrative Code, if:~~

3174 1. The adopted level of service for out-of-county  
 3175 hurricane evacuation is maintained for a category 5 storm event  
 3176 as measured on the Saffir-Simpson scale; or

3177 2. A 12-hour evacuation time to shelter is maintained for  
 3178 a category 5 storm event as measured on the Saffir-Simpson scale  
 3179 and shelter space reasonably expected to accommodate the  
 3180 residents of the development contemplated by a proposed  
 3181 comprehensive plan amendment is available; or

3182 3. Appropriate mitigation is provided that will satisfy  
 3183 the provisions of subparagraph 1. or subparagraph 2. Appropriate  
 3184 mitigation shall include, without limitation, payment of money,  
 3185 contribution of land, and construction of hurricane shelters and  
 3186 transportation facilities. Required mitigation shall not exceed  
 3187 the amount required for a developer to accommodate impacts  
 3188 reasonably attributable to development. A local government and a  
 3189 developer shall enter into a binding agreement to memorialize  
 3190 the mitigation plan.

3191 (b) For those local governments that have not established  
 3192 a level of service for out-of-county hurricane evacuation by

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3193 July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and~~  
 3194 ~~7., Florida Administrative Code,~~ by following the process in  
 3195 paragraph (a), the level of service shall be no greater than 16  
 3196 hours for a category 5 storm event as measured on the Saffir-  
 3197 Simpson scale.

3198 (c) This subsection shall become effective immediately and  
 3199 shall apply to all local governments. No later than July 1,  
 3200 2008, local governments shall amend their future land use map  
 3201 and coastal management element to include the new definition of  
 3202 coastal high-hazard area and to depict the coastal high-hazard  
 3203 area on the future land use map.

3204 Section 14. Section 163.3180, Florida Statutes, is amended  
 3205 to read:

3206 163.3180 Concurrency.—

3207 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable  
 3208 water, ~~parks and recreation, schools, and transportation~~  
 3209 ~~facilities, including mass transit, where applicable,~~ are the  
 3210 only public facilities and services subject to the concurrency  
 3211 requirement on a statewide basis. Additional public facilities  
 3212 and services may not be made subject to concurrency on a  
 3213 statewide basis without ~~appropriate study and~~ approval by the  
 3214 Legislature; however, any local government may extend the  
 3215 concurrency requirement so that it applies to additional public  
 3216 facilities within its jurisdiction. If concurrency is applied to  
 3217 other public facilities, the local government comprehensive plan  
 3218 must provide the principles, guidelines, standards, and  
 3219 strategies, including adopted levels of service, to guide its  
 3220 application. In order for a local government to rescind any

3221 optional concurrency provisions, a comprehensive plan amendment  
 3222 is required. An amendment rescinding optional concurrency issues  
 3223 is not subject to state review. The local government  
 3224 comprehensive plan must demonstrate, for required or optional  
 3225 concurrency requirements, that the levels of service adopted can  
 3226 be reasonably met. Infrastructure needed to ensure that adopted  
 3227 level-of-service standards are achieved and maintained for the  
 3228 5-year period of the capital improvement schedule must be  
 3229 identified pursuant to the requirements of s. 163.3177(3).

3230 ~~(b) Local governments shall use professionally accepted~~  
 3231 ~~techniques for measuring level of service for automobiles,~~  
 3232 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~  
 3233 ~~be used to evaluate increased accessibility by multiple modes~~  
 3234 ~~and reductions in vehicle miles of travel in an area or zone.~~  
 3235 ~~The Department of Transportation shall develop methodologies to~~  
 3236 ~~assist local governments in implementing this multimodal level-~~  
 3237 ~~of-service analysis. The Department of Community Affairs and the~~  
 3238 ~~Department of Transportation shall provide technical assistance~~  
 3239 ~~to local governments in applying these methodologies.~~

3240 (2)(a) Consistent with public health and safety, sanitary  
 3241 sewer, solid waste, drainage, adequate water supplies, and  
 3242 potable water facilities shall be in place and available to  
 3243 serve new development no later than the issuance by the local  
 3244 government of a certificate of occupancy or its functional  
 3245 equivalent. Prior to approval of a building permit or its  
 3246 functional equivalent, the local government shall consult with  
 3247 the applicable water supplier to determine whether adequate  
 3248 water supplies to serve the new development will be available no

3249 later than the anticipated date of issuance by the local  
 3250 government of a certificate of occupancy or its functional  
 3251 equivalent. A local government may meet the concurrency  
 3252 requirement for sanitary sewer through the use of onsite sewage  
 3253 treatment and disposal systems approved by the Department of  
 3254 Health to serve new development.

3255 ~~(b) Consistent with the public welfare, and except as~~  
 3256 ~~otherwise provided in this section, parks and recreation~~  
 3257 ~~facilities to serve new development shall be in place or under~~  
 3258 ~~actual construction no later than 1 year after issuance by the~~  
 3259 ~~local government of a certificate of occupancy or its functional~~  
 3260 ~~equivalent. However, the acreage for such facilities shall be~~  
 3261 ~~dedicated or be acquired by the local government prior to~~  
 3262 ~~issuance by the local government of a certificate of occupancy~~  
 3263 ~~or its functional equivalent, or funds in the amount of the~~  
 3264 ~~developer's fair share shall be committed no later than the~~  
 3265 ~~local government's approval to commence construction.~~

3266 ~~(c) Consistent with the public welfare, and except as~~  
 3267 ~~otherwise provided in this section, transportation facilities~~  
 3268 ~~needed to serve new development shall be in place or under~~  
 3269 ~~actual construction within 3 years after the local government~~  
 3270 ~~approves a building permit or its functional equivalent that~~  
 3271 ~~results in traffic generation.~~

3272 (3) Governmental entities that are not responsible for  
 3273 providing, financing, operating, or regulating public facilities  
 3274 needed to serve development may not establish binding level-of-  
 3275 service standards on governmental entities that do bear those  
 3276 responsibilities. ~~This subsection does not limit the authority~~

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3277 ~~of any agency to recommend or make objections, recommendations,~~  
 3278 ~~comments, or determinations during reviews conducted under s.~~  
 3279 ~~163.3184.~~

3280 (4)(a) The concurrency requirement as implemented in local  
 3281 comprehensive plans applies to state and other public facilities  
 3282 and development to the same extent that it applies to all other  
 3283 facilities and development, as provided by law.

3284 ~~(b) The concurrency requirement as implemented in local~~  
 3285 ~~comprehensive plans does not apply to public transit facilities.~~  
 3286 ~~For the purposes of this paragraph, public transit facilities~~  
 3287 ~~include transit stations and terminals; transit station parking;~~  
 3288 ~~park and ride lots; intermodal public transit connection or~~  
 3289 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~  
 3290 ~~airport passenger terminals and concourses, air cargo~~  
 3291 ~~facilities, and hangars for the assembly, manufacture,~~  
 3292 ~~maintenance, or storage of aircraft. As used in this paragraph,~~  
 3293 ~~the terms "terminals" and "transit facilities" do not include~~  
 3294 ~~seaports or commercial or residential development constructed in~~  
 3295 ~~conjunction with a public transit facility.~~

3296 ~~(c) The concurrency requirement, except as it relates to~~  
 3297 ~~transportation facilities and public schools, as implemented in~~  
 3298 ~~local government comprehensive plans, may be waived by a local~~  
 3299 ~~government for urban infill and redevelopment areas designated~~  
 3300 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~  
 3301 ~~public health or safety as defined by the local government in~~  
 3302 ~~its local government comprehensive plan. The waiver shall be~~  
 3303 ~~adopted as a plan amendment pursuant to the process set forth in~~  
 3304 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~

3305 ~~exception pursuant to subsection (5) for transportation~~  
 3306 ~~facilities located within these urban infill and redevelopment~~  
 3307 ~~areas.~~

3308 (5) (a) If concurrency is applied to transportation  
 3309 facilities, the local government comprehensive plan must provide  
 3310 the principles, guidelines, standards, and strategies, including  
 3311 adopted levels of service to guide its application.

3312 (b) Local governments shall use professionally accepted  
 3313 studies to determine appropriate levels of service, which shall  
 3314 be based on a schedule of facilities that will be necessary to  
 3315 meet level of service demands reflected in the capital  
 3316 improvement element.

3317 (c) Local governments shall use professionally accepted  
 3318 techniques for measuring levels of service when evaluating  
 3319 potential impacts of a proposed development.

3320 (d) The premise of concurrency is that the public  
 3321 facilities will be provided in order to achieve and maintain the  
 3322 adopted level of service standard. A comprehensive plan that  
 3323 imposes transportation concurrency shall contain appropriate  
 3324 amendments to the capital improvements element of the  
 3325 comprehensive plan, consistent with the requirements of s.  
 3326 163.3177(3). The capital improvements element shall identify  
 3327 facilities necessary to meet adopted levels of service during a  
 3328 5-year period.

3329 (e) If a local government applies transportation  
 3330 concurrency in its jurisdiction, it is encouraged to develop  
 3331 policy guidelines and techniques to address potential negative  
 3332 impacts on future development:

- 3333 |       1. In urban infill and redevelopment, and urban service  
 3334 | areas.
- 3335 |       2. With special part-time demands on the transportation  
 3336 | system.
- 3337 |       3. With de minimis impacts.
- 3338 |       4. On community desired types of development, such as  
 3339 | redevelopment, or job creation projects.
- 3340 |       (f) Local governments are encouraged to develop tools and  
 3341 | techniques to complement the application of transportation  
 3342 | concurrency such as:
- 3343 |       1. Adoption of long-term strategies to facilitate  
 3344 | development patterns that support multimodal solutions,  
 3345 | including urban design, and appropriate land use mixes,  
 3346 | including intensity and density.
- 3347 |       2. Adoption of an areawide level of service not dependent  
 3348 | on any single road segment function.
- 3349 |       3. Exempting or discounting impacts of locally desired  
 3350 | development, such as development in urban areas, redevelopment,  
 3351 | job creation, and mixed use on the transportation system.
- 3352 |       4. Assigning secondary priority to vehicle mobility and  
 3353 | primary priority to ensuring a safe, comfortable, and attractive  
 3354 | pedestrian environment, with convenient interconnection to  
 3355 | transit.
- 3356 |       5. Establishing multimodal level of service standards that  
 3357 | rely primarily on nonvehicular modes of transportation where  
 3358 | existing or planned community design will provide adequate level  
 3359 | of mobility.
- 3360 |       6. Reducing impact fees or local access fees to promote



3361 development within urban areas, multimodal transportation  
 3362 districts, and a balance of mixed use development in certain  
 3363 areas or districts, or for affordable or workforce housing.

3364 (g) Local governments are encouraged to coordinate with  
 3365 adjacent local governments for the purpose of using common  
 3366 methodologies for measuring impacts on transportation  
 3367 facilities.

3368 (h) Local governments that implement transportation  
 3369 concurrency must:

3370 1. Consult with the Department of Transportation when  
 3371 proposed plan amendments affect facilities on the strategic  
 3372 intermodal system.

3373 2. Exempt public transit facilities from concurrency. For  
 3374 the purposes of this subparagraph, public transit facilities  
 3375 include transit stations and terminals; transit station parking;  
 3376 park-and-ride lots; intermodal public transit connection or  
 3377 transfer facilities; fixed bus, guideway, and rail stations; and  
 3378 airport passenger terminals and concourses, air cargo  
 3379 facilities, and hangars for the assembly, manufacture,  
 3380 maintenance, or storage of aircraft. As used in this  
 3381 subparagraph, the terms "terminals" and "transit facilities" do  
 3382 not include seaports or commercial or residential development  
 3383 constructed in conjunction with a public transit facility.

3384 3. Allow an applicant for a development of regional impact  
 3385 development order, a rezoning, or other land use development  
 3386 permit to satisfy the transportation concurrency requirements of  
 3387 the local comprehensive plan, the local government's concurrency  
 3388 management system, and s. 380.06, when applicable, if:

3389 a. The applicant enters into a binding agreement to pay  
 3390 for or construct its proportionate share of required  
 3391 improvements.

3392 b. The proportionate share contribution or construction is  
 3393 sufficient to accomplish one or more mobility improvements that  
 3394 will benefit a regionally significant transportation facility.

3395 c. The local government has provided a means by which the  
 3396 landowner will be assessed a proportionate share of the cost of  
 3397 providing the transportation facilities necessary to serve the  
 3398 proposed development.

3399  
 3400 When an applicant contributes or constructs its proportionate  
 3401 share, pursuant to this subparagraph, a local government may not  
 3402 require payment or construction of transportation facilities  
 3403 whose costs would be greater than a development's proportionate  
 3404 share of the improvements necessary to mitigate the  
 3405 development's impacts. The proportionate share contribution  
 3406 shall be calculated based upon the number of trips from the  
 3407 proposed development expected to reach roadways during the peak  
 3408 hour from the stage or phase being approved, divided by the  
 3409 change in the peak hour maximum service volume of roadways  
 3410 resulting from construction of an improvement necessary to  
 3411 maintain or achieve the adopted level of service, multiplied by  
 3412 the construction cost, at the time of development payment, of  
 3413 the improvement necessary to maintain or achieve the adopted  
 3414 level of service. When the provisions of this paragraph have  
 3415 been satisfied for a particular stage or phase of development,  
 3416 all transportation impacts from that stage or phase shall be

3417 deemed fully mitigated in any cumulative transportation analysis  
 3418 for a subsequent stage or phase of development. In projecting  
 3419 the number of trips to be generated by the development under  
 3420 review, any trips assigned to a toll-financed facility shall be  
 3421 eliminated from the analysis. The applicant is not responsible  
 3422 for the cost of reducing or eliminating deficits that exist  
 3423 prior to the filing of the application and shall receive a  
 3424 credit on a dollar-for-dollar basis for transportation impact  
 3425 fees payable in the future for the project. This subparagraph  
 3426 does not require a local government to approve a development  
 3427 that is not otherwise qualified for approval pursuant to the  
 3428 applicable local comprehensive plan and land development  
 3429 regulations.

3430 ~~(a) The Legislature finds that under limited~~  
 3431 ~~circumstances, countervailing planning and public policy goals~~  
 3432 ~~may come into conflict with the requirement that adequate public~~  
 3433 ~~transportation facilities and services be available concurrent~~  
 3434 ~~with the impacts of such development. The Legislature further~~  
 3435 ~~finds that the unintended result of the concurrency requirement~~  
 3436 ~~for transportation facilities is often the discouragement of~~  
 3437 ~~urban infill development and redevelopment. Such unintended~~  
 3438 ~~results directly conflict with the goals and policies of the~~  
 3439 ~~state comprehensive plan and the intent of this part. The~~  
 3440 ~~Legislature also finds that in urban centers transportation~~  
 3441 ~~cannot be effectively managed and mobility cannot be improved~~  
 3442 ~~solely through the expansion of roadway capacity, that the~~  
 3443 ~~expansion of roadway capacity is not always physically or~~  
 3444 ~~financially possible, and that a range of transportation~~

3445 ~~alternatives is essential to satisfy mobility needs, reduce~~  
 3446 ~~congestion, and achieve healthy, vibrant centers.~~

3447 ~~(b)1. The following are transportation concurrency~~  
 3448 ~~exception areas:~~

3449 ~~a. A municipality that qualifies as a dense urban land~~  
 3450 ~~area under s. 163.3164;~~

3451 ~~b. An urban service area under s. 163.3164 that has been~~  
 3452 ~~adopted into the local comprehensive plan and is located within~~  
 3453 ~~a county that qualifies as a dense urban land area under s.~~  
 3454 ~~163.3164; and~~

3455 ~~e. A county, including the municipalities located therein,~~  
 3456 ~~which has a population of at least 900,000 and qualifies as a~~  
 3457 ~~dense urban land area under s. 163.3164, but does not have an~~  
 3458 ~~urban service area designated in the local comprehensive plan.~~

3459 ~~2. A municipality that does not qualify as a dense urban~~  
 3460 ~~land area pursuant to s. 163.3164 may designate in its local~~  
 3461 ~~comprehensive plan the following areas as transportation~~  
 3462 ~~concurrency exception areas:~~

3463 ~~a. Urban infill as defined in s. 163.3164;~~

3464 ~~b. Community redevelopment areas as defined in s. 163.340;~~

3465 ~~e. Downtown revitalization areas as defined in s.~~  
 3466 ~~163.3164;~~

3467 ~~d. Urban infill and redevelopment under s. 163.2517; or~~

3468 ~~e. Urban service areas as defined in s. 163.3164 or areas~~  
 3469 ~~within a designated urban service boundary under s.~~  
 3470 ~~163.3177(14).~~

3471 ~~3. A county that does not qualify as a dense urban land~~  
 3472 ~~area pursuant to s. 163.3164 may designate in its local~~

3473 ~~comprehensive plan the following areas as transportation~~  
 3474 ~~concurrency exception areas:~~

- 3475 ~~a. Urban infill as defined in s. 163.3164;~~
- 3476 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
- 3477 ~~c. Urban service areas as defined in s. 163.3164.~~

3478 ~~4. A local government that has a transportation~~  
 3479 ~~concurrency exception area designated pursuant to subparagraph~~  
 3480 ~~1., subparagraph 2., or subparagraph 3. shall, within 2 years~~  
 3481 ~~after the designated area becomes exempt, adopt into its local~~  
 3482 ~~comprehensive plan land use and transportation strategies to~~  
 3483 ~~support and fund mobility within the exception area, including~~  
 3484 ~~alternative modes of transportation. Local governments are~~  
 3485 ~~encouraged to adopt complementary land use and transportation~~  
 3486 ~~strategies that reflect the region's shared vision for its~~  
 3487 ~~future. If the state land planning agency finds insufficient~~  
 3488 ~~cause for the failure to adopt into its comprehensive plan land~~  
 3489 ~~use and transportation strategies to support and fund mobility~~  
 3490 ~~within the designated exception area after 2 years, it shall~~  
 3491 ~~submit the finding to the Administration Commission, which may~~  
 3492 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~  
 3493 ~~(b) against the local government.~~

3494 ~~5. Transportation concurrency exception areas designated~~  
 3495 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~  
 3496 ~~do not apply to designated transportation concurrency districts~~  
 3497 ~~located within a county that has a population of at least 1.5~~  
 3498 ~~million, has implemented and uses a transportation-related~~  
 3499 ~~concurrency assessment to support alternative modes of~~  
 3500 ~~transportation, including, but not limited to, mass transit, and~~

3501 ~~does not levy transportation impact fees within the concurrency~~  
 3502 ~~district.~~

3503 ~~6. Transportation concurrency exception areas designated~~  
 3504 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~  
 3505 ~~not apply in any county that has exempted more than 40 percent~~  
 3506 ~~of the area inside the urban service area from transportation~~  
 3507 ~~concurrency for the purpose of urban infill.~~

3508 ~~7. A local government that does not have a transportation~~  
 3509 ~~concurrency exception area designated pursuant to subparagraph~~  
 3510 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~  
 3511 ~~from the concurrency requirement for transportation facilities~~  
 3512 ~~if the proposed development is otherwise consistent with the~~  
 3513 ~~adopted local government comprehensive plan and is a project~~  
 3514 ~~that promotes public transportation or is located within an area~~  
 3515 ~~designated in the comprehensive plan for:~~

- 3516 ~~a. Urban infill development;~~
- 3517 ~~b. Urban redevelopment;~~
- 3518 ~~c. Downtown revitalization;~~
- 3519 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3520 ~~e. An urban service area specifically designated as a~~  
 3521 ~~transportation concurrency exception area which includes lands~~  
 3522 ~~appropriate for compact, contiguous urban development, which~~  
 3523 ~~does not exceed the amount of land needed to accommodate the~~  
 3524 ~~projected population growth at densities consistent with the~~  
 3525 ~~adopted comprehensive plan within the 10-year planning period,~~  
 3526 ~~and which is served or is planned to be served with public~~  
 3527 ~~facilities and services as provided by the capital improvements~~  
 3528 ~~element.~~

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3529 ~~(c) The Legislature also finds that developments located~~  
3530 ~~within urban infill, urban redevelopment, urban service, or~~  
3531 ~~downtown revitalization areas or areas designated as urban~~  
3532 ~~infill and redevelopment areas under s. 163.2517, which pose~~  
3533 ~~only special part-time demands on the transportation system, are~~  
3534 ~~exempt from the concurrency requirement for transportation~~  
3535 ~~facilities. A special part-time demand is one that does not have~~  
3536 ~~more than 200 scheduled events during any calendar year and does~~  
3537 ~~not affect the 100 highest traffic volume hours.~~

3538 ~~(d) Except for transportation concurrency exception areas~~  
3539 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~  
3540 ~~or subparagraph (b)3., the following requirements apply:~~

3541 ~~1. The local government shall both adopt into the~~  
3542 ~~comprehensive plan and implement long-term strategies to support~~  
3543 ~~and fund mobility within the designated exception area,~~  
3544 ~~including alternative modes of transportation. The plan~~  
3545 ~~amendment must also demonstrate how strategies will support the~~  
3546 ~~purpose of the exception and how mobility within the designated~~  
3547 ~~exception area will be provided.~~

3548 ~~2. The strategies must address urban design; appropriate~~  
3549 ~~land use mixes, including intensity and density; and network~~  
3550 ~~connectivity plans needed to promote urban infill,~~  
3551 ~~redevelopment, or downtown revitalization. The comprehensive~~  
3552 ~~plan amendment designating the concurrency exception area must~~  
3553 ~~be accompanied by data and analysis supporting the local~~  
3554 ~~government's determination of the boundaries of the~~  
3555 ~~transportation concurrency exception area.~~

3556 ~~(e) Before designating a concurrency exception area~~

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3557 ~~pursuant to subparagraph (b)7., the state land planning agency~~  
 3558 ~~and the Department of Transportation shall be consulted by the~~  
 3559 ~~local government to assess the impact that the proposed~~  
 3560 ~~exception area is expected to have on the adopted level of~~  
 3561 ~~service standards established for regional transportation~~  
 3562 ~~facilities identified pursuant to s. 186.507, including the~~  
 3563 ~~Strategic Intermodal System and roadway facilities funded in~~  
 3564 ~~accordance with s. 339.2819. Further, the local government shall~~  
 3565 ~~provide a plan for the mitigation of impacts to the Strategic~~  
 3566 ~~Intermodal System, including, if appropriate, access management,~~  
 3567 ~~parallel reliever roads, transportation demand management, and~~  
 3568 ~~other measures.~~

3569 ~~(f) The designation of a transportation concurrency~~  
 3570 ~~exception area does not limit a local government's home rule~~  
 3571 ~~power to adopt ordinances or impose fees. This subsection does~~  
 3572 ~~not affect any contract or agreement entered into or development~~  
 3573 ~~order rendered before the creation of the transportation~~  
 3574 ~~concurrency exception area except as provided in s.~~  
 3575 ~~380.06(29)(c).~~

3576 ~~(g) The Office of Program Policy Analysis and Government~~  
 3577 ~~Accountability shall submit to the President of the Senate and~~  
 3578 ~~the Speaker of the House of Representatives by February 1, 2015,~~  
 3579 ~~a report on transportation concurrency exception areas created~~  
 3580 ~~pursuant to this subsection. At a minimum, the report shall~~  
 3581 ~~address the methods that local governments have used to~~  
 3582 ~~implement and fund transportation strategies to achieve the~~  
 3583 ~~purposes of designated transportation concurrency exception~~  
 3584 ~~areas, and the effects of the strategies on mobility,~~



3585 ~~congestion, urban design, the density and intensity of land use~~  
 3586 ~~mixes, and network connectivity plans used to promote urban~~  
 3587 ~~infill, redevelopment, or downtown revitalization.~~

3588 ~~(6) The Legislature finds that a de minimis impact is~~  
 3589 ~~consistent with this part. A de minimis impact is an impact that~~  
 3590 ~~would not affect more than 1 percent of the maximum volume at~~  
 3591 ~~the adopted level of service of the affected transportation~~  
 3592 ~~facility as determined by the local government. No impact will~~  
 3593 ~~be de minimis if the sum of existing roadway volumes and the~~  
 3594 ~~projected volumes from approved projects on a transportation~~  
 3595 ~~facility would exceed 110 percent of the maximum volume at the~~  
 3596 ~~adopted level of service of the affected transportation~~  
 3597 ~~facility; provided however, that an impact of a single family~~  
 3598 ~~home on an existing lot will constitute a de minimis impact on~~  
 3599 ~~all roadways regardless of the level of the deficiency of the~~  
 3600 ~~roadway. Further, no impact will be de minimis if it would~~  
 3601 ~~exceed the adopted level of service standard of any affected~~  
 3602 ~~designated hurricane evacuation routes. Each local government~~  
 3603 ~~shall maintain sufficient records to ensure that the 110 percent~~  
 3604 ~~criterion is not exceeded. Each local government shall submit~~  
 3605 ~~annually, with its updated capital improvements element, a~~  
 3606 ~~summary of the de minimis records. If the state land planning~~  
 3607 ~~agency determines that the 110 percent criterion has been~~  
 3608 ~~exceeded, the state land planning agency shall notify the local~~  
 3609 ~~government of the exceedance and that no further de minimis~~  
 3610 ~~exceptions for the applicable roadway may be granted until such~~  
 3611 ~~time as the volume is reduced below the 110 percent. The local~~  
 3612 ~~government shall provide proof of this reduction to the state~~

3613 ~~land planning agency before issuing further de minimis~~  
 3614 ~~exceptions.~~

3615 ~~(7) In order to promote infill development and~~  
 3616 ~~redevelopment, one or more transportation concurrency management~~  
 3617 ~~areas may be designated in a local government comprehensive~~  
 3618 ~~plan. A transportation concurrency management area must be a~~  
 3619 ~~compact geographic area with an existing network of roads where~~  
 3620 ~~multiple, viable alternative travel paths or modes are available~~  
 3621 ~~for common trips. A local government may establish an areawide~~  
 3622 ~~level of service standard for such a transportation concurrency~~  
 3623 ~~management area based upon an analysis that provides for a~~  
 3624 ~~justification for the areawide level of service, how urban~~  
 3625 ~~infill development or redevelopment will be promoted, and how~~  
 3626 ~~mobility will be accomplished within the transportation~~  
 3627 ~~concurrency management area. Prior to the designation of a~~  
 3628 ~~concurrency management area, the Department of Transportation~~  
 3629 ~~shall be consulted by the local government to assess the impact~~  
 3630 ~~that the proposed concurrency management area is expected to~~  
 3631 ~~have on the adopted level of service standards established for~~  
 3632 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~  
 3633 ~~and roadway facilities funded in accordance with s. 339.2819.~~  
 3634 ~~Further, the local government shall, in cooperation with the~~  
 3635 ~~Department of Transportation, develop a plan to mitigate any~~  
 3636 ~~impacts to the Strategic Intermodal System, including, if~~  
 3637 ~~appropriate, the development of a long-term concurrency~~  
 3638 ~~management system pursuant to subsection (9) and s.~~  
 3639 ~~163.3177(3)(d). Transportation concurrency management areas~~  
 3640 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~

3641 ~~provisions of this section by July 1, 2006, or at the time of~~  
 3642 ~~the comprehensive plan update pursuant to the evaluation and~~  
 3643 ~~appraisal report, whichever occurs last. The state land planning~~  
 3644 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~  
 3645 ~~be consistent with this subsection.~~

3646 ~~(8) When assessing the transportation impacts of proposed~~  
 3647 ~~urban redevelopment within an established existing urban service~~  
 3648 ~~area, 110 percent of the actual transportation impact caused by~~  
 3649 ~~the previously existing development must be reserved for the~~  
 3650 ~~redevelopment, even if the previously existing development has a~~  
 3651 ~~lesser or nonexistent impact pursuant to the calculations of the~~  
 3652 ~~local government. Redevelopment requiring less than 110 percent~~  
 3653 ~~of the previously existing capacity shall not be prohibited due~~  
 3654 ~~to the reduction of transportation levels of service below the~~  
 3655 ~~adopted standards. This does not preclude the appropriate~~  
 3656 ~~assessment of fees or accounting for the impacts within the~~  
 3657 ~~concurrency management system and capital improvements program~~  
 3658 ~~of the affected local government. This paragraph does not affect~~  
 3659 ~~local government requirements for appropriate development~~  
 3660 ~~permits.~~

3661 ~~(9) (a) Each local government may adopt as a part of its~~  
 3662 ~~plan, long-term transportation and school concurrency management~~  
 3663 ~~systems with a planning period of up to 10 years for specially~~  
 3664 ~~designated districts or areas where significant backlogs exist.~~  
 3665 ~~The plan may include interim level-of-service standards on~~  
 3666 ~~certain facilities and shall rely on the local government's~~  
 3667 ~~schedule of capital improvements for up to 10 years as a basis~~  
 3668 ~~for issuing development orders that authorize commencement of~~

3669 ~~construction in these designated districts or areas. The~~  
 3670 ~~concurrency management system must be designed to correct~~  
 3671 ~~existing deficiencies and set priorities for addressing~~  
 3672 ~~backlogged facilities. The concurrency management system must be~~  
 3673 ~~financially feasible and consistent with other portions of the~~  
 3674 ~~adopted local plan, including the future land use map.~~

3675 ~~(b) If a local government has a transportation or school~~  
 3676 ~~facility backlog for existing development which cannot be~~  
 3677 ~~adequately addressed in a 10-year plan, the state land planning~~  
 3678 ~~agency may allow it to develop a plan and long-term schedule of~~  
 3679 ~~capital improvements covering up to 15 years for good and~~  
 3680 ~~sufficient cause, based on a general comparison between that~~  
 3681 ~~local government and all other similarly situated local~~  
 3682 ~~jurisdictions, using the following factors:~~

- 3683 ~~1. The extent of the backlog.~~
- 3684 ~~2. For roads, whether the backlog is on local or state~~  
 3685 ~~roads.~~
- 3686 ~~3. The cost of eliminating the backlog.~~
- 3687 ~~4. The local government's tax and other revenue-raising~~  
 3688 ~~efforts.~~

3689 ~~(c) The local government may issue approvals to commence~~  
 3690 ~~construction notwithstanding this section, consistent with and~~  
 3691 ~~in areas that are subject to a long-term concurrency management~~  
 3692 ~~system.~~

3693 ~~(d) If the local government adopts a long-term concurrency~~  
 3694 ~~management system, it must evaluate the system periodically. At~~  
 3695 ~~a minimum, the local government must assess its progress toward~~  
 3696 ~~improving levels of service within the long-term concurrency~~

3697 ~~management district or area in the evaluation and appraisal~~  
 3698 ~~report and determine any changes that are necessary to~~  
 3699 ~~accelerate progress in meeting acceptable levels of service.~~  
 3700 ~~(10) Except in transportation concurrency exception areas,~~  
 3701 ~~with regard to roadway facilities on the Strategic Intermodal~~  
 3702 ~~System designated in accordance with s. 339.63, local~~  
 3703 ~~governments shall adopt the level of service standard~~  
 3704 ~~established by the Department of Transportation by rule.~~  
 3705 ~~However, if the Office of Tourism, Trade, and Economic~~  
 3706 ~~Development concurs in writing with the local government that~~  
 3707 ~~the proposed development is for a qualified job creation project~~  
 3708 ~~under s. 288.0656 or s. 403.973, the affected local government,~~  
 3709 ~~after consulting with the Department of Transportation, may~~  
 3710 ~~provide for a waiver of transportation concurrency for the~~  
 3711 ~~project. For all other roads on the State Highway System, local~~  
 3712 ~~governments shall establish an adequate level of service~~  
 3713 ~~standard that need not be consistent with any level of service~~  
 3714 ~~standard established by the Department of Transportation. In~~  
 3715 ~~establishing adequate level of service standards for any~~  
 3716 ~~arterial roads, or collector roads as appropriate, which~~  
 3717 ~~traverse multiple jurisdictions, local governments shall~~  
 3718 ~~consider compatibility with the roadway facility's adopted~~  
 3719 ~~level of service standards in adjacent jurisdictions. Each local~~  
 3720 ~~government within a county shall use a professionally accepted~~  
 3721 ~~methodology for measuring impacts on transportation facilities~~  
 3722 ~~for the purposes of implementing its concurrency management~~  
 3723 ~~system. Counties are encouraged to coordinate with adjacent~~  
 3724 ~~counties, and local governments within a county are encouraged~~

3725 ~~to coordinate, for the purpose of using common methodologies for~~  
 3726 ~~measuring impacts on transportation facilities for the purpose~~  
 3727 ~~of implementing their concurrency management systems.~~

3728 ~~(11) In order to limit the liability of local governments,~~  
 3729 ~~a local government may allow a landowner to proceed with~~  
 3730 ~~development of a specific parcel of land notwithstanding a~~  
 3731 ~~failure of the development to satisfy transportation~~  
 3732 ~~concurrency, when all the following factors are shown to exist:~~

3733 ~~(a) The local government with jurisdiction over the~~  
 3734 ~~property has adopted a local comprehensive plan that is in~~  
 3735 ~~compliance.~~

3736 ~~(b) The proposed development would be consistent with the~~  
 3737 ~~future land use designation for the specific property and with~~  
 3738 ~~pertinent portions of the adopted local plan, as determined by~~  
 3739 ~~the local government.~~

3740 ~~(c) The local plan includes a financially feasible capital~~  
 3741 ~~improvements element that provides for transportation facilities~~  
 3742 ~~adequate to serve the proposed development, and the local~~  
 3743 ~~government has not implemented that element.~~

3744 ~~(d) The local government has provided a means by which the~~  
 3745 ~~landowner will be assessed a fair share of the cost of providing~~  
 3746 ~~the transportation facilities necessary to serve the proposed~~  
 3747 ~~development.~~

3748 ~~(e) The landowner has made a binding commitment to the~~  
 3749 ~~local government to pay the fair share of the cost of providing~~  
 3750 ~~the transportation facilities to serve the proposed development.~~

3751 ~~(12) (a) A development of regional impact may satisfy the~~  
 3752 ~~transportation concurrency requirements of the local~~

3753 ~~comprehensive plan, the local government's concurrency~~  
 3754 ~~management system, and s. 380.06 by payment of a proportionate-~~  
 3755 ~~share contribution for local and regionally significant traffic~~  
 3756 ~~impacts, if:~~

- 3757 ~~1. The development of regional impact which, based on its~~  
 3758 ~~location or mix of land uses, is designed to encourage~~  
 3759 ~~pedestrian or other nonautomotive modes of transportation;~~
- 3760 ~~2. The proportionate-share contribution for local and~~  
 3761 ~~regionally significant traffic impacts is sufficient to pay for~~  
 3762 ~~one or more required mobility improvements that will benefit a~~  
 3763 ~~regionally significant transportation facility;~~
- 3764 ~~3. The owner and developer of the development of regional~~  
 3765 ~~impact pays or assures payment of the proportionate-share~~  
 3766 ~~contribution; and~~
- 3767 ~~4. If the regionally significant transportation facility~~  
 3768 ~~to be constructed or improved is under the maintenance authority~~  
 3769 ~~of a governmental entity, as defined by s. 334.03(12), other~~  
 3770 ~~than the local government with jurisdiction over the development~~  
 3771 ~~of regional impact, the developer is required to enter into a~~  
 3772 ~~binding and legally enforceable commitment to transfer funds to~~  
 3773 ~~the governmental entity having maintenance authority or to~~  
 3774 ~~otherwise assure construction or improvement of the facility.~~

3775  
 3776 ~~The proportionate-share contribution may be applied to any~~  
 3777 ~~transportation facility to satisfy the provisions of this~~  
 3778 ~~subsection and the local comprehensive plan, but, for the~~  
 3779 ~~purposes of this subsection, the amount of the proportionate-~~  
 3780 ~~share contribution shall be calculated based upon the cumulative~~

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3781 ~~number of trips from the proposed development expected to reach~~  
3782 ~~roadways during the peak hour from the complete buildout of a~~  
3783 ~~stage or phase being approved, divided by the change in the peak~~  
3784 ~~hour maximum service volume of roadways resulting from~~  
3785 ~~construction of an improvement necessary to maintain the adopted~~  
3786 ~~level of service, multiplied by the construction cost, at the~~  
3787 ~~time of developer payment, of the improvement necessary to~~  
3788 ~~maintain the adopted level of service. For purposes of this~~  
3789 ~~subsection, "construction cost" includes all associated costs of~~  
3790 ~~the improvement. Proportionate share mitigation shall be limited~~  
3791 ~~to ensure that a development of regional impact meeting the~~  
3792 ~~requirements of this subsection mitigates its impact on the~~  
3793 ~~transportation system but is not responsible for the additional~~  
3794 ~~cost of reducing or eliminating backlogs. This subsection also~~  
3795 ~~applies to Florida Quality Developments pursuant to s. 380.061~~  
3796 ~~and to detailed specific area plans implementing optional sector~~  
3797 ~~plans pursuant to s. 163.3245.~~

3798 ~~(b) As used in this subsection, the term "backlog" means a~~  
3799 ~~facility or facilities on which the adopted level of service~~  
3800 ~~standard is exceeded by the existing trips, plus additional~~  
3801 ~~projected background trips from any source other than the~~  
3802 ~~development project under review that are forecast by~~  
3803 ~~established traffic standards, including traffic modeling,~~  
3804 ~~consistent with the University of Florida Bureau of Economic and~~  
3805 ~~Business Research medium population projections. Additional~~  
3806 ~~projected background trips are to be coincident with the~~  
3807 ~~particular stage or phase of development under review.~~

3808 ~~(13) School concurrency shall be established on a~~



3809 ~~districtwide basis and shall include all public schools in the~~  
 3810 ~~district and all portions of the district, whether located in a~~  
 3811 ~~municipality or an unincorporated area unless exempt from the~~  
 3812 ~~public school facilities element pursuant to s. 163.3177(12).~~

3813 (6) (a) If concurrency is applied to public education  
 3814 facilities, The application of school concurrency to development  
 3815 shall be based upon the adopted comprehensive plan, as amended.  
 3816 all local governments within a county, except as provided in  
 3817 paragraph (i) ~~(f)~~, shall include principles, guidelines,  
 3818 standards, and strategies, including adopted levels of service,  
 3819 in their comprehensive plans and adopt and transmit to the state  
 3820 land planning agency the necessary plan amendments, along with  
 3821 the interlocal agreements. If the county and one or more  
 3822 municipalities have adopted school concurrency into its  
 3823 comprehensive plan and interlocal agreement that represents at  
 3824 least 80 percent of the total countywide population, the failure  
 3825 of one or more municipalities to adopt the concurrency and enter  
 3826 into the interlocal agreement does not preclude implementation  
 3827 of school concurrency within the school district. agreement, for  
 3828 a compliance review pursuant to s. 163.3184(7) and (8). The  
 3829 minimum requirements for school concurrency are the following:

3830 ~~(a) Public school facilities element. A local government~~  
 3831 ~~shall adopt and transmit to the state land planning agency a~~  
 3832 ~~plan or plan amendment which includes a public school facilities~~  
 3833 ~~element which is consistent with the requirements of s.~~  
 3834 ~~163.3177(12) and which is determined to be in compliance as~~  
 3835 ~~defined in s. 163.3184(1) (b). All local government provisions~~  
 3836 included in comprehensive plans regarding school concurrency

3837 ~~public school facilities plan elements~~ within a county must be  
 3838 consistent with each other as well as the requirements of this  
 3839 part.

3840 (b) ~~Level of service standards. The Legislature recognizes~~  
 3841 ~~that an essential requirement for a concurrency management~~  
 3842 ~~system is the level of service at which a public facility is~~  
 3843 ~~expected to operate.~~

3844 1. Local governments and school boards imposing school  
 3845 concurrency shall exercise authority in conjunction with each  
 3846 other to establish jointly adequate level-of-service standards,  
 3847 ~~as defined in chapter 9J-5, Florida Administrative Code,~~  
 3848 necessary to implement the adopted local government  
 3849 comprehensive plan, based on data and analysis.

3850 (c) 2. Public school level-of-service standards shall be  
 3851 included and adopted into the capital improvements element of  
 3852 the local comprehensive plan and shall apply districtwide to all  
 3853 schools of the same type. Types of schools may include  
 3854 elementary, middle, and high schools as well as special purpose  
 3855 facilities such as magnet schools.

3856 (d) 3. Local governments and school boards may ~~shall have~~  
 3857 ~~the option to~~ utilize tiered level-of-service standards to allow  
 3858 time to achieve an adequate and desirable level of service as  
 3859 circumstances warrant.

3860 (e) 4. ~~For the purpose of determining whether levels of~~  
 3861 ~~service have been achieved, for the first 3 years of school~~  
 3862 ~~concurrency implementation,~~ A school district that includes  
 3863 relocatable facilities in its inventory of student stations  
 3864 shall include the capacity of such relocatable facilities as

3865 provided in s. 1013.35(2)(b)2.f., provided the relocatable  
 3866 facilities were purchased after 1998 and the relocatable  
 3867 facilities meet the standards for long-term use pursuant to s.  
 3868 1013.20.

3869 ~~(c) Service areas. The Legislature recognizes that an~~  
 3870 ~~essential requirement for a concurrency system is a designation~~  
 3871 ~~of the area within which the level of service will be measured~~  
 3872 ~~when an application for a residential development permit is~~  
 3873 ~~reviewed for school concurrency purposes. This delineation is~~  
 3874 ~~also important for purposes of determining whether the local~~  
 3875 ~~government has a financially feasible public school capital~~  
 3876 ~~facilities program that will provide schools which will achieve~~  
 3877 ~~and maintain the adopted level of service standards.~~

3878 (f)1. In order to balance competing interests, preserve  
 3879 the constitutional concept of uniformity, and avoid disruption  
 3880 of existing educational and growth management processes, local  
 3881 governments are encouraged, if they elect to adopt school  
 3882 concurrency, to ~~initially~~ apply school concurrency to  
 3883 development ~~only~~ on a districtwide basis so that a concurrency  
 3884 determination for a specific development will be based upon the  
 3885 availability of school capacity districtwide. ~~To ensure that~~  
 3886 ~~development is coordinated with schools having available~~  
 3887 ~~capacity, within 5 years after adoption of school concurrency,~~

3888 2. If a local government elects to ~~governments shall~~ apply  
 3889 school concurrency on a less than districtwide basis, by such as  
 3890 using school attendance zones or concurrency service areas; ~~as~~  
 3891 ~~provided in subparagraph 2.~~

3892 a.2. ~~For local governments applying school concurrency on~~

3893 ~~a less than districtwide basis, such as utilizing school~~  
 3894 ~~attendance zones or larger school concurrency service areas,~~  
 3895 Local governments and school boards shall have the burden to  
 3896 demonstrate that the utilization of school capacity is maximized  
 3897 to the greatest extent possible in the comprehensive plan and  
 3898 amendment, taking into account transportation costs and court-  
 3899 approved desegregation plans, as well as other factors. In  
 3900 addition, in order to achieve concurrency within the service  
 3901 area boundaries selected by local governments and school boards,  
 3902 the service area boundaries, together with the standards for  
 3903 establishing those boundaries, shall be identified and included  
 3904 as supporting data and analysis for the comprehensive plan.

3905 b.3. Where school capacity is available on a districtwide  
 3906 basis but school concurrency is applied on a less than  
 3907 districtwide basis in the form of concurrency service areas, if  
 3908 the adopted level-of-service standard cannot be met in a  
 3909 particular service area as applied to an application for a  
 3910 development permit and if the needed capacity for the particular  
 3911 service area is available in one or more contiguous service  
 3912 areas, as adopted by the local government, then the local  
 3913 government may not deny an application for site plan or final  
 3914 subdivision approval or the functional equivalent for a  
 3915 development or phase of a development on the basis of school  
 3916 concurrency, and if issued, development impacts shall be  
 3917 subtracted from the ~~shifted to~~ contiguous service area's ~~areas~~  
 3918 with schools having available capacity totals. Students from the  
 3919 development may not be required to go to the adjacent service  
 3920 area unless the school board rezones the area in which the

3921 development occurs.

3922 ~~(g)(d) Financial feasibility. The Legislature recognizes~~  
 3923 ~~that financial feasibility is an important issue because The~~  
 3924 ~~premise of concurrency is that the public facilities will be~~  
 3925 ~~provided in order to achieve and maintain the adopted level-of-~~  
 3926 ~~service standard. This part and chapter 9J-5, Florida~~  
 3927 ~~Administrative Code, contain specific standards to determine the~~  
 3928 ~~financial feasibility of capital programs. These standards were~~  
 3929 ~~adopted to make concurrency more predictable and local~~  
 3930 ~~governments more accountable.~~

3931 ~~1. A comprehensive plan that imposes amendment seeking to~~  
 3932 ~~impose~~ school concurrency shall contain appropriate amendments  
 3933 to the capital improvements element of the comprehensive plan,  
 3934 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~  
 3935 ~~5.016, Florida Administrative Code. The capital improvements~~  
 3936 ~~element shall~~ identify facilities necessary to meet adopted  
 3937 levels of service during a 5-year period consistent with the  
 3938 school board's educational set forth a financially feasible  
 3939 ~~public school capital facilities plan program, established in~~  
 3940 ~~conjunction with the school board, that demonstrates that the~~  
 3941 ~~adopted level-of-service standards will be achieved and~~  
 3942 ~~maintained.~~

3943 (h)1. In order to limit the liability of local  
 3944 governments, a local government may allow a landowner to proceed  
 3945 with development of a specific parcel of land notwithstanding a  
 3946 failure of the development to satisfy school concurrency, if all  
 3947 the following factors are shown to exist:

3948 a. The proposed development would be consistent with the

3949 future land use designation for the specific property and with  
 3950 pertinent portions of the adopted local plan, as determined by  
 3951 the local government.

3952 b. The local government's capital improvements element and  
 3953 the school board's educational facilities plan provide for  
 3954 school facilities adequate to serve the proposed development,  
 3955 and the local government or school board has not implemented  
 3956 that element or the project includes a plan that demonstrates  
 3957 that the capital facilities needed as a result of the project  
 3958 can be reasonably provided.

3959 c. The local government and school board have provided a  
 3960 means by which the landowner will be assessed a proportionate  
 3961 share of the cost of providing the school facilities necessary  
 3962 to serve the proposed development.

3963 ~~2. Such amendments shall demonstrate that the public~~  
 3964 ~~school capital facilities program meets all of the financial~~  
 3965 ~~feasibility standards of this part and chapter 9J-5, Florida~~  
 3966 ~~Administrative Code, that apply to capital programs which~~  
 3967 ~~provide the basis for mandatory concurrency on other public~~  
 3968 ~~facilities and services.~~

3969 ~~3. When the financial feasibility of a public school~~  
 3970 ~~capital facilities program is evaluated by the state land~~  
 3971 ~~planning agency for purposes of a compliance determination, the~~  
 3972 ~~evaluation shall be based upon the service areas selected by the~~  
 3973 ~~local governments and school board.~~

3974 ~~2.(e) Availability standard. Consistent with the public~~  
 3975 ~~welfare, If a local government applies school concurrency, it~~  
 3976 ~~may not deny an application for site plan, final subdivision~~

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3977 approval, or the functional equivalent for a development or  
 3978 phase of a development authorizing residential development for  
 3979 failure to achieve and maintain the level-of-service standard  
 3980 for public school capacity in a local school concurrency  
 3981 management system where adequate school facilities will be in  
 3982 place or under actual construction within 3 years after the  
 3983 issuance of final subdivision or site plan approval, or the  
 3984 functional equivalent. School concurrency is satisfied if the  
 3985 developer executes a legally binding commitment to provide  
 3986 mitigation proportionate to the demand for public school  
 3987 facilities to be created by actual development of the property,  
 3988 including, but not limited to, the options described in sub-  
 3989 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share  
 3990 mitigation of impacts on public school facilities must be  
 3991 established in the comprehensive plan ~~public school facilities~~  
 3992 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.  
 3993 a.1. Appropriate mitigation options include the  
 3994 contribution of land; the construction, expansion, or payment  
 3995 for land acquisition or construction of a public school  
 3996 facility; the construction of a charter school that complies  
 3997 with the requirements of s. 1002.33(18); or the creation of  
 3998 mitigation banking based on the construction of a public school  
 3999 facility in exchange for the right to sell capacity credits.  
 4000 Such options must include execution by the applicant and the  
 4001 local government of a development agreement that constitutes a  
 4002 legally binding commitment to pay proportionate-share mitigation  
 4003 for the additional residential units approved by the local  
 4004 government in a development order and actually developed on the

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4005 property, taking into account residential density allowed on the  
 4006 property prior to the plan amendment that increased the overall  
 4007 residential density. The district school board must be a party  
 4008 to such an agreement. As a condition of its entry into such a  
 4009 development agreement, the local government may require the  
 4010 landowner to agree to continuing renewal of the agreement upon  
 4011 its expiration.

4012 ~~b.2.~~ If the interlocal agreement ~~education facilities plan~~  
 4013 and the local government comprehensive plan ~~public educational~~  
 4014 ~~facilities element~~ authorize a contribution of land; the  
 4015 construction, expansion, or payment for land acquisition; the  
 4016 construction or expansion of a public school facility, or a  
 4017 portion thereof; or the construction of a charter school that  
 4018 complies with the requirements of s. 1002.33(18), as  
 4019 proportionate-share mitigation, the local government shall  
 4020 credit such a contribution, construction, expansion, or payment  
 4021 toward any other impact fee or exaction imposed by local  
 4022 ordinance for the same need, on a dollar-for-dollar basis at  
 4023 fair market value.

4024 ~~c.3.~~ Any proportionate-share mitigation must be directed  
 4025 by the school board toward a school capacity improvement  
 4026 identified in the a financially feasible 5-year school board's  
 4027 educational facilities ~~district work~~ plan that satisfies the  
 4028 demands created by the development in accordance with a binding  
 4029 developer's agreement.

4030 ~~4. If a development is precluded from commencing because~~  
 4031 ~~there is inadequate classroom capacity to mitigate the impacts~~  
 4032 ~~of the development, the development may nevertheless commence if~~



4033 ~~there are accelerated facilities in an approved capital~~  
 4034 ~~improvement element scheduled for construction in year four or~~  
 4035 ~~later of such plan which, when built, will mitigate the proposed~~  
 4036 ~~development, or if such accelerated facilities will be in the~~  
 4037 ~~next annual update of the capital facilities element, the~~  
 4038 ~~developer enters into a binding, financially guaranteed~~  
 4039 ~~agreement with the school district to construct an accelerated~~  
 4040 ~~facility within the first 3 years of an approved capital~~  
 4041 ~~improvement plan, and the cost of the school facility is equal~~  
 4042 ~~to or greater than the development's proportionate share. When~~  
 4043 ~~the completed school facility is conveyed to the school~~  
 4044 ~~district, the developer shall receive impact fee credits usable~~  
 4045 ~~within the zone where the facility is constructed or any~~  
 4046 ~~attendance zone contiguous with or adjacent to the zone where~~  
 4047 ~~the facility is constructed.~~

4048 3.5. This paragraph does not limit the authority of a  
 4049 local government to deny a development permit or its functional  
 4050 equivalent pursuant to its home rule regulatory powers, except  
 4051 as provided in this part.

4052 ~~(i)(f) Intergovernmental coordination.~~

4053 ~~1. When establishing concurrency requirements for public~~  
 4054 ~~schools, a local government shall satisfy the requirements for~~  
 4055 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~  
 4056 ~~and 2., except that~~ A municipality is not required to be a  
 4057 signatory to the interlocal agreement required by paragraph (j)  
 4058 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for  
 4059 imposition of school concurrency, and as a nonsignatory, shall  
 4060 not participate in the adopted local school concurrency system,

4061 if the municipality meets all of the following criteria for  
 4062 having no significant impact on school attendance:

4063 1.a. The municipality has issued development orders for  
 4064 fewer than 50 residential dwelling units during the preceding 5  
 4065 years, or the municipality has generated fewer than 25  
 4066 additional public school students during the preceding 5 years.

4067 2.b. The municipality has not annexed new land during the  
 4068 preceding 5 years in land use categories which permit  
 4069 residential uses that will affect school attendance rates.

4070 3.e. The municipality has no public schools located within  
 4071 its boundaries.

4072 4.d. At least 80 percent of the developable land within  
 4073 the boundaries of the municipality has been built upon.

4074 ~~2. A municipality which qualifies as having no significant~~  
 4075 ~~impact on school attendance pursuant to the criteria of~~  
 4076 ~~subparagraph 1. must review and determine at the time of its~~  
 4077 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~  
 4078 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~  
 4079 ~~If the municipality determines that it no longer meets the~~  
 4080 ~~criteria, it must adopt appropriate school concurrency goals,~~  
 4081 ~~objectives, and policies in its plan amendments based on the~~  
 4082 ~~evaluation and appraisal report, and enter into the existing~~  
 4083 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~  
 4084 ~~163.31777, in order to fully participate in the school~~  
 4085 ~~concurrency system. If such a municipality fails to do so, it~~  
 4086 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4087 (j)(g) ~~Interlocal agreement for school concurrency.~~ When  
 4088 establishing concurrency requirements for public schools, a

4089 local government must enter into an interlocal agreement that  
 4090 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and  
 4091 163.31777 and the requirements of this subsection. The  
 4092 interlocal agreement shall acknowledge both the school board's  
 4093 constitutional and statutory obligations to provide a uniform  
 4094 system of free public schools on a countywide basis, and the  
 4095 land use authority of local governments, including their  
 4096 authority to approve or deny comprehensive plan amendments and  
 4097 development orders. ~~The interlocal agreement shall be submitted~~  
 4098 ~~to the state land planning agency by the local government as a~~  
 4099 ~~part of the compliance review, along with the other necessary~~  
 4100 ~~amendments to the comprehensive plan required by this part. In~~  
 4101 ~~addition to the requirements of ss. 163.3177(6)(h) and~~  
 4102 ~~163.31777,~~ The interlocal agreement shall meet the following  
 4103 requirements:

4104 1. Establish the mechanisms for coordinating the  
 4105 development, adoption, and amendment of each local government's  
 4106 school concurrency related provisions of the comprehensive plan  
 4107 ~~public school facilities element~~ with each other and the plans  
 4108 of the school board to ensure a uniform districtwide school  
 4109 concurrency system.

4110 ~~2. Establish a process for the development of siting~~  
 4111 ~~criteria which encourages the location of public schools~~  
 4112 ~~proximate to urban residential areas to the extent possible and~~  
 4113 ~~seeks to collocate schools with other public facilities such as~~  
 4114 ~~parks, libraries, and community centers to the extent possible.~~

4115 2.3. Specify uniform, districtwide level-of-service  
 4116 standards for public schools of the same type and the process

4117 | for modifying the adopted level-of-service standards.

4118 | ~~4. Establish a process for the preparation, amendment, and~~  
 4119 | ~~joint approval by each local government and the school board of~~  
 4120 | ~~a public school capital facilities program which is financially~~  
 4121 | ~~feasible, and a process and schedule for incorporation of the~~  
 4122 | ~~public school capital facilities program into the local~~  
 4123 | ~~government comprehensive plans on an annual basis.~~

4124 | 3.5. Define the geographic application of school  
 4125 | concurrency. If school concurrency is to be applied on a less  
 4126 | than districtwide basis in the form of concurrency service  
 4127 | areas, the agreement shall establish criteria and standards for  
 4128 | the establishment and modification of school concurrency service  
 4129 | areas. ~~The agreement shall also establish a process and schedule~~  
 4130 | ~~for the mandatory incorporation of the school concurrency~~  
 4131 | ~~service areas and the criteria and standards for establishment~~  
 4132 | ~~of the service areas into the local government comprehensive~~  
 4133 | ~~plans.~~ The agreement shall ensure maximum utilization of school  
 4134 | capacity, taking into account transportation costs and court-  
 4135 | approved desegregation plans, as well as other factors. ~~The~~  
 4136 | ~~agreement shall also ensure the achievement and maintenance of~~  
 4137 | ~~the adopted level-of-service standards for the geographic area~~  
 4138 | ~~of application throughout the 5 years covered by the public~~  
 4139 | ~~school capital facilities plan and thereafter by adding a new~~  
 4140 | ~~fifth year during the annual update.~~

4141 | 4.6. Establish a uniform districtwide procedure for  
 4142 | implementing school concurrency which provides for:

4143 | a. The evaluation of development applications for  
 4144 | compliance with school concurrency requirements, including

4145 information provided by the school board on affected schools,  
 4146 impact on levels of service, and programmed improvements for  
 4147 affected schools and any options to provide sufficient capacity;

4148 b. An opportunity for the school board to review and  
 4149 comment on the effect of comprehensive plan amendments and  
 4150 rezonings on the public school facilities plan; and

4151 c. The monitoring and evaluation of the school concurrency  
 4152 system.

4153 ~~7. Include provisions relating to amendment of the~~  
 4154 ~~agreement.~~

4155 5.8. A process and uniform methodology for determining  
 4156 proportionate-share mitigation pursuant to subparagraph (h)~~(e)~~1.

4157 (k)~~(h)~~ ~~Local government authority.~~ This subsection does  
 4158 not limit the authority of a local government to grant or deny a  
 4159 development permit or its functional equivalent prior to the  
 4160 implementation of school concurrency.

4161 ~~(14) The state land planning agency shall, by October 1,~~  
 4162 ~~1998, adopt by rule minimum criteria for the review and~~  
 4163 ~~determination of compliance of a public school facilities~~  
 4164 ~~element adopted by a local government for purposes of imposition~~  
 4165 ~~of school concurrency.~~

4166 ~~(15) (a) Multimodal transportation districts may be~~  
 4167 ~~established under a local government comprehensive plan in areas~~  
 4168 ~~delineated on the future land use map for which the local~~  
 4169 ~~comprehensive plan assigns secondary priority to vehicle~~  
 4170 ~~mobility and primary priority to assuring a safe, comfortable,~~  
 4171 ~~and attractive pedestrian environment, with convenient~~  
 4172 ~~interconnection to transit. Such districts must incorporate~~

4173 ~~community design features that will reduce the number of~~  
 4174 ~~automobile trips or vehicle miles of travel and will support an~~  
 4175 ~~integrated, multimodal transportation system. Prior to the~~  
 4176 ~~designation of multimodal transportation districts, the~~  
 4177 ~~Department of Transportation shall be consulted by the local~~  
 4178 ~~government to assess the impact that the proposed multimodal~~  
 4179 ~~district area is expected to have on the adopted level of-~~  
 4180 ~~service standards established for Strategic Intermodal System~~  
 4181 ~~facilities, as defined in s. 339.64, and roadway facilities~~  
 4182 ~~funded in accordance with s. 339.2819. Further, the local~~  
 4183 ~~government shall, in cooperation with the Department of~~  
 4184 ~~Transportation, develop a plan to mitigate any impacts to the~~  
 4185 ~~Strategic Intermodal System, including the development of a~~  
 4186 ~~long-term concurrency management system pursuant to subsection~~  
 4187 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~  
 4188 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
 4189 ~~provisions of this section by July 1, 2006, or at the time of~~  
 4190 ~~the comprehensive plan update pursuant to the evaluation and~~  
 4191 ~~appraisal report, whichever occurs last.~~

4192 ~~(b) Community design elements of such a district include:~~  
 4193 ~~a complementary mix and range of land uses, including~~  
 4194 ~~educational, recreational, and cultural uses; interconnected~~  
 4195 ~~networks of streets designed to encourage walking and bicycling,~~  
 4196 ~~with traffic-calming where desirable; appropriate densities and~~  
 4197 ~~intensities of use within walking distance of transit stops;~~  
 4198 ~~daily activities within walking distance of residences, allowing~~  
 4199 ~~independence to persons who do not drive; public uses, streets,~~  
 4200 ~~and squares that are safe, comfortable, and attractive for the~~

4201 ~~pedestrian, with adjoining buildings open to the street and with~~  
 4202 ~~parking not interfering with pedestrian, transit, automobile,~~  
 4203 ~~and truck travel modes.~~

4204 ~~(c) Local governments may establish multimodal level-of-~~  
 4205 ~~service standards that rely primarily on nonvehicular modes of~~  
 4206 ~~transportation within the district, when justified by an~~  
 4207 ~~analysis demonstrating that the existing and planned community~~  
 4208 ~~design will provide an adequate level of mobility within the~~  
 4209 ~~district based upon professionally accepted multimodal level-of-~~  
 4210 ~~service methodologies. The analysis must also demonstrate that~~  
 4211 ~~the capital improvements required to promote community design~~  
 4212 ~~are financially feasible over the development or redevelopment~~  
 4213 ~~timeframe for the district and that community design features~~  
 4214 ~~within the district provide convenient interconnection for a~~  
 4215 ~~multimodal transportation system. Local governments may issue~~  
 4216 ~~development permits in reliance upon all planned community~~  
 4217 ~~design capital improvements that are financially feasible over~~  
 4218 ~~the development or redevelopment timeframe for the district,~~  
 4219 ~~without regard to the period of time between development or~~  
 4220 ~~redevelopment and the scheduled construction of the capital~~  
 4221 ~~improvements. A determination of financial feasibility shall be~~  
 4222 ~~based upon currently available funding or funding sources that~~  
 4223 ~~could reasonably be expected to become available over the~~  
 4224 ~~planning period.~~

4225 ~~(d) Local governments may reduce impact fees or local~~  
 4226 ~~access fees for development within multimodal transportation~~  
 4227 ~~districts based on the reduction of vehicle trips per household~~  
 4228 ~~or vehicle miles of travel expected from the development pattern~~

4229 ~~planned for the district.~~

4230 ~~(16) It is the intent of the Legislature to provide a~~  
 4231 ~~method by which the impacts of development on transportation~~  
 4232 ~~facilities can be mitigated by the cooperative efforts of the~~  
 4233 ~~public and private sectors. The methodology used to calculate~~  
 4234 ~~proportionate fair share mitigation under this section shall be~~  
 4235 ~~as provided for in subsection (12).~~

4236 ~~(a) By December 1, 2006, each local government shall adopt~~  
 4237 ~~by ordinance a methodology for assessing proportionate fair-~~  
 4238 ~~share mitigation options. By December 1, 2005, the Department of~~  
 4239 ~~Transportation shall develop a model transportation concurrency~~  
 4240 ~~management ordinance with methodologies for assessing~~  
 4241 ~~proportionate fair-share mitigation options.~~

4242 ~~(b)1. In its transportation concurrency management system,~~  
 4243 ~~a local government shall, by December 1, 2006, include~~  
 4244 ~~methodologies that will be applied to calculate proportionate~~  
 4245 ~~fair share mitigation. A developer may choose to satisfy all~~  
 4246 ~~transportation concurrency requirements by contributing or~~  
 4247 ~~paying proportionate fair share mitigation if transportation~~  
 4248 ~~facilities or facility segments identified as mitigation for~~  
 4249 ~~traffic impacts are specifically identified for funding in the~~  
 4250 ~~5-year schedule of capital improvements in the capital~~  
 4251 ~~improvements element of the local plan or the long term~~  
 4252 ~~concurrency management system or if such contributions or~~  
 4253 ~~payments to such facilities or segments are reflected in the 5-~~  
 4254 ~~year schedule of capital improvements in the next regularly~~  
 4255 ~~scheduled update of the capital improvements element. Updates to~~  
 4256 ~~the 5-year capital improvements element which reflect~~



4257 ~~proportionate fair share contributions may not be found not in~~  
 4258 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~  
 4259 ~~additional contributions, payments or funding sources are~~  
 4260 ~~reasonably anticipated during a period not to exceed 10 years to~~  
 4261 ~~fully mitigate impacts on the transportation facilities.~~

4262 ~~2. Proportionate fair share mitigation shall be applied as~~  
 4263 ~~a credit against impact fees to the extent that all or a portion~~  
 4264 ~~of the proportionate fair share mitigation is used to address~~  
 4265 ~~the same capital infrastructure improvements contemplated by the~~  
 4266 ~~local government's impact fee ordinance.~~

4267 ~~(c) Proportionate fair share mitigation includes, without~~  
 4268 ~~limitation, separately or collectively, private funds,~~  
 4269 ~~contributions of land, and construction and contribution of~~  
 4270 ~~facilities and may include public funds as determined by the~~  
 4271 ~~local government. Proportionate fair share mitigation may be~~  
 4272 ~~directed toward one or more specific transportation improvements~~  
 4273 ~~reasonably related to the mobility demands created by the~~  
 4274 ~~development and such improvements may address one or more modes~~  
 4275 ~~of travel. The fair market value of the proportionate fair share~~  
 4276 ~~mitigation shall not differ based on the form of mitigation. A~~  
 4277 ~~local government may not require a development to pay more than~~  
 4278 ~~its proportionate fair share contribution regardless of the~~  
 4279 ~~method of mitigation. Proportionate fair share mitigation shall~~  
 4280 ~~be limited to ensure that a development meeting the requirements~~  
 4281 ~~of this section mitigates its impact on the transportation~~  
 4282 ~~system but is not responsible for the additional cost of~~  
 4283 ~~reducing or eliminating backlogs.~~

4284 ~~(d) This subsection does not require a local government to~~

4285 ~~approve a development that is not otherwise qualified for~~  
 4286 ~~approval pursuant to the applicable local comprehensive plan and~~  
 4287 ~~land development regulations.~~

4288 ~~(e) Mitigation for development impacts to facilities on~~  
 4289 ~~the Strategic Intermodal System made pursuant to this subsection~~  
 4290 ~~requires the concurrence of the Department of Transportation.~~

4291 ~~(f) If the funds in an adopted 5-year capital improvements~~  
 4292 ~~element are insufficient to fully fund construction of a~~  
 4293 ~~transportation improvement required by the local government's~~  
 4294 ~~concurrency management system, a local government and a~~  
 4295 ~~developer may still enter into a binding proportionate-share~~  
 4296 ~~agreement authorizing the developer to construct that amount of~~  
 4297 ~~development on which the proportionate share is calculated if~~  
 4298 ~~the proportionate-share amount in such agreement is sufficient~~  
 4299 ~~to pay for one or more improvements which will, in the opinion~~  
 4300 ~~of the governmental entity or entities maintaining the~~  
 4301 ~~transportation facilities, significantly benefit the impacted~~  
 4302 ~~transportation system. The improvements funded by the~~  
 4303 ~~proportionate share component must be adopted into the 5-year~~  
 4304 ~~capital improvements schedule of the comprehensive plan at the~~  
 4305 ~~next annual capital improvements element update. The funding of~~  
 4306 ~~any improvements that significantly benefit the impacted~~  
 4307 ~~transportation system satisfies concurrency requirements as a~~  
 4308 ~~mitigation of the development's impact upon the overall~~  
 4309 ~~transportation system even if there remains a failure of~~  
 4310 ~~concurrency on other impacted facilities.~~

4311 ~~(g) Except as provided in subparagraph (b)1., this section~~  
 4312 ~~may not prohibit the Department of Community Affairs from~~

4313 ~~finding other portions of the capital improvements element~~  
 4314 ~~amendments not in compliance as provided in this chapter.~~

4315 ~~(h) The provisions of this subsection do not apply to a~~  
 4316 ~~development of regional impact satisfying the requirements of~~  
 4317 ~~subsection (12).~~

4318 ~~(i) As used in this subsection, the term "backlog" means a~~  
 4319 ~~facility or facilities on which the adopted level of service~~  
 4320 ~~standard is exceeded by the existing trips, plus additional~~  
 4321 ~~projected background trips from any source other than the~~  
 4322 ~~development project under review that are forecast by~~  
 4323 ~~established traffic standards, including traffic modeling,~~  
 4324 ~~consistent with the University of Florida Bureau of Economic and~~  
 4325 ~~Business Research medium population projections. Additional~~  
 4326 ~~projected background trips are to be coincident with the~~  
 4327 ~~particular stage or phase of development under review.~~

4328 ~~(17) A local government and the developer of affordable~~  
 4329 ~~workforce housing units developed in accordance with s.~~  
 4330 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~  
 4331 ~~or centers in close proximity to the affordable workforce~~  
 4332 ~~housing units. If at least 50 percent of the units are occupied~~  
 4333 ~~by an employee or employees of an identified employment center~~  
 4334 ~~or centers, all of the affordable workforce housing units are~~  
 4335 ~~exempt from transportation concurrency requirements, and the~~  
 4336 ~~local government may not reduce any transportation trip-~~  
 4337 ~~generation entitlements of an approved development of regional-~~  
 4338 ~~impact development order. As used in this subsection, the term~~  
 4339 ~~"close proximity" means 5 miles from the nearest point of the~~  
 4340 ~~development of regional impact to the nearest point of the~~

4341 ~~employment center, and the term "employment center" means a~~  
 4342 ~~place of employment that employs at least 25 or more full-time~~  
 4343 ~~employees.~~

4344 Section 15. Section 163.3182, Florida Statutes, is amended  
 4345 to read:

4346 163.3182 Transportation deficiencies ~~concurrency~~  
 4347 ~~backlogs.~~—

4348 (1) DEFINITIONS.—For purposes of this section, the term:

4349 (a) "Transportation deficiency ~~concurrency backlog~~ area"  
 4350 means the geographic area within the unincorporated portion of a  
 4351 county or within the municipal boundary of a municipality  
 4352 designated in a local government comprehensive plan for which a  
 4353 transportation development ~~concurrency backlog~~ authority is  
 4354 created pursuant to this section. A transportation deficiency  
 4355 ~~concurrency backlog~~ area created within the corporate boundary  
 4356 of a municipality shall be made pursuant to an interlocal  
 4357 agreement between a county, a municipality or municipalities,  
 4358 and any affected taxing authority or authorities.

4359 (b) "Authority" or "transportation development ~~concurrency~~  
 4360 ~~backlog~~ authority" means the governing body of a county or  
 4361 municipality within which an authority is created.

4362 (c) "Governing body" means the council, commission, or  
 4363 other legislative body charged with governing the county or  
 4364 municipality within which an ~~a transportation concurrency~~  
 4365 ~~backlog~~ authority is created pursuant to this section.

4366 (d) "Transportation deficiency ~~concurrency backlog~~" means  
 4367 an identified need ~~deficiency~~ where the existing and projected  
 4368 extent of traffic volume exceeds the level of service standard

4369 adopted in a local government comprehensive plan for a  
 4370 transportation facility.

4371 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"  
 4372 means the plan adopted as part of a local government  
 4373 comprehensive plan by the governing body of a county or  
 4374 municipality acting as a transportation development ~~concurrency~~  
 4375 ~~backlog~~ authority.

4376 (f) "Transportation ~~concurrency backlog~~ project" means any  
 4377 designated transportation project identified for construction  
 4378 within the jurisdiction of a transportation development  
 4379 ~~concurrency backlog~~ authority.

4380 (g) "Debt service millage" means any millage levied  
 4381 pursuant to s. 12, Art. VII of the State Constitution.

4382 (h) "Increment revenue" means the amount calculated  
 4383 pursuant to subsection (5).

4384 (i) "Taxing authority" means a public body that levies or  
 4385 is authorized to levy an ad valorem tax on real property located  
 4386 within a transportation deficiency ~~concurrency backlog~~ area,  
 4387 except a school district.

4388 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
 4389 ~~BACKLOG~~ AUTHORITIES.—

4390 (a) A county or municipality may create a transportation  
 4391 development ~~concurrency backlog~~ authority if it has an  
 4392 identified transportation deficiency ~~concurrency backlog~~.

4393 (b) Acting as the transportation development ~~concurrency~~  
 4394 ~~backlog~~ authority within the authority's jurisdictional  
 4395 boundary, the governing body of a county or municipality shall  
 4396 adopt and implement a plan to eliminate all identified

4397 transportation deficiencies ~~concurrency backlogs~~ within the  
 4398 authority's jurisdiction using funds provided pursuant to  
 4399 subsection (5) and as otherwise provided pursuant to this  
 4400 section.

4401 (c) The Legislature finds and declares that there exist in  
 4402 many counties and municipalities areas that have significant  
 4403 transportation deficiencies and inadequate transportation  
 4404 facilities; that many insufficiencies and inadequacies severely  
 4405 limit or prohibit the satisfaction of transportation level of  
 4406 service ~~concurrency~~ standards; that the transportation  
 4407 insufficiencies and inadequacies affect the health, safety, and  
 4408 welfare of the residents of these counties and municipalities;  
 4409 that the transportation insufficiencies and inadequacies  
 4410 adversely affect economic development and growth of the tax base  
 4411 for the areas in which these insufficiencies and inadequacies  
 4412 exist; and that the elimination of transportation deficiencies  
 4413 and inadequacies and the satisfaction of transportation  
 4414 concurrency standards are paramount public purposes for the  
 4415 state and its counties and municipalities.

4416 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
 4417 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~  
 4418 ~~backlog~~ authority created pursuant to this section has the  
 4419 powers necessary or convenient to carry out the purposes of this  
 4420 section, including the following powers in addition to others  
 4421 granted in this section:

4422 (a) To make and execute contracts and other instruments  
 4423 necessary or convenient to the exercise of its powers under this  
 4424 section.

4425 (b) To undertake and carry out transportation ~~concurrency~~  
 4426 ~~backlog~~ projects for transportation facilities designed to  
 4427 relieve transportation deficiencies ~~that have a concurrency~~  
 4428 ~~backlog~~ within the authority's jurisdiction. Transportation  
 4429 ~~Concurrency backlog~~ projects may include transportation  
 4430 facilities that provide for alternative modes of travel  
 4431 including sidewalks, bikeways, and mass transit which are  
 4432 related to a deficient ~~backlogged~~ transportation facility.

4433 (c) To invest any transportation ~~concurrency backlog~~ funds  
 4434 held in reserve, sinking funds, or any such funds not required  
 4435 for immediate disbursement in property or securities in which  
 4436 savings banks may legally invest funds subject to the control of  
 4437 the authority and to redeem such bonds as have been issued  
 4438 pursuant to this section at the redemption price established  
 4439 therein, or to purchase such bonds at less than redemption  
 4440 price. All such bonds redeemed or purchased shall be canceled.

4441 (d) To borrow money, including, but not limited to,  
 4442 issuing debt obligations such as, but not limited to, bonds,  
 4443 notes, certificates, and similar debt instruments; to apply for  
 4444 and accept advances, loans, grants, contributions, and any other  
 4445 forms of financial assistance from the Federal Government or the  
 4446 state, county, or any other public body or from any sources,  
 4447 public or private, for the purposes of this part; to give such  
 4448 security as may be required; to enter into and carry out  
 4449 contracts or agreements; and to include in any contracts for  
 4450 financial assistance with the Federal Government for or with  
 4451 respect to a transportation ~~concurrency backlog~~ project and  
 4452 related activities such conditions imposed under federal laws as

4453 the transportation development ~~concurrency backlog~~ authority  
 4454 considers reasonable and appropriate and which are not  
 4455 inconsistent with the purposes of this section.

4456 (e) To make or have made all surveys and plans necessary  
 4457 to the carrying out of the purposes of this section; to contract  
 4458 with any persons, public or private, in making and carrying out  
 4459 such plans; and to adopt, approve, modify, or amend such  
 4460 transportation sufficiency ~~concurrency backlog~~ plans.

4461 (f) To appropriate such funds and make such expenditures  
 4462 as are necessary to carry out the purposes of this section, and  
 4463 to enter into agreements with other public bodies, which  
 4464 agreements may extend over any period notwithstanding any  
 4465 provision or rule of law to the contrary.

4466 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4467 ~~(a)~~ Each transportation development ~~concurrency backlog~~  
 4468 authority shall adopt a transportation sufficiency ~~concurrency~~  
 4469 ~~backlog~~ plan as a part of the local government comprehensive  
 4470 plan within 6 months after the creation of the authority. The  
 4471 plan must:

4472 (a)~~1.~~ Identify all transportation facilities that have  
 4473 been designated as deficient and require the expenditure of  
 4474 moneys to upgrade, modify, or mitigate the deficiency.

4475 (b)~~2.~~ Include a priority listing of all transportation  
 4476 facilities that have been designated as deficient and do not  
 4477 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and  
 4478 the applicable local government comprehensive plan.

4479 (c)~~3.~~ Establish a schedule for financing and construction  
 4480 of transportation ~~concurrency backlog~~ projects that will



4481 eliminate transportation deficiencies ~~concurrency backlogs~~  
 4482 within the jurisdiction of the authority within 10 years after  
 4483 the transportation sufficiency ~~concurrency backlog~~ plan  
 4484 adoption. The schedule shall be adopted as part of the local  
 4485 government comprehensive plan.

4486 ~~(b) The adoption of the transportation concurrency backlog~~  
 4487 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4488  
 4489 Notwithstanding such schedule requirements, as long as the  
 4490 schedule provides for the elimination of all transportation  
 4491 deficiencies ~~concurrency backlogs~~ within 10 years after the  
 4492 adoption of the transportation sufficiency ~~concurrency backlog~~  
 4493 plan, the final maturity date of any debt incurred to finance or  
 4494 refinance the related projects may be no later than 40 years  
 4495 after the date the debt is incurred and the authority may  
 4496 continue operations and administer the trust fund established as  
 4497 provided in subsection (5) for as long as the debt remains  
 4498 outstanding.

4499 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
 4500 development ~~concurrency backlog~~ authority shall establish a  
 4501 local transportation ~~concurrency backlog~~ trust fund upon  
 4502 creation of the authority. Each local trust fund shall be  
 4503 administered by the transportation development ~~concurrency~~  
 4504 ~~backlog~~ authority within which a transportation deficiencies  
 4505 have ~~concurrency backlog~~ has been identified. Each local trust  
 4506 fund must continue to be funded under this section for as long  
 4507 as the projects set forth in the related transportation  
 4508 sufficiency ~~concurrency backlog~~ plan remain to be completed or

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4509 until any debt incurred to finance or refinance the related  
 4510 projects is no longer outstanding, whichever occurs later.  
 4511 Beginning in the first fiscal year after the creation of the  
 4512 authority, each local trust fund shall be funded by the proceeds  
 4513 of an ad valorem tax increment collected within each  
 4514 transportation deficiency ~~concurrency~~ ~~backlog~~ area to be  
 4515 determined annually and shall be a minimum of 25 percent of the  
 4516 difference between the amounts set forth in paragraphs (a) and  
 4517 (b), except that if all of the affected taxing authorities agree  
 4518 under an interlocal agreement, a particular local trust fund may  
 4519 be funded by the proceeds of an ad valorem tax increment greater  
 4520 than 25 percent of the difference between the amounts set forth  
 4521 in paragraphs (a) and (b):

4522 (a) The amount of ad valorem tax levied each year by each  
 4523 taxing authority, exclusive of any amount from any debt service  
 4524 millage, on taxable real property contained within the  
 4525 jurisdiction of the transportation development ~~concurrency~~  
 4526 ~~backlog~~ authority and within the transportation deficiency  
 4527 ~~backlog~~ area; and

4528 (b) The amount of ad valorem taxes which would have been  
 4529 produced by the rate upon which the tax is levied each year by  
 4530 or for each taxing authority, exclusive of any debt service  
 4531 millage, upon the total of the assessed value of the taxable  
 4532 real property within the transportation deficiency ~~concurrency~~  
 4533 ~~backlog~~ area as shown on the most recent assessment roll used in  
 4534 connection with the taxation of such property of each taxing  
 4535 authority prior to the effective date of the ordinance funding  
 4536 the trust fund.

4537 (6) EXEMPTIONS.—  
 4538 (a) The following public bodies or taxing authorities are  
 4539 exempt from the provisions of this section:  
 4540 1. A special district that levies ad valorem taxes on  
 4541 taxable real property in more than one county.  
 4542 2. A special district for which the sole available source  
 4543 of revenue is the authority to levy ad valorem taxes at the time  
 4544 an ordinance is adopted under this section. However, revenues or  
 4545 aid that may be dispensed or appropriated to a district as  
 4546 defined in s. 388.011 at the discretion of an entity other than  
 4547 such district shall not be deemed available.  
 4548 3. A library district.  
 4549 4. A neighborhood improvement district created under the  
 4550 Safe Neighborhoods Act.  
 4551 5. A metropolitan transportation authority.  
 4552 6. A water management district created under s. 373.069.  
 4553 7. A community redevelopment agency.  
 4554 (b) A transportation development ~~concurrency exemption~~  
 4555 authority may also exempt from this section a special district  
 4556 that levies ad valorem taxes within the transportation  
 4557 deficiency ~~concurrency backlog~~ area pursuant to s.  
 4558 163.387(2) (d) .  
 4559 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption  
 4560 of a transportation sufficiency ~~concurrency backlog~~ plan as a  
 4561 part of the local government comprehensive plan, and the plan  
 4562 going into effect, the area subject to the plan shall be deemed  
 4563 to have achieved and maintained transportation level-of-service  
 4564 standards, ~~and to have met requirements for financial~~

4565 ~~feasibility for transportation facilities, and for the purpose~~  
 4566 ~~of proposed development transportation concurrency has been~~  
 4567 ~~satisfied.~~ Proportionate fair-share mitigation shall be limited  
 4568 to ensure that a development inside a transportation deficiency  
 4569 ~~concurrency backlog~~ area is not responsible for the additional  
 4570 costs of eliminating deficiencies ~~backlogs~~.

4571 (8) DISSOLUTION.—Upon completion of all transportation  
 4572 ~~concurrency backlog~~ projects identified in the transportation  
 4573 sufficiency plan and repayment or defeasance of all debt issued  
 4574 to finance or refinance such projects, a transportation  
 4575 development ~~concurrency backlog~~ authority shall be dissolved,  
 4576 and its assets and liabilities transferred to the county or  
 4577 municipality within which the authority is located. All  
 4578 remaining assets of the authority must be used for  
 4579 implementation of transportation projects within the  
 4580 jurisdiction of the authority. The local government  
 4581 comprehensive plan shall be amended to remove the transportation  
 4582 concurrency backlog plan.

4583 Section 16. Section 163.3184, Florida Statutes, is amended  
 4584 to read:

4585 163.3184 Process for adoption of comprehensive plan or  
 4586 plan amendment.—

4587 (1) DEFINITIONS.—As used in this section, the term:

4588 (a) "Affected person" includes the affected local  
 4589 government; persons owning property, residing, or owning or  
 4590 operating a business within the boundaries of the local  
 4591 government whose plan is the subject of the review; owners of  
 4592 real property abutting real property that is the subject of a

4593 | proposed change to a future land use map; and adjoining local  
 4594 | governments that can demonstrate that the plan or plan amendment  
 4595 | will produce substantial impacts on the increased need for  
 4596 | publicly funded infrastructure or substantial impacts on areas  
 4597 | designated for protection or special treatment within their  
 4598 | jurisdiction. Each person, other than an adjoining local  
 4599 | government, in order to qualify under this definition, shall  
 4600 | also have submitted oral or written comments, recommendations,  
 4601 | or objections to the local government during the period of time  
 4602 | beginning with the transmittal hearing for the plan or plan  
 4603 | amendment and ending with the adoption of the plan or plan  
 4604 | amendment.

4605 |       (b) "In compliance" means consistent with the requirements  
 4606 | of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and  
 4607 | 163.3248 ~~with the state comprehensive plan,~~ with the appropriate  
 4608 | strategic regional policy plan, ~~and with chapter 9J-5, Florida~~  
 4609 | ~~Administrative Code, where such rule is not inconsistent with~~  
 4610 | ~~this part~~ and with the principles for guiding development in  
 4611 | designated areas of critical state concern and with part III of  
 4612 | chapter 369, where applicable.

- 4613 |       (c) "Reviewing agencies" means:
- 4614 |       1. The state land planning agency;
  - 4615 |       2. The appropriate regional planning council;
  - 4616 |       3. The appropriate water management district;
  - 4617 |       4. The Department of Environmental Protection;
  - 4618 |       5. The Department of State;
  - 4619 |       6. The Department of Transportation;
  - 4620 |       7. In the case of plan amendments relating to public

4621 schools, the Department of Education;

4622 8. In the case of plans or plan amendments that affect a  
 4623 military installation listed in s. 163.3175, the commanding  
 4624 officer of the affected military installation;

4625 9. In the case of county plans and plan amendments, the  
 4626 Fish and Wildlife Conservation Commission and the Department of  
 4627 Agriculture and Consumer Services; and

4628 10. In the case of municipal plans and plan amendments,  
 4629 the county in which the municipality is located.

4630 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4631 (a) Plan amendments adopted by local governments shall  
 4632 follow the expedited state review process in subsection (3),  
 4633 except as set forth in paragraphs (b) and (c).

4634 (b) Plan amendments that qualify as small-scale  
 4635 development amendments may follow the small-scale review process  
 4636 in s. 163.3187.

4637 (c) Plan amendments that are in an area of critical state  
 4638 concern designated pursuant to s. 380.05; propose a rural land  
 4639 stewardship area pursuant to s. 163.3248; propose a sector plan  
 4640 pursuant to s. 163.3245; update a comprehensive plan based on an  
 4641 evaluation and appraisal pursuant to s. 163.3191; or are new  
 4642 plans for newly incorporated municipalities adopted pursuant to  
 4643 s. 163.3167 shall follow the state coordinated review process in  
 4644 subsection (4).

4645 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
 4646 COMPREHENSIVE PLAN AMENDMENTS.—

4647 (a) The process for amending a comprehensive plan  
 4648 described in this subsection shall apply to all amendments

4649 except as provided in paragraphs (2)(b) and (c) and shall be  
 4650 applicable statewide.

4651 (b)1. The local government, after the initial public  
 4652 hearing held pursuant to subsection (11), shall immediately  
 4653 transmit the amendment or amendments and appropriate supporting  
 4654 data and analyses to the reviewing agencies. The local governing  
 4655 body shall also transmit a copy of the amendments and supporting  
 4656 data and analyses to any other local government or governmental  
 4657 agency that has filed a written request with the governing body.

4658 2. The reviewing agencies and any other local government  
 4659 or governmental agency specified in subparagraph 1. may provide  
 4660 comments regarding the amendment or amendments to the local  
 4661 government. State agencies shall only comment on important state  
 4662 resources and facilities that will be adversely impacted by the  
 4663 amendment if adopted. Comments provided by state agencies shall  
 4664 state with specificity how the plan amendment will adversely  
 4665 impact an important state resource or facility and shall  
 4666 identify measures the local government may take to eliminate,  
 4667 reduce, or mitigate the adverse impacts. Such comments, if not  
 4668 resolved, may result in a challenge by the state land planning  
 4669 agency to the plan amendment. Agencies and local governments  
 4670 must transmit their comments to the affected local government  
 4671 such that they are received by the local government not later  
 4672 than 30 days from the date on which the agency or government  
 4673 received the amendment or amendments. Reviewing agencies shall  
 4674 also send a copy of their comments to the state land planning  
 4675 agency.

4676 3. Comments to the local government from a regional

4677 planning council, county, or municipality shall be limited as  
 4678 follows:

4679 a. The regional planning council review and comments shall  
 4680 be limited to adverse effects on regional resources or  
 4681 facilities identified in the strategic regional policy plan and  
 4682 extrajurisdictional impacts that would be inconsistent with the  
 4683 comprehensive plan of any affected local government within the  
 4684 region. A regional planning council shall not review and comment  
 4685 on a proposed comprehensive plan amendment prepared by such  
 4686 council unless the plan amendment has been changed by the local  
 4687 government subsequent to the preparation of the plan amendment  
 4688 by the regional planning council.

4689 b. County comments shall be in the context of the  
 4690 relationship and effect of the proposed plan amendments on the  
 4691 county plan.

4692 c. Municipal comments shall be in the context of the  
 4693 relationship and effect of the proposed plan amendments on the  
 4694 municipal plan.

4695 d. Military installation comments shall be provided in  
 4696 accordance with s. 163.3175.

4697 4. Comments to the local government from state agencies  
 4698 shall be limited to the following subjects as they relate to  
 4699 important state resources and facilities that will be adversely  
 4700 impacted by the amendment if adopted:

4701 a. The Department of Environmental Protection shall limit  
 4702 its comments to the subjects of air and water pollution, solid  
 4703 waste, sewage, drinking water, state parks, greenways and  
 4704 trails, state-owned lands, and wetlands.



4705 b. The Department of State shall limit its comments to the  
 4706 subjects of historic and archeological resources.

4707 c. The Department of Transportation shall limit its  
 4708 comments to the subject of the strategic intermodal system.

4709 d. The Fish and Wildlife Conservation Commission shall  
 4710 limit its comments to subjects relating to fish and wildlife  
 4711 habitat and listed species and their habitat.

4712 e. The Department of Agriculture and Consumer Services  
 4713 shall limit its comments to the subjects of agriculture,  
 4714 forestry, and aquaculture issues.

4715 f. The Department of Education shall limit its comments to  
 4716 the subject of public school facilities.

4717 g. The appropriate water management district shall limit  
 4718 its comments to the subjects of wellfields, the regional water  
 4719 supply plan, and wetlands where the Department of Environmental  
 4720 Protection has delegated such authority.

4721 h. The state land planning agency shall limit its comments  
 4722 to important state resources and facilities outside the  
 4723 jurisdiction of other commenting state agencies and may include  
 4724 comments on countervailing planning policies and objectives  
 4725 served by the plan amendment that should be balanced against  
 4726 potential adverse impacts to important state resources and  
 4727 facilities.

4728 (c)1. The local government shall hold its second public  
 4729 hearing, which shall be a hearing on whether to adopt one or  
 4730 more comprehensive plan amendments pursuant to subsection (11).  
 4731 If the local government fails, within 180 days after receipt of  
 4732 agency comments, to hold the second public hearing, the

4733 amendments shall be deemed withdrawn.

4734 2. All comprehensive plan amendments adopted by the  
 4735 governing body, along with the supporting data and analysis,  
 4736 shall be transmitted within 10 days after the second public  
 4737 hearing to the state land planning agency and any other agency  
 4738 or local government that provided timely comments under  
 4739 subsection (3)(b)2.

4740 3. The state land planning agency shall notify the local  
 4741 government of any deficiencies within 5 working days of receipt  
 4742 of an amendment package. For purposes of completeness, an  
 4743 amendment shall be deemed complete if it contains a full,  
 4744 executed copy of the adoption ordinance or ordinances; in the  
 4745 case of a text amendment, a full copy of the amended language in  
 4746 legislative format with new words inserted in the text  
 4747 underlined, and words deleted stricken with hyphens; in the case  
 4748 of a future land use map amendment, a copy of the future land  
 4749 use map clearly depicting the parcel, its existing future land  
 4750 use designation, and its adopted designation; and a copy of any  
 4751 data and analyses the local government deems appropriate.

4752 4. An amendment adopted under the provisions of this  
 4753 paragraph shall not become effective until 31 days after the  
 4754 state land planning agency notifies the local government that  
 4755 the plan amendment package is complete. If timely challenged, an  
 4756 amendment shall not become effective until the state land  
 4757 planning agency or the Administration Commission enters a final  
 4758 order determining the adopted amendment to be in compliance.

4759 (4) STATE COORDINATED REVIEW PROCESS.—

4760 (a)~~(2)~~ Coordination.—The state land planning agency shall

4761 only use the state coordinated review process described in this  
 4762 subsection for review of comprehensive plans and plan amendments  
 4763 described in paragraph (2)(c). Each comprehensive plan or plan  
 4764 amendment proposed to be adopted pursuant to this subsection  
 4765 ~~part~~ shall be transmitted, adopted, and reviewed in the manner  
 4766 prescribed in this subsection ~~section~~. The state land planning  
 4767 agency shall have responsibility for plan review, coordination,  
 4768 and the preparation and transmission of comments, pursuant to  
 4769 this subsection ~~section~~, to the local governing body responsible  
 4770 for the comprehensive plan or plan amendment. ~~The state land~~  
 4771 ~~planning agency shall maintain a single file concerning any~~  
 4772 ~~proposed or adopted plan amendment submitted by a local~~  
 4773 ~~government for any review under this section. Copies of all~~  
 4774 ~~correspondence, papers, notes, memoranda, and other documents~~  
 4775 ~~received or generated by the state land planning agency must be~~  
 4776 ~~placed in the appropriate file. Paper copies of all electronic~~  
 4777 ~~mail correspondence must be placed in the file. The file and its~~  
 4778 ~~contents must be available for public inspection and copying as~~  
 4779 ~~provided in chapter 119.~~

4780 (b)(3) Local government transmittal of proposed plan or  
 4781 amendment.—

4782 (a) Each local governing body proposing a plan or plan  
 4783 amendment specified in paragraph (2)(c) shall transmit the  
 4784 complete proposed comprehensive plan or plan amendment to the  
 4785 reviewing agencies ~~state land planning agency, the appropriate~~  
 4786 ~~regional planning council and water management district, the~~  
 4787 ~~Department of Environmental Protection, the Department of State,~~  
 4788 ~~and the Department of Transportation, and, in the case of~~

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4789 ~~municipal plans, to the appropriate county, and, in the case of~~  
 4790 ~~county plans, to the Fish and Wildlife Conservation Commission~~  
 4791 ~~and the Department of Agriculture and Consumer Services,~~  
 4792 immediately following the first a public hearing pursuant to  
 4793 subsection (11). The transmitted document shall clearly indicate  
 4794 on the cover sheet that this plan amendment is subject to the  
 4795 state coordinated review process of s. 163.3184(4)-(15) as  
 4796 ~~specified in the state land planning agency's procedural rules.~~  
 4797 The local governing body shall also transmit a copy of the  
 4798 complete proposed comprehensive plan or plan amendment to any  
 4799 other unit of local government or government agency in the state  
 4800 that has filed a written request with the governing body for the  
 4801 plan or plan amendment. ~~The local government may request a~~  
 4802 ~~review by the state land planning agency pursuant to subsection~~  
 4803 ~~(6) at the time of the transmittal of an amendment.~~

4804 (b) ~~A local governing body shall not transmit portions of~~  
 4805 ~~a plan or plan amendment unless it has previously provided to~~  
 4806 ~~all state agencies designated by the state land planning agency~~  
 4807 ~~a complete copy of its adopted comprehensive plan pursuant to~~  
 4808 ~~subsection (7) and as specified in the agency's procedural~~  
 4809 ~~rules. In the case of comprehensive plan amendments, the local~~  
 4810 ~~governing body shall transmit to the state land planning agency,~~  
 4811 ~~the appropriate regional planning council and water management~~  
 4812 ~~district, the Department of Environmental Protection, the~~  
 4813 ~~Department of State, and the Department of Transportation, and,~~  
 4814 ~~in the case of municipal plans, to the appropriate county and,~~  
 4815 ~~in the case of county plans, to the Fish and Wildlife~~  
 4816 ~~Conservation Commission and the Department of Agriculture and~~

4817 ~~Consumer Services the materials specified in the state land~~  
 4818 ~~planning agency's procedural rules and, in cases in which the~~  
 4819 ~~plan amendment is a result of an evaluation and appraisal report~~  
 4820 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~  
 4821 ~~appraisal report. Local governing bodies shall consolidate all~~  
 4822 ~~proposed plan amendments into a single submission for each of~~  
 4823 ~~the two plan amendment adoption dates during the calendar year~~  
 4824 ~~pursuant to s. 163.3187.~~

4825 ~~(c) A local government may adopt a proposed plan amendment~~  
 4826 ~~previously transmitted pursuant to this subsection, unless~~  
 4827 ~~review is requested or otherwise initiated pursuant to~~  
 4828 ~~subsection (6).~~

4829 ~~(d) In cases in which a local government transmits~~  
 4830 ~~multiple individual amendments that can be clearly and legally~~  
 4831 ~~separated and distinguished for the purpose of determining~~  
 4832 ~~whether to review the proposed amendment, and the state land~~  
 4833 ~~planning agency elects to review several or a portion of the~~  
 4834 ~~amendments and the local government chooses to immediately adopt~~  
 4835 ~~the remaining amendments not reviewed, the amendments~~  
 4836 ~~immediately adopted and any reviewed amendments that the local~~  
 4837 ~~government subsequently adopts together constitute one amendment~~  
 4838 ~~cycle in accordance with s. 163.3187(1).~~

4839 ~~(e) At the request of an applicant, a local government~~  
 4840 ~~shall consider an application for zoning changes that would be~~  
 4841 ~~required to properly enact the provisions of any proposed plan~~  
 4842 ~~amendment transmitted pursuant to this subsection. Zoning~~  
 4843 ~~changes approved by the local government are contingent upon the~~  
 4844 ~~comprehensive plan or plan amendment transmitted becoming~~

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4845 ~~effective.~~  
 4846 (c)(4) Reviewing agency comments INTERGOVERNMENTAL  
 4847 REVIEW.—~~The governmental agencies specified in subparagraph~~  
 4848 (4) (b) may paragraph (3) (a) shall provide comments regarding the  
 4849 plan or plan amendments in accordance with subparagraph  
 4850 (3) (b)2.-4. However, comments on plans or plan amendments  
 4851 required to be reviewed under the state coordinated review  
 4852 process shall be sent to the state land planning agency within  
 4853 30 days after receipt by the state land planning agency of the  
 4854 complete proposed plan or plan amendment from the local  
 4855 government. If the state land planning agency comments on a plan  
 4856 or plan amendment adopted under the state coordinated review  
 4857 process, it shall provide comments according to paragraph (d).  
 4858 Any other unit of local government or government agency  
 4859 specified in subparagraph (4) (b) may provide comments to the  
 4860 state land planning agency in accordance with subparagraphs  
 4861 (3) (b)2.-4. within 30 days after receipt by the state land  
 4862 planning agency of the complete proposed plan or plan amendment.  
 4863 ~~If the plan or plan amendment includes or relates to the public~~  
 4864 ~~school facilities element pursuant to s. 163.3177(12), the state~~  
 4865 ~~land planning agency shall submit a copy to the Office of~~  
 4866 ~~Educational Facilities of the Commissioner of Education for~~  
 4867 ~~review and comment. The appropriate regional planning council~~  
 4868 ~~shall also provide its written comments to the state land~~  
 4869 ~~planning agency within 30 days after receipt by the state land~~  
 4870 ~~planning agency of the complete proposed plan amendment and~~  
 4871 ~~shall specify any objections, recommendations for modifications,~~  
 4872 ~~and comments of any other regional agencies to which the~~

4873 ~~regional planning council may have referred the proposed plan~~  
 4874 ~~amendment. Written comments submitted by the public shall be~~  
 4875 ~~sent directly to the local government within 30 days after~~  
 4876 ~~notice of transmittal by the local government of the proposed~~  
 4877 ~~plan amendment will be considered as if submitted by~~  
 4878 ~~governmental agencies. All written agency and public comments~~  
 4879 ~~must be made part of the file maintained under subsection (2).~~

4880 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~  
 4881 ~~the regional planning council pursuant to subsection (4) shall~~  
 4882 ~~be limited to effects on regional resources or facilities~~  
 4883 ~~identified in the strategic regional policy plan and~~  
 4884 ~~extrajurisdictional impacts which would be inconsistent with the~~  
 4885 ~~comprehensive plan of the affected local government. However,~~  
 4886 ~~any inconsistency between a local plan or plan amendment and a~~  
 4887 ~~strategic regional policy plan must not be the sole basis for a~~  
 4888 ~~notice of intent to find a local plan or plan amendment not in~~  
 4889 ~~compliance with this act. A regional planning council shall not~~  
 4890 ~~review and comment on a proposed comprehensive plan it prepared~~  
 4891 ~~itself unless the plan has been changed by the local government~~  
 4892 ~~subsequent to the preparation of the plan by the regional~~  
 4893 ~~planning agency. The review of the county land planning agency~~  
 4894 ~~pursuant to subsection (4) shall be primarily in the context of~~  
 4895 ~~the relationship and effect of the proposed plan amendment on~~  
 4896 ~~any county comprehensive plan element. Any review by~~  
 4897 ~~municipalities will be primarily in the context of the~~  
 4898 ~~relationship and effect on the municipal plan.~~

4899 ~~(d)(6) State land planning agency review.-~~

4900 ~~(a) The state land planning agency shall review a proposed~~

4901 ~~plan amendment upon request of a regional planning council,~~  
 4902 ~~affected person, or local government transmitting the plan~~  
 4903 ~~amendment. The request from the regional planning council or~~  
 4904 ~~affected person must be received within 30 days after~~  
 4905 ~~transmittal of the proposed plan amendment pursuant to~~  
 4906 ~~subsection (3). A regional planning council or affected person~~  
 4907 ~~requesting a review shall do so by submitting a written request~~  
 4908 ~~to the agency with a notice of the request to the local~~  
 4909 ~~government and any other person who has requested notice.~~

4910 ~~(b) The state land planning agency may review any proposed~~  
 4911 ~~plan amendment regardless of whether a request for review has~~  
 4912 ~~been made, if the agency gives notice to the local government,~~  
 4913 ~~and any other person who has requested notice, of its intention~~  
 4914 ~~to conduct such a review within 35 days after receipt of the~~  
 4915 ~~complete proposed plan amendment.~~

4916 ~~1.(c) The state land planning agency shall establish by~~  
 4917 ~~rule a schedule for receipt of comments from the various~~  
 4918 ~~government agencies, as well as written public comments,~~  
 4919 ~~pursuant to subsection (4). If the state land planning agency~~  
 4920 ~~elects to review a plan or plan the amendment ~~or the agency is~~~~  
 4921 ~~required to review the amendment as specified in paragraph~~  
 4922 ~~(2)(c)(a), the agency shall issue a report giving its~~  
 4923 ~~objections, recommendations, and comments regarding the proposed~~  
 4924 ~~plan or plan amendment within 60 days after receipt of the~~  
 4925 ~~complete proposed plan or plan amendment ~~by the state land~~~~  
 4926 ~~planning agency. Notwithstanding the limitation on comments in~~  
 4927 ~~sub-subparagraph (3)(b)4.g., the state land planning agency may~~  
 4928 ~~make objections, recommendations, and comments in its report~~



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4929 regarding whether the plan or plan amendment is in compliance  
 4930 and whether the plan or plan amendment will adversely impact  
 4931 important state resources and facilities. In making objections  
 4932 as to whether a plan or plan amendment is in compliance, the  
 4933 state land planning agency shall consider the plan or plan  
 4934 amendment as a whole and whether the intent of this part is  
 4935 furthered by the plan or plan amendment. In making objections  
 4936 regarding an important state resource or facility that will be  
 4937 adversely impacted by the adopted plan or plan amendment, the  
 4938 state land planning agency shall only make an objection if on  
 4939 the whole the plan or plan amendment's adverse impacts to the  
 4940 important state resource or facility outweigh the plan or plan  
 4941 amendment's benefits to the affected local community or the  
 4942 amendment's furtherance of the intent of this part. Any  
 4943 objection regarding an important state resource or facility that  
 4944 will be adversely impacted by the adopted plan or plan amendment  
 4945 shall also state with specificity how the plan or plan amendment  
 4946 will adversely impact the important state resource or facility  
 4947 and shall identify measures the local government may take to  
 4948 eliminate, reduce, or mitigate the adverse impacts. When a  
 4949 federal, state, or regional agency has implemented a permitting  
 4950 program, ~~the state land planning agency shall not require a~~  
 4951 local government is not required to duplicate or exceed that  
 4952 permitting program in its comprehensive plan or to implement  
 4953 such a permitting program in its land development regulations.  
 4954 Nothing contained herein shall prohibit the state land planning  
 4955 agency in conducting its review of local plans or plan  
 4956 amendments from making objections, recommendations, and comments

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4957 ~~or making compliance determinations~~ regarding densities and  
 4958 intensities consistent with the provisions of this part. In  
 4959 preparing its comments, the state land planning agency shall  
 4960 only base its considerations on written, and not oral, comments,  
 4961 ~~from any source.~~

4962 2.(d) The state land planning agency review shall identify  
 4963 all written communications with the agency regarding the  
 4964 proposed plan amendment. ~~If the state land planning agency does~~  
 4965 ~~not issue such a review, it shall identify in writing to the~~  
 4966 ~~local government all written communications received 30 days~~  
 4967 ~~after transmittal.~~ The written identification must include a  
 4968 list of all documents received or generated by the agency, which  
 4969 list must be of sufficient specificity to enable the documents  
 4970 to be identified and copies requested, if desired, and the name  
 4971 of the person to be contacted to request copies of any  
 4972 identified document. ~~The list of documents must be made a part~~  
 4973 ~~of the public records of the state land planning agency.~~

4974 (e)(7) Local government review of comments; adoption of  
 4975 plan or amendments and transmittal.-

4976 (a) The local government shall review the report written  
 4977 ~~comments~~ submitted to it by the state land planning agency, if  
 4978 any, and written comments submitted to it by any other person,  
 4979 agency, or government. ~~Any comments, recommendations, or~~  
 4980 ~~objections and any reply to them shall be public documents, a~~  
 4981 ~~part of the permanent record in the matter, and admissible in~~  
 4982 ~~any proceeding in which the comprehensive plan or plan amendment~~  
 4983 ~~may be at issue.~~ The local government, upon receipt of the  
 4984 report written ~~comments~~ from the state land planning agency,

4985 shall follow the process in paragraph (3)(c) for the adoption of  
 4986 its plan or plan amendment. ~~shall have 120 days to adopt or~~  
 4987 ~~adopt with changes the proposed comprehensive plan or s.~~  
 4988 ~~163.3191 plan amendments. In the case of comprehensive plan~~  
 4989 ~~amendments other than those proposed pursuant to s. 163.3191,~~  
 4990 ~~the local government shall have 60 days to adopt the amendment,~~  
 4991 ~~adopt the amendment with changes, or determine that it will not~~  
 4992 ~~adopt the amendment. The adoption of the proposed plan or plan~~  
 4993 ~~amendment or the determination not to adopt a plan amendment,~~  
 4994 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~  
 4995 ~~shall be made in the course of a public hearing pursuant to~~  
 4996 ~~subsection (15). The local government shall transmit the~~  
 4997 ~~complete adopted comprehensive plan or plan amendment, including~~  
 4998 ~~the names and addresses of persons compiled pursuant to~~  
 4999 ~~paragraph (15)(c), to the state land planning agency as~~  
 5000 ~~specified in the agency's procedural rules within 10 working~~  
 5001 ~~days after adoption. The local governing body shall also~~  
 5002 ~~transmit a copy of the adopted comprehensive plan or plan~~  
 5003 ~~amendment to the regional planning agency and to any other unit~~  
 5004 ~~of local government or governmental agency in the state that has~~  
 5005 ~~filed a written request with the governing body for a copy of~~  
 5006 ~~the plan or plan amendment.~~

5007 ~~(b) If the adopted plan amendment is unchanged from the~~  
 5008 ~~proposed plan amendment transmitted pursuant to subsection (3)~~  
 5009 ~~and an affected person as defined in paragraph (1)(a) did not~~  
 5010 ~~raise any objection, the state land planning agency did not~~  
 5011 ~~review the proposed plan amendment, and the state land planning~~  
 5012 ~~agency did not raise any objections during its review pursuant~~

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5013 ~~to subsection (6), the local government may state in the~~  
 5014 ~~transmittal letter that the plan amendment is unchanged and was~~  
 5015 ~~not the subject of objections.~~

5016 ~~(8) NOTICE OF INTENT.~~

5017 ~~(a) If the transmittal letter correctly states that the~~  
 5018 ~~plan amendment is unchanged and was not the subject of review or~~  
 5019 ~~objections pursuant to paragraph (7) (b), the state land planning~~  
 5020 ~~agency has 20 days after receipt of the transmittal letter~~  
 5021 ~~within which to issue a notice of intent that the plan amendment~~  
 5022 ~~is in compliance.~~

5023 ~~(b) Except as provided in paragraph (a) or in s.~~  
 5024 ~~163.3187(3), the state land planning agency, upon receipt of a~~  
 5025 ~~local government's complete adopted comprehensive plan or plan~~  
 5026 ~~amendment, shall have 45 days for review and to determine if the~~  
 5027 ~~plan or plan amendment is in compliance with this act, unless~~  
 5028 ~~the amendment is the result of a compliance agreement entered~~  
 5029 ~~into under subsection (16), in which case the time period for~~  
 5030 ~~review and determination shall be 30 days. If review was not~~  
 5031 ~~conducted under subsection (6), the agency's determination must~~  
 5032 ~~be based upon the plan amendment as adopted. If review was~~  
 5033 ~~conducted under subsection (6), the agency's determination of~~  
 5034 ~~compliance must be based only upon one or both of the following:~~

5035 ~~1. The state land planning agency's written comments to~~  
 5036 ~~the local government pursuant to subsection (6); or~~

5037 ~~2. Any changes made by the local government to the~~  
 5038 ~~comprehensive plan or plan amendment as adopted.~~

5039 ~~(c)1. During the time period provided for in this~~  
 5040 ~~subsection, the state land planning agency shall issue, through~~

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5041 ~~a senior administrator or the secretary, as specified in the~~  
5042 ~~agency's procedural rules, a notice of intent to find that the~~  
5043 ~~plan or plan amendment is in compliance or not in compliance. A~~  
5044 ~~notice of intent shall be issued by publication in the manner~~  
5045 ~~provided by this paragraph and by mailing a copy to the local~~  
5046 ~~government. The advertisement shall be placed in that portion of~~  
5047 ~~the newspaper where legal notices appear. The advertisement~~  
5048 ~~shall be published in a newspaper that meets the size and~~  
5049 ~~circulation requirements set forth in paragraph (15) (c) and that~~  
5050 ~~has been designated in writing by the affected local government~~  
5051 ~~at the time of transmittal of the amendment. Publication by the~~  
5052 ~~state land planning agency of a notice of intent in the~~  
5053 ~~newspaper designated by the local government shall be prima~~  
5054 ~~facie evidence of compliance with the publication requirements~~  
5055 ~~of this section. The state land planning agency shall post a~~  
5056 ~~copy of the notice of intent on the agency's Internet site. The~~  
5057 ~~agency shall, no later than the date the notice of intent is~~  
5058 ~~transmitted to the newspaper, send by regular mail a courtesy~~  
5059 ~~informational statement to persons who provide their names and~~  
5060 ~~addresses to the local government at the transmittal hearing or~~  
5061 ~~at the adoption hearing where the local government has provided~~  
5062 ~~the names and addresses of such persons to the department at the~~  
5063 ~~time of transmittal of the adopted amendment. The informational~~  
5064 ~~statements shall include the name of the newspaper in which the~~  
5065 ~~notice of intent will appear, the approximate date of~~  
5066 ~~publication, the ordinance number of the plan or plan amendment,~~  
5067 ~~and a statement that affected persons have 21 days after the~~  
5068 ~~actual date of publication of the notice to file a petition.~~

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CODING: Words **stricken** are deletions; words underlined are additions.

V

5069           ~~2. A local government that has an Internet site shall post~~  
 5070 ~~a copy of the state land planning agency's notice of intent on~~  
 5071 ~~the site within 5 days after receipt of the mailed copy of the~~  
 5072 ~~agency's notice of intent.~~

5073           ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

5074           ~~(a) If the state land planning agency issues a notice of~~  
 5075 ~~intent to find that the comprehensive plan or plan amendment~~  
 5076 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~  
 5077 ~~or s. 163.3191 is in compliance with this act, any affected~~  
 5078 ~~person may file a petition with the agency pursuant to ss.~~  
 5079 ~~120.569 and 120.57 within 21 days after the publication of~~  
 5080 ~~notice. In this proceeding, the local plan or plan amendment~~  
 5081 ~~shall be determined to be in compliance if the local~~  
 5082 ~~government's determination of compliance is fairly debatable.~~

5083           ~~(b) The hearing shall be conducted by an administrative~~  
 5084 ~~law judge of the Division of Administrative Hearings of the~~  
 5085 ~~Department of Management Services, who shall hold the hearing in~~  
 5086 ~~the county of and convenient to the affected local jurisdiction~~  
 5087 ~~and submit a recommended order to the state land planning~~  
 5088 ~~agency. The state land planning agency shall allow for the~~  
 5089 ~~filing of exceptions to the recommended order and shall issue a~~  
 5090 ~~final order after receipt of the recommended order if the state~~  
 5091 ~~land planning agency determines that the plan or plan amendment~~  
 5092 ~~is in compliance. If the state land planning agency determines~~  
 5093 ~~that the plan or plan amendment is not in compliance, the agency~~  
 5094 ~~shall submit the recommended order to the Administration~~  
 5095 ~~Commission for final agency action.~~

5096           ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~

5097 ~~COMPLIANCE.—~~

5098 ~~(a) If the state land planning agency issues a notice of~~

5099 ~~intent to find the comprehensive plan or plan amendment not in~~

5100 ~~compliance with this act, the notice of intent shall be~~

5101 ~~forwarded to the Division of Administrative Hearings of the~~

5102 ~~Department of Management Services, which shall conduct a~~

5103 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~

5104 ~~convenient to the affected local jurisdiction. The parties to~~

5105 ~~the proceeding shall be the state land planning agency, the~~

5106 ~~affected local government, and any affected person who~~

5107 ~~intervenes. No new issue may be alleged as a reason to find a~~

5108 ~~plan or plan amendment not in compliance in an administrative~~

5109 ~~pleading filed more than 21 days after publication of notice~~

5110 ~~unless the party seeking that issue establishes good cause for~~

5111 ~~not alleging the issue within that time period. Good cause shall~~

5112 ~~not include excusable neglect. In the proceeding, the local~~

5113 ~~government's determination that the comprehensive plan or plan~~

5114 ~~amendment is in compliance is presumed to be correct. The local~~

5115 ~~government's determination shall be sustained unless it is shown~~

5116 ~~by a preponderance of the evidence that the comprehensive plan~~

5117 ~~or plan amendment is not in compliance. The local government's~~

5118 ~~determination that elements of its plans are related to and~~

5119 ~~consistent with each other shall be sustained if the~~

5120 ~~determination is fairly debatable.~~

5121 ~~(b) The administrative law judge assigned by the division~~

5122 ~~shall submit a recommended order to the Administration~~

5123 ~~Commission for final agency action.~~

5124 ~~(c) Prior to the hearing, the state land planning agency~~

5125 ~~shall afford an opportunity to mediate or otherwise resolve the~~  
 5126 ~~dispute. If a party to the proceeding requests mediation or~~  
 5127 ~~other alternative dispute resolution, the hearing may not be~~  
 5128 ~~held until the state land planning agency advises the~~  
 5129 ~~administrative law judge in writing of the results of the~~  
 5130 ~~mediation or other alternative dispute resolution. However, the~~  
 5131 ~~hearing may not be delayed for longer than 90 days for mediation~~  
 5132 ~~or other alternative dispute resolution unless a longer delay is~~  
 5133 ~~agreed to by the parties to the proceeding. The costs of the~~  
 5134 ~~mediation or other alternative dispute resolution shall be borne~~  
 5135 ~~equally by all of the parties to the proceeding.~~

5136 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
 5137 AMENDMENTS.-

5138 (a) Any affected person as defined in paragraph (1) (a) may  
 5139 file a petition with the Division of Administrative Hearings  
 5140 pursuant to ss. 120.569 and 120.57, with a copy served on the  
 5141 affected local government, to request a formal hearing to  
 5142 challenge whether the plan or plan amendments are in compliance  
 5143 as defined in paragraph (1) (b). This petition must be filed with  
 5144 the division within 30 days after the local government adopts  
 5145 the amendment. The state land planning agency may not intervene  
 5146 in a proceeding initiated by an affected person.

5147 (b) The state land planning agency may file a petition  
 5148 with the Division of Administrative Hearings pursuant to ss.  
 5149 120.569 and 120.57, with a copy served on the affected local  
 5150 government, to request a formal hearing to challenge whether the  
 5151 plan or plan amendment is in compliance as defined in paragraph  
 5152 (1) (b). The state land planning agency's petition must clearly



5153 state the reasons for the challenge. This petition must be filed  
 5154 with the division within 30 days after the state land planning  
 5155 agency notifies the local government that the plan amendment  
 5156 package is complete according to subparagraph (3)(c)3.

5157 1. The state land planning agency's challenge to plan  
 5158 amendments adopted under the expedited state review process  
 5159 shall be limited to the comments provided by the reviewing  
 5160 agencies pursuant to subparagraphs (3)(b)2.-4., upon a  
 5161 determination by the state land planning agency that an  
 5162 important state resource or facility will be adversely impacted  
 5163 by the adopted plan amendment. The state land planning agency's  
 5164 petition shall state with specificity how the plan amendment  
 5165 will adversely impact the important state resource or facility.  
 5166 The state land planning agency shall only make such a  
 5167 determination if on the whole the amendment's adverse impacts to  
 5168 the important state resource or facility outweigh the  
 5169 amendment's benefits to the affected local community or the  
 5170 amendment's furtherance of the intent of this part. The state  
 5171 land planning agency may challenge a plan amendment that has  
 5172 substantially changed from the version on which the agencies  
 5173 provided comments but only upon a determination by the state  
 5174 land planning agency that an important state resource or  
 5175 facility will be adversely impacted.

5176 2. The state land planning agency's challenge to plans and  
 5177 plan amendments pursuant to paragraph (2)(c) adopted under the  
 5178 state coordinated review process, unless the plan or plan  
 5179 amendment is substantially changed from the one commented on, is  
 5180 limited to objections raised in the objections, recommendations,

5181 and comments report. Any state land planning agency challenge to  
 5182 a plan amendment that updates a comprehensive plan based on an  
 5183 evaluation and appraisal pursuant to s. 163.3191, unless the  
 5184 amendment has substantially changed from the one commented on,  
 5185 is limited to objections raised in the objections,  
 5186 recommendations, and comments report where the state land  
 5187 planning agency has made a determination that the plan amendment  
 5188 will adversely impact an important state resource or facility.

5189 (c) An administrative law judge shall hold a hearing in  
 5190 the affected local jurisdiction on whether the plan or plan  
 5191 amendment is in compliance.

5192 1. In challenges filed by an affected person, the  
 5193 comprehensive plan or plan amendment shall be determined to be  
 5194 in compliance if the local government's determination of  
 5195 compliance is fairly debatable.

5196 2.a. In challenges filed by the state land planning  
 5197 agency, the local government's determination that the  
 5198 comprehensive plan or plan amendment is in compliance is  
 5199 presumed to be correct, and the local government's determination  
 5200 shall be sustained unless it is shown by a preponderance of the  
 5201 evidence that the comprehensive plan or plan amendment is not in  
 5202 compliance.

5203 b. In challenges filed by the state land planning agency,  
 5204 the local government's determination that elements of its plan  
 5205 are related to and consistent with each other shall be sustained  
 5206 if the determination is fairly debatable.

5207 3. In challenges filed by the state land planning agency  
 5208 that require a determination by the agency that an important

5209 state resource or facility will be adversely impacted by the  
 5210 adopted plan or plan amendment, the local government may contest  
 5211 the agency's determination that the amendment would adversely  
 5212 impact an important state resource or facility. The state land  
 5213 planning agency shall prove its determination by clear and  
 5214 convincing evidence.

5215 (d) If the administrative law judge recommends that the  
 5216 amendment be found not in compliance, the judge shall submit the  
 5217 recommended order to the Administration Commission for final  
 5218 agency action. The Administration Commission shall enter a final  
 5219 order within 45 days after its receipt of the recommended order.

5220 (e) If the administrative law judge recommends that the  
 5221 amendment be found in compliance, the judge shall submit the  
 5222 recommended order to the state land planning agency.

5223 1. If the state land planning agency determines that the  
 5224 plan amendment should be found not in compliance, the agency  
 5225 shall refer, within 30 days after receipt of the recommended  
 5226 order, the recommended order and its determination to the  
 5227 Administration Commission for final agency action.

5228 2. If the state land planning agency determines that the  
 5229 plan amendment should be found in compliance, the agency shall  
 5230 enter its final order not later than 30 days after receipt of  
 5231 the recommended order.

5232 (f)1. In all challenges under this subsection, when a  
 5233 determination of compliance as defined in paragraph (1) (b) is  
 5234 made, consideration shall be given to the plan or plan amendment  
 5235 as a whole and whether the plan or plan amendment furthers the  
 5236 intent of this part.

5237 2. In challenges that require the state land planning  
 5238 agency to make a determination that an important state resource  
 5239 or facility will be adversely impacted by the adopted plan or  
 5240 plan amendment, the plan or plan amendment shall be found to be  
 5241 in compliance unless it is determined that on the whole the plan  
 5242 or plan amendment's adverse impacts to the important state  
 5243 resource or facility outweigh the plan or plan amendment's  
 5244 benefits to the affected local community or the plan or plan  
 5245 amendment's furtherance of the intent of this part.

5246 (g) Parties to a proceeding under this subsection may  
 5247 enter into compliance agreements using the process in subsection  
 5248 (6).

5249 (6) COMPLIANCE AGREEMENT.—

5250 (a) At any time after the filing of a challenge, the state  
 5251 land planning agency and the local government may voluntarily  
 5252 enter into a compliance agreement to resolve one or more of the  
 5253 issues raised in the proceedings. Affected persons who have  
 5254 initiated a formal proceeding or have intervened in a formal  
 5255 proceeding may also enter into a compliance agreement with the  
 5256 local government. All parties granted intervenor status shall be  
 5257 provided reasonable notice of the commencement of a compliance  
 5258 agreement negotiation process and a reasonable opportunity to  
 5259 participate in such negotiation process. Negotiation meetings  
 5260 with local governments or intervenors shall be open to the  
 5261 public. The state land planning agency shall provide each party  
 5262 granted intervenor status with a copy of the compliance  
 5263 agreement within 10 days after the agreement is executed. The  
 5264 compliance agreement shall list each portion of the plan or plan

5265 amendment that has been challenged, and shall specify remedial  
 5266 actions that the local government has agreed to complete within  
 5267 a specified time in order to resolve the challenge, including  
 5268 adoption of all necessary plan amendments. The compliance  
 5269 agreement may also establish monitoring requirements and  
 5270 incentives to ensure that the conditions of the compliance  
 5271 agreement are met.

5272 (b) Upon the filing of a compliance agreement executed by  
 5273 the parties to a challenge and the local government with the  
 5274 Division of Administrative Hearings, any administrative  
 5275 proceeding under ss. 120.569 and 120.57 regarding the plan or  
 5276 plan amendment covered by the compliance agreement shall be  
 5277 stayed.

5278 (c) Before its execution of a compliance agreement, the  
 5279 local government must approve the compliance agreement at a  
 5280 public hearing advertised at least 10 days before the public  
 5281 hearing in a newspaper of general circulation in the area in  
 5282 accordance with the advertisement requirements of chapter 125 or  
 5283 166, as applicable.

5284 (d) The local government shall hold a single adoption  
 5285 public hearing for remedial amendments.

5286 (e) If the local government adopts a comprehensive plan  
 5287 amendment pursuant to a compliance agreement, an affected person  
 5288 or the state land planning agency may file a revised challenge  
 5289 with the Division of Administrative Hearings within 15 days  
 5290 after the adoption of the amendment.

5291 (f) This subsection does not prohibit a local government  
 5292 from amending portions of its comprehensive plan other than

5293 those that are the subject of a challenge. However, such  
 5294 amendments to the plan may not be inconsistent with the  
 5295 compliance agreement.

5296 (g) Nothing in this subsection is intended to require  
 5297 settlement by any party against its will or to preclude the use  
 5298 of other informal dispute resolution methods, in the course of  
 5299 or in addition to the method described in this subsection.

5300 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5301 (a) At any time after the matter has been forwarded to the  
 5302 Division of Administrative Hearings, the local government  
 5303 proposing the amendment may demand formal mediation or the local  
 5304 government proposing the amendment or an affected person who is  
 5305 a party to the proceeding may demand informal mediation or  
 5306 expeditious resolution of the amendment proceedings by serving  
 5307 written notice on the state land planning agency if a party to  
 5308 the proceeding, all other parties to the proceeding, and the  
 5309 administrative law judge.

5310 (b) Upon receipt of a notice pursuant to paragraph (a),  
 5311 the administrative law judge shall set the matter for final  
 5312 hearing no more than 30 days after receipt of the notice. Once a  
 5313 final hearing has been set, no continuance in the hearing, and  
 5314 no additional time for post-hearing submittals, may be granted  
 5315 without the written agreement of the parties absent a finding by  
 5316 the administrative law judge of extraordinary circumstances.  
 5317 Extraordinary circumstances do not include matters relating to  
 5318 workload or need for additional time for preparation,  
 5319 negotiation, or mediation.

5320 (c) Absent a showing of extraordinary circumstances, the

5321 administrative law judge shall issue a recommended order, in a  
 5322 case proceeding under subsection (5), within 30 days after  
 5323 filing of the transcript, unless the parties agree in writing to  
 5324 a longer time.

5325 (d) Absent a showing of extraordinary circumstances, the  
 5326 Administration Commission shall issue a final order, in a case  
 5327 proceeding under subsection (5), within 45 days after the  
 5328 issuance of the recommended order, unless the parties agree in  
 5329 writing to a longer time.

5330 (8)(11) ADMINISTRATION COMMISSION.—

5331 (a) If the Administration Commission, upon a hearing  
 5332 pursuant to subsection (5)(9) or subsection (10), finds that the  
 5333 comprehensive plan or plan amendment is not in compliance with  
 5334 this act, the commission shall specify remedial actions that  
 5335 ~~which~~ would bring the comprehensive plan or plan amendment into  
 5336 compliance.

5337 (b) The commission may specify the sanctions provided in  
 5338 subparagraphs 1. and 2. to which the local government will be  
 5339 subject if it elects to make the amendment effective  
 5340 notwithstanding the determination of noncompliance.

5341 1. The commission may direct state agencies not to provide  
 5342 funds to increase the capacity of roads, bridges, or water and  
 5343 sewer systems within the boundaries of those local governmental  
 5344 entities which have comprehensive plans or plan elements that  
 5345 are determined not to be in compliance. The commission order may  
 5346 also specify that the local government shall not be eligible for  
 5347 grants administered under the following programs:

5348 a.1. The Florida Small Cities Community Development Block

5349 Grant Program, as authorized by ss. 290.0401-290.049.

5350 b.2. The Florida Recreation Development Assistance

5351 Program, as authorized by chapter 375.

5352 c.3. Revenue sharing pursuant to ss. 206.60, 210.20, and

5353 218.61 and chapter 212, to the extent not pledged to pay back

5354 bonds.

5355 2.(b) If the local government is one which is required to

5356 include a coastal management element in its comprehensive plan

5357 pursuant to s. 163.3177(6)(g), the commission order may also

5358 specify that the local government is not eligible for funding

5359 pursuant to s. 161.091. The commission order may also specify

5360 that the fact that the coastal management element has been

5361 determined to be not in compliance shall be a consideration when

5362 the department considers permits under s. 161.053 and when the

5363 Board of Trustees of the Internal Improvement Trust Fund

5364 considers whether to sell, convey any interest in, or lease any

5365 sovereignty lands or submerged lands until the element is

5366 brought into compliance.

5367 3.(e) The sanctions provided by subparagraphs ~~paragraphs~~

5368 1.(a) and 2.(b) shall not apply to a local government regarding

5369 any plan amendment, except for plan amendments that amend plans

5370 that have not been finally determined to be in compliance with

5371 this part, and except as provided in paragraph (b) s.

5372 ~~163.3189(2) or s. 163.3191(11).~~

5373 (9)(12) GOOD FAITH FILING.—The signature of an attorney or

5374 party constitutes a certificate that he or she has read the

5375 pleading, motion, or other paper and that, to the best of his or

5376 her knowledge, information, and belief formed after reasonable



5377 inquiry, it is not interposed for any improper purpose, such as  
 5378 to harass or to cause unnecessary delay, or for economic  
 5379 advantage, competitive reasons, or frivolous purposes or  
 5380 needless increase in the cost of litigation. If a pleading,  
 5381 motion, or other paper is signed in violation of these  
 5382 requirements, the administrative law judge, upon motion or his  
 5383 or her own initiative, shall impose upon the person who signed  
 5384 it, a represented party, or both, an appropriate sanction, which  
 5385 may include an order to pay to the other party or parties the  
 5386 amount of reasonable expenses incurred because of the filing of  
 5387 the pleading, motion, or other paper, including a reasonable  
 5388 attorney's fee.

5389 (10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this  
 5390 section shall be the sole proceeding or action for a  
 5391 determination of whether a local government's plan, element, or  
 5392 amendment is in compliance with this act.

5393 ~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local~~  
 5394 ~~government comprehensive plan or plan amendment which is~~  
 5395 ~~applicable to a designated area of critical state concern shall~~  
 5396 ~~be effective until a final order is issued finding the plan or~~  
 5397 ~~amendment to be in compliance as defined in this section.~~

5398 (11)~~(15)~~ PUBLIC HEARINGS.—

5399 (a) The procedure for transmittal of a complete proposed  
 5400 comprehensive plan or plan amendment pursuant to subparagraphs  
 5401 ~~subsection (3)~~ (b)1. and (4) (b) and for adoption of a  
 5402 comprehensive plan or plan amendment pursuant to  
 5403 subparagraphs (3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by  
 5404 affirmative vote of not less than a majority of the members of

5405 the governing body present at the hearing. The adoption of a  
 5406 comprehensive plan or plan amendment shall be by ordinance. For  
 5407 the purposes of transmitting or adopting a comprehensive plan or  
 5408 plan amendment, the notice requirements in chapters 125 and 166  
 5409 are superseded by this subsection, except as provided in this  
 5410 part.

5411 (b) The local governing body shall hold at least two  
 5412 advertised public hearings on the proposed comprehensive plan or  
 5413 plan amendment as follows:

5414 1. The first public hearing shall be held at the  
 5415 transmittal stage ~~pursuant to subsection (3)~~. It shall be held  
 5416 on a weekday at least 7 days after the day that the first  
 5417 advertisement is published pursuant to the requirements of  
 5418 chapter 125 or chapter 166.

5419 2. The second public hearing shall be held at the adoption  
 5420 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday  
 5421 at least 5 days after the day that the second advertisement is  
 5422 published pursuant to the requirements of chapter 125 or chapter  
 5423 166.

5424 (c) Nothing in this part is intended to prohibit or limit  
 5425 the authority of local governments to require a person  
 5426 requesting an amendment to pay some or all of the cost of the  
 5427 public notice.

5428 (12) CONCURRENT ZONING.—At the request of an applicant, a  
 5429 local government shall consider an application for zoning  
 5430 changes that would be required to properly enact the provisions  
 5431 of any proposed plan amendment transmitted pursuant to this  
 5432 subsection. Zoning changes approved by the local government are

5433 contingent upon the comprehensive plan or plan amendment  
 5434 transmitted becoming effective.

5435 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local  
 5436 government comprehensive plan or plan amendment that is  
 5437 applicable to a designated area of critical state concern shall  
 5438 be effective until a final order is issued finding the plan or  
 5439 amendment to be in compliance as defined in paragraph (1) (b).

5440 ~~(c) The local government shall provide a sign-in form at~~  
 5441 ~~the transmittal hearing and at the adoption hearing for persons~~  
 5442 ~~to provide their names and mailing addresses. The sign-in form~~  
 5443 ~~must advise that any person providing the requested information~~  
 5444 ~~will receive a courtesy informational statement concerning~~  
 5445 ~~publications of the state land planning agency's notice of~~  
 5446 ~~intent. The local government shall add to the sign-in form the~~  
 5447 ~~name and address of any person who submits written comments~~  
 5448 ~~concerning the proposed plan or plan amendment during the time~~  
 5449 ~~period between the commencement of the transmittal hearing and~~  
 5450 ~~the end of the adoption hearing. It is the responsibility of the~~  
 5451 ~~person completing the form or providing written comments to~~  
 5452 ~~accurately, completely, and legibly provide all information~~  
 5453 ~~needed in order to receive the courtesy informational statement.~~

5454 ~~(d) The agency shall provide a model sign-in form for~~  
 5455 ~~providing the list to the agency which may be used by the local~~  
 5456 ~~government to satisfy the requirements of this subsection.~~

5457 ~~(e) If the proposed comprehensive plan or plan amendment~~  
 5458 ~~changes the actual list of permitted, conditional, or prohibited~~  
 5459 ~~uses within a future land use category or changes the actual~~  
 5460 ~~future land use map designation of a parcel or parcels of land,~~

5461 ~~the required advertisements shall be in the format prescribed by~~  
 5462 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~  
 5463 ~~municipality.~~

5464 ~~(16) COMPLIANCE AGREEMENTS.—~~

5465 ~~(a) At any time following the issuance of a notice of~~  
 5466 ~~intent to find a comprehensive plan or plan amendment not in~~  
 5467 ~~compliance with this part or after the initiation of a hearing~~  
 5468 ~~pursuant to subsection (9), the state land planning agency and~~  
 5469 ~~the local government may voluntarily enter into a compliance~~  
 5470 ~~agreement to resolve one or more of the issues raised in the~~  
 5471 ~~proceedings. Affected persons who have initiated a formal~~  
 5472 ~~proceeding or have intervened in a formal proceeding may also~~  
 5473 ~~enter into the compliance agreement. All parties granted~~  
 5474 ~~intervenor status shall be provided reasonable notice of the~~  
 5475 ~~commencement of a compliance agreement negotiation process and a~~  
 5476 ~~reasonable opportunity to participate in such negotiation~~  
 5477 ~~process. Negotiation meetings with local governments or~~  
 5478 ~~intervenor shall be open to the public. The state land planning~~  
 5479 ~~agency shall provide each party granted intervenor status with a~~  
 5480 ~~copy of the compliance agreement within 10 days after the~~  
 5481 ~~agreement is executed. The compliance agreement shall list each~~  
 5482 ~~portion of the plan or plan amendment which is not in~~  
 5483 ~~compliance, and shall specify remedial actions which the local~~  
 5484 ~~government must complete within a specified time in order to~~  
 5485 ~~bring the plan or plan amendment into compliance, including~~  
 5486 ~~adoption of all necessary plan amendments. The compliance~~  
 5487 ~~agreement may also establish monitoring requirements and~~  
 5488 ~~incentives to ensure that the conditions of the compliance~~

5489 ~~agreement are met.~~

5490 ~~(b) Upon filing by the state land planning agency of a~~  
 5491 ~~compliance agreement executed by the agency and the local~~  
 5492 ~~government with the Division of Administrative Hearings, any~~  
 5493 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~  
 5494 ~~the plan or plan amendment covered by the compliance agreement~~  
 5495 ~~shall be stayed.~~

5496 ~~(c) Prior to its execution of a compliance agreement, the~~  
 5497 ~~local government must approve the compliance agreement at a~~  
 5498 ~~public hearing advertised at least 10 days before the public~~  
 5499 ~~hearing in a newspaper of general circulation in the area in~~  
 5500 ~~accordance with the advertisement requirements of subsection~~  
 5501 ~~(15).~~

5502 ~~(d) A local government may adopt a plan amendment pursuant~~  
 5503 ~~to a compliance agreement in accordance with the requirements of~~  
 5504 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~  
 5505 ~~requirements of subsections (2) (7). The local government shall~~  
 5506 ~~hold a single adoption public hearing pursuant to the~~  
 5507 ~~requirements of subparagraph (15) (b)2. and paragraph (15) (e).~~  
 5508 ~~Within 10 working days after adoption of a plan amendment, the~~  
 5509 ~~local government shall transmit the amendment to the state land~~  
 5510 ~~planning agency as specified in the agency's procedural rules,~~  
 5511 ~~and shall submit one copy to the regional planning agency and to~~  
 5512 ~~any other unit of local government or government agency in the~~  
 5513 ~~state that has filed a written request with the governing body~~  
 5514 ~~for a copy of the plan amendment, and one copy to any party to~~  
 5515 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~  
 5516 ~~status.~~

5517 ~~(e) The state land planning agency, upon receipt of a plan~~  
 5518 ~~amendment adopted pursuant to a compliance agreement, shall~~  
 5519 ~~issue a cumulative notice of intent addressing both the~~  
 5520 ~~compliance agreement amendment and the plan or plan amendment~~  
 5521 ~~that was the subject of the agreement, in accordance with~~  
 5522 ~~subsection (8).~~

5523 ~~(f)1. If the local government adopts a comprehensive plan~~  
 5524 ~~amendment pursuant to a compliance agreement and a notice of~~  
 5525 ~~intent to find the plan amendment in compliance is issued, the~~  
 5526 ~~state land planning agency shall forward the notice of intent to~~  
 5527 ~~the Division of Administrative Hearings and the administrative~~  
 5528 ~~law judge shall realign the parties in the pending proceeding~~  
 5529 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~  
 5530 ~~by the process contained in paragraphs (9) (a) and (b), including~~  
 5531 ~~provisions relating to challenges by an affected person, burden~~  
 5532 ~~of proof, and issues of a recommended order and a final order,~~  
 5533 ~~except as provided in subparagraph 2. Parties to the original~~  
 5534 ~~proceeding at the time of realignment may continue as parties~~  
 5535 ~~without being required to file additional pleadings to initiate~~  
 5536 ~~a proceeding, but may timely amend their pleadings to raise any~~  
 5537 ~~challenge to the amendment which is the subject of the~~  
 5538 ~~cumulative notice of intent, and must otherwise conform to the~~  
 5539 ~~rules of procedure of the Division of Administrative Hearings.~~  
 5540 ~~Any affected person not a party to the realigned proceeding may~~  
 5541 ~~challenge the plan amendment which is the subject of the~~  
 5542 ~~cumulative notice of intent by filing a petition with the agency~~  
 5543 ~~as provided in subsection (9). The agency shall forward the~~  
 5544 ~~petition filed by the affected person not a party to the~~

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5545 ~~realigned proceeding to the Division of Administrative Hearings~~  
5546 ~~for consolidation with the realigned proceeding.~~

5547 ~~2. If any of the issues raised by the state land planning~~  
5548 ~~agency in the original subsection (10) proceeding are not~~  
5549 ~~resolved by the compliance agreement amendments, any intervenor~~  
5550 ~~in the original subsection (10) proceeding may require those~~  
5551 ~~issues to be addressed in the pending consolidated realigned~~  
5552 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~  
5553 ~~issues, the burden of proof shall be governed by subsection~~  
5554 ~~(10).~~

5555 ~~3. If the local government adopts a comprehensive plan~~  
5556 ~~amendment pursuant to a compliance agreement and a notice of~~  
5557 ~~intent to find the plan amendment not in compliance is issued,~~  
5558 ~~the state land planning agency shall forward the notice of~~  
5559 ~~intent to the Division of Administrative Hearings, which shall~~  
5560 ~~consolidate the proceeding with the pending proceeding and~~  
5561 ~~immediately set a date for hearing in the pending proceeding~~  
5562 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~  
5563 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~  
5564 ~~may challenge the plan amendment adopted pursuant to the~~  
5565 ~~compliance agreement by filing a petition pursuant to subsection~~  
5566 ~~(10).~~

5567 ~~(g) If the local government fails to adopt a comprehensive~~  
5568 ~~plan amendment pursuant to a compliance agreement, the state~~  
5569 ~~land planning agency shall notify the Division of Administrative~~  
5570 ~~Hearings, which shall set the hearing in the pending proceeding~~  
5571 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5572 ~~(h) This subsection does not prohibit a local government~~

5573 ~~from amending portions of its comprehensive plan other than~~  
 5574 ~~those which are the subject of the compliance agreement.~~  
 5575 ~~However, such amendments to the plan may not be inconsistent~~  
 5576 ~~with the compliance agreement.~~

5577 ~~(i) Nothing in this subsection is intended to limit the~~  
 5578 ~~parties from entering into a compliance agreement at any time~~  
 5579 ~~before the final order in the proceeding is issued, provided~~  
 5580 ~~that the provisions of paragraph (c) shall apply regardless of~~  
 5581 ~~when the compliance agreement is reached.~~

5582 ~~(j) Nothing in this subsection is intended to force any~~  
 5583 ~~party into settlement against its will or to preclude the use of~~  
 5584 ~~other informal dispute resolution methods, such as the services~~  
 5585 ~~offered by the Florida Growth Management Dispute Resolution~~  
 5586 ~~Consortium, in the course of or in addition to the method~~  
 5587 ~~described in this subsection.~~

5588 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~  
 5589 ~~A local government that has adopted a community vision and urban~~  
 5590 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~  
 5591 ~~amendment related to map amendments solely to property within an~~  
 5592 ~~urban service boundary in the manner described in subsections~~  
 5593 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~  
 5594 ~~and e., 2., and 3., such that state and regional agency review~~  
 5595 ~~is eliminated. The department may not issue an objections,~~  
 5596 ~~recommendations, and comments report on proposed plan amendments~~  
 5597 ~~or a notice of intent on adopted plan amendments; however,~~  
 5598 ~~affected persons, as defined by paragraph (1)(a), may file a~~  
 5599 ~~petition for administrative review pursuant to the requirements~~  
 5600 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~



5601 ~~plan amendment. This subsection does not apply to any amendment~~  
 5602 ~~within an area of critical state concern, to any amendment that~~  
 5603 ~~increases residential densities allowable in high-hazard coastal~~  
 5604 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~  
 5605 ~~the goals, policies, or objectives of the local government's~~  
 5606 ~~comprehensive plan. Amendments submitted under this subsection~~  
 5607 ~~are exempt from the limitation on the frequency of plan~~  
 5608 ~~amendments in s. 163.3187.~~

5609 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~  
 5610 ~~municipality that has a designated urban infill and~~  
 5611 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~  
 5612 ~~related to map amendments solely to property within a designated~~  
 5613 ~~urban infill and redevelopment area in the manner described in~~  
 5614 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~  
 5615 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~  
 5616 ~~regional agency review is eliminated. The department may not~~  
 5617 ~~issue an objections, recommendations, and comments report on~~  
 5618 ~~proposed plan amendments or a notice of intent on adopted plan~~  
 5619 ~~amendments; however, affected persons, as defined by paragraph~~  
 5620 ~~(1)(a), may file a petition for administrative review pursuant~~  
 5621 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~  
 5622 ~~compliance of an adopted plan amendment. This subsection does~~  
 5623 ~~not apply to any amendment within an area of critical state~~  
 5624 ~~concern, to any amendment that increases residential densities~~  
 5625 ~~allowable in high-hazard coastal areas as defined in s.~~  
 5626 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~  
 5627 ~~objectives of the local government's comprehensive plan.~~  
 5628 ~~Amendments submitted under this subsection are exempt from the~~

5629 ~~limitation on the frequency of plan amendments in s. 163.3187.~~  
 5630 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~  
 5631 ~~government that identifies in its comprehensive plan the types~~  
 5632 ~~of housing developments and conditions for which it will~~  
 5633 ~~consider plan amendments that are consistent with the local~~  
 5634 ~~housing incentive strategies identified in s. 420.9076 and~~  
 5635 ~~authorized by the local government may expedite consideration of~~  
 5636 ~~such plan amendments. At least 30 days prior to adopting a plan~~  
 5637 ~~amendment pursuant to this subsection, the local government~~  
 5638 ~~shall notify the state land planning agency of its intent to~~  
 5639 ~~adopt such an amendment, and the notice shall include the local~~  
 5640 ~~government's evaluation of site suitability and availability of~~  
 5641 ~~facilities and services. A plan amendment considered under this~~  
 5642 ~~subsection shall require only a single public hearing before the~~  
 5643 ~~local governing body, which shall be a plan amendment adoption~~  
 5644 ~~hearing as described in subsection (7). The public notice of the~~  
 5645 ~~hearing required under subparagraph (15) (b)2. must include a~~  
 5646 ~~statement that the local government intends to use the expedited~~  
 5647 ~~adoption process authorized under this subsection. The state~~  
 5648 ~~land planning agency shall issue its notice of intent required~~  
 5649 ~~under subsection (8) within 30 days after determining that the~~  
 5650 ~~amendment package is complete. Any further proceedings shall be~~  
 5651 ~~governed by subsections (9) (16).~~

5652 Section 17. Section 163.3187, Florida Statutes, is amended  
 5653 to read:-

5654 163.3187 Process for adoption of small-scale comprehensive  
 5655 plan amendment ~~of adopted comprehensive plan.-~~

5656 ~~(1) Amendments to comprehensive plans adopted pursuant to~~

5657 ~~this part may be made not more than two times during any~~  
 5658 ~~calendar year, except:~~

5659 ~~(a) In the case of an emergency, comprehensive plan~~  
 5660 ~~amendments may be made more often than twice during the calendar~~  
 5661 ~~year if the additional plan amendment receives the approval of~~  
 5662 ~~all of the members of the governing body. "Emergency" means any~~  
 5663 ~~occurrence or threat thereof whether accidental or natural,~~  
 5664 ~~caused by humankind, in war or peace, which results or may~~  
 5665 ~~result in substantial injury or harm to the population or~~  
 5666 ~~substantial damage to or loss of property or public funds.~~

5667 ~~(b) Any local government comprehensive plan amendments~~  
 5668 ~~directly related to a proposed development of regional impact,~~  
 5669 ~~including changes which have been determined to be substantial~~  
 5670 ~~deviations and including Florida Quality Developments pursuant~~  
 5671 ~~to s. 380.061, may be initiated by a local planning agency and~~  
 5672 ~~considered by the local governing body at the same time as the~~  
 5673 ~~application for development approval using the procedures~~  
 5674 ~~provided for local plan amendment in this section and applicable~~  
 5675 ~~local ordinances.~~

5676 ~~(1)(c) Any local government comprehensive plan amendments~~  
 5677 ~~directly related to proposed small scale development activities~~  
 5678 ~~may be approved without regard to statutory limits on the~~  
 5679 ~~frequency of consideration of amendments to the local~~  
 5680 ~~comprehensive plan. A small scale development amendment may be~~  
 5681 ~~adopted only under the following conditions:~~

5682 ~~(a) 1.~~ The proposed amendment involves a use of 10 acres or  
 5683 fewer and:

5684 ~~(b) a.~~ The cumulative annual effect of the acreage for all

5685 small scale development amendments adopted by the local  
 5686 government shall not exceed:

5687 ~~(I) a maximum of 120 acres in a calendar year. local~~  
 5688 ~~government that contains areas specifically designated in the~~  
 5689 ~~local comprehensive plan for urban infill, urban redevelopment,~~  
 5690 ~~or downtown revitalization as defined in s. 163.3164, urban~~  
 5691 ~~infill and redevelopment areas designated under s. 163.2517,~~  
 5692 ~~transportation concurrency exception areas approved pursuant to~~  
 5693 ~~s. 163.3180(5), or regional activity centers and urban central~~  
 5694 ~~business districts approved pursuant to s. 380.06(2)(e);~~  
 5695 ~~however, amendments under this paragraph may be applied to no~~  
 5696 ~~more than 60 acres annually of property outside the designated~~  
 5697 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~  
 5698 ~~pursuant to paragraph (k) shall not be counted toward the~~  
 5699 ~~acreage limitations for small scale amendments under this~~  
 5700 ~~paragraph.~~

5701 ~~(II) A maximum of 80 acres in a local government that does~~  
 5702 ~~not contain any of the designated areas set forth in sub-sub-~~  
 5703 ~~subparagraph (I).~~

5704 ~~(III) A maximum of 120 acres in a county established~~  
 5705 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5706 ~~b. The proposed amendment does not involve the same~~  
 5707 ~~property granted a change within the prior 12 months.~~

5708 ~~e. The proposed amendment does not involve the same~~  
 5709 ~~owner's property within 200 feet of property granted a change~~  
 5710 ~~within the prior 12 months.~~

5711 ~~(c) d.~~ The proposed amendment does not involve a text  
 5712 change to the goals, policies, and objectives of the local

5713 government's comprehensive plan, but only proposes a land use  
 5714 change to the future land use map for a site-specific small  
 5715 scale development activity. However, text changes that relate  
 5716 directly to, and are adopted simultaneously with, the small  
 5717 scale future land use map amendment shall be permissible under  
 5718 this section.

5719 (d)e. The property that is the subject of the proposed  
 5720 amendment is not located within an area of critical state  
 5721 concern, unless the project subject to the proposed amendment  
 5722 involves the construction of affordable housing units meeting  
 5723 the criteria of s. 420.0004(3), and is located within an area of  
 5724 critical state concern designated by s. 380.0552 or by the  
 5725 Administration Commission pursuant to s. 380.05(1). ~~Such~~  
 5726 ~~amendment is not subject to the density limitations of sub-~~  
 5727 ~~subparagraph f., and shall be reviewed by the state land~~  
 5728 ~~planning agency for consistency with the principles for guiding~~  
 5729 ~~development applicable to the area of critical state concern~~  
 5730 ~~where the amendment is located and shall not become effective~~  
 5731 ~~until a final order is issued under s. 380.05(6).~~

5732 ~~f.~~ If the proposed amendment involves a residential land  
 5733 use, ~~the residential land use has a density of 10 units or less~~  
 5734 ~~per acre or the proposed future land use category allows a~~  
 5735 ~~maximum residential density of the same or less than the maximum~~  
 5736 ~~residential density allowable under the existing future land use~~  
 5737 ~~category, except that this limitation does not apply to small~~  
 5738 ~~scale amendments involving the construction of affordable~~  
 5739 ~~housing units meeting the criteria of s. 420.0004(3) on property~~  
 5740 ~~which will be the subject of a land use restriction agreement,~~

5741 ~~or small scale amendments described in sub-sub-subparagraph~~  
 5742 ~~a.(I) that are designated in the local comprehensive plan for~~  
 5743 ~~urban infill, urban redevelopment, or downtown revitalization as~~  
 5744 ~~defined in s. 163.3164, urban infill and redevelopment areas~~  
 5745 ~~designated under s. 163.2517, transportation concurrency~~  
 5746 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~  
 5747 ~~activity centers and urban central business districts approved~~  
 5748 ~~pursuant to s. 380.06(2)(c).~~

5749 ~~2.a. A local government that proposes to consider a plan~~  
 5750 ~~amendment pursuant to this paragraph is not required to comply~~  
 5751 ~~with the procedures and public notice requirements of s.~~  
 5752 ~~163.3184(15)(c) for such plan amendments if the local government~~  
 5753 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~  
 5754 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~  
 5755 ~~amendment under this paragraph is initiated by other than the~~  
 5756 ~~local government, public notice is required.~~

5757 ~~b. The local government shall send copies of the notice~~  
 5758 ~~and amendment to the state land planning agency, the regional~~  
 5759 ~~planning council, and any other person or entity requesting a~~  
 5760 ~~copy. This information shall also include a statement~~  
 5761 ~~identifying any property subject to the amendment that is~~  
 5762 ~~located within a coastal high-hazard area as identified in the~~  
 5763 ~~local comprehensive plan.~~

5764 ~~(2)3.~~ (2) Small scale development amendments adopted pursuant  
 5765 to this section ~~paragraph~~ require only one public hearing before  
 5766 the governing board, which shall be an adoption hearing as  
 5767 described in s. 163.3184 (11) ~~(7)~~, and are not subject to the  
 5768 requirements of s. 163.3184 ~~(3)~~ ~~(6)~~ unless the local government

5769 ~~elects to have them subject to those requirements.~~

5770 (3)4. If the small scale development amendment involves a  
 5771 site within ~~an area that is designated by the Governor as a~~  
 5772 rural area of critical economic concern as defined under s.  
 5773 288.0656(2)(d)~~(7)~~ for the duration of such designation, the 10-  
 5774 acre limit listed in subsection (1) ~~subparagraph 1.~~ shall be  
 5775 increased by 100 percent to 20 acres. The local government  
 5776 approving the small scale plan amendment shall certify to the  
 5777 Office of Tourism, Trade, and Economic Development that the plan  
 5778 amendment furthers the economic objectives set forth in the  
 5779 executive order issued under s. 288.0656(7), and the property  
 5780 subject to the plan amendment shall undergo public review to  
 5781 ensure that all concurrency requirements and federal, state, and  
 5782 local environmental permit requirements are met.

5783 ~~(d) Any comprehensive plan amendment required by a~~  
 5784 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~  
 5785 ~~without regard to statutory limits on the frequency of adoption~~  
 5786 ~~of amendments to the comprehensive plan.~~

5787 ~~(e) A comprehensive plan amendment for location of a state~~  
 5788 ~~correctional facility. Such an amendment may be made at any time~~  
 5789 ~~and does not count toward the limitation on the frequency of~~  
 5790 ~~plan amendments.~~

5791 ~~(f) The capital improvements element annual update~~  
 5792 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~  
 5793 ~~related to the schedule.~~

5794 ~~(g) Any local government comprehensive plan amendments~~  
 5795 ~~directly related to proposed redevelopment of brownfield areas~~  
 5796 ~~designated under s. 376.80 may be approved without regard to~~

5797 ~~statutory limits on the frequency of consideration of amendments~~  
 5798 ~~to the local comprehensive plan.~~

5799 ~~(h) Any comprehensive plan amendments for port~~  
 5800 ~~transportation facilities and projects that are eligible for~~  
 5801 ~~funding by the Florida Seaport Transportation and Economic~~  
 5802 ~~Development Council pursuant to s. 311.07.~~

5803 ~~(i) A comprehensive plan amendment for the purpose of~~  
 5804 ~~designating an urban infill and redevelopment area under s.~~  
 5805 ~~163.2517 may be approved without regard to the statutory limits~~  
 5806 ~~on the frequency of amendments to the comprehensive plan.~~

5807 ~~(j) Any comprehensive plan amendment to establish public~~  
 5808 ~~school concurrency pursuant to s. 163.3180(13), including, but~~  
 5809 ~~not limited to, adoption of a public school facilities element~~  
 5810 ~~and adoption of amendments to the capital improvements element~~  
 5811 ~~and intergovernmental coordination element. In order to ensure~~  
 5812 ~~the consistency of local government public school facilities~~  
 5813 ~~elements within a county, such elements shall be prepared and~~  
 5814 ~~adopted on a similar time schedule.~~

5815 ~~(k) A local comprehensive plan amendment directly related~~  
 5816 ~~to providing transportation improvements to enhance life safety~~  
 5817 ~~on Controlled Access Major Arterial Highways identified in the~~  
 5818 ~~Florida Intrastate Highway System, in counties as defined in s.~~  
 5819 ~~125.011, where such roadways have a high incidence of traffic~~  
 5820 ~~accidents resulting in serious injury or death. Any such~~  
 5821 ~~amendment shall not include any amendment modifying the~~  
 5822 ~~designation on a comprehensive development plan land use map nor~~  
 5823 ~~any amendment modifying the allowable densities or intensities~~  
 5824 ~~of any land.~~



5825 ~~(l) A comprehensive plan amendment to adopt a public~~  
 5826 ~~educational facilities element pursuant to s. 163.3177(12) and~~  
 5827 ~~future land-use map amendments for school siting may be approved~~  
 5828 ~~notwithstanding statutory limits on the frequency of adopting~~  
 5829 ~~plan amendments.~~

5830 ~~(m) A comprehensive plan amendment that addresses criteria~~  
 5831 ~~or compatibility of land uses adjacent to or in close proximity~~  
 5832 ~~to military installations in a local government's future land~~  
 5833 ~~use element does not count toward the limitation on the~~  
 5834 ~~frequency of the plan amendments.~~

5835 ~~(n) Any local government comprehensive plan amendment~~  
 5836 ~~establishing or implementing a rural land stewardship area~~  
 5837 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5838 ~~(o) A comprehensive plan amendment that is submitted by an~~  
 5839 ~~area designated by the Governor as a rural area of critical~~  
 5840 ~~economic concern under s. 288.0656(7) and that meets the~~  
 5841 ~~economic development objectives may be approved without regard~~  
 5842 ~~to the statutory limits on the frequency of adoption of~~  
 5843 ~~amendments to the comprehensive plan.~~

5844 ~~(p) Any local government comprehensive plan amendment that~~  
 5845 ~~is consistent with the local housing incentive strategies~~  
 5846 ~~identified in s. 420.9076 and authorized by the local~~  
 5847 ~~government.~~

5848 ~~(q) Any local government plan amendment to designate an~~  
 5849 ~~urban service area as a transportation concurrency exception~~  
 5850 ~~area under s. 163.3180(5) (b)2. or 3. and an area exempt from the~~  
 5851 ~~development of regional impact process under s. 380.06(29).~~

5852 (4)~~(2)~~ Comprehensive plans may only be amended in such a

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5853 way as to preserve the internal consistency of the plan pursuant  
 5854 to s. 163.3177(2). Corrections, updates, or modifications of  
 5855 current costs which were set out as part of the comprehensive  
 5856 plan shall not, for the purposes of this act, be deemed to be  
 5857 amendments.

5858 ~~(3) (a) The state land planning agency shall not review or~~  
 5859 ~~issue a notice of intent for small scale development amendments~~  
 5860 ~~which satisfy the requirements of paragraph (1) (c).~~

5861 (5) (a) Any affected person may file a petition with the  
 5862 Division of Administrative Hearings pursuant to ss. 120.569 and  
 5863 120.57 to request a hearing to challenge the compliance of a  
 5864 small scale development amendment with this act within 30 days  
 5865 following the local government's adoption of the amendment and  
 5866 shall serve a copy of the petition on the local government, ~~and~~  
 5867 ~~shall furnish a copy to the state land planning agency.~~ An  
 5868 administrative law judge shall hold a hearing in the affected  
 5869 jurisdiction not less than 30 days nor more than 60 days  
 5870 following the filing of a petition and the assignment of an  
 5871 administrative law judge. The parties to a hearing held pursuant  
 5872 to this subsection shall be the petitioner, the local  
 5873 government, and any intervenor. In the proceeding, the plan  
 5874 amendment shall be determined to be in compliance if the local  
 5875 government's determination that the small scale development  
 5876 amendment is in compliance is fairly debatable ~~presumed to be~~  
 5877 ~~correct. The local government's determination shall be sustained~~  
 5878 ~~unless it is shown by a preponderance of the evidence that the~~  
 5879 ~~amendment is not in compliance with the requirements of this~~  
 5880 ~~act. In any proceeding initiated pursuant to this subsection,~~

5881 The state land planning agency may not intervene in any  
 5882 proceeding initiated pursuant to this section.

5883 (b)1. If the administrative law judge recommends that the  
 5884 small scale development amendment be found not in compliance,  
 5885 the administrative law judge shall submit the recommended order  
 5886 to the Administration Commission for final agency action. If the  
 5887 administrative law judge recommends that the small scale  
 5888 development amendment be found in compliance, the administrative  
 5889 law judge shall submit the recommended order to the state land  
 5890 planning agency.

5891 2. If the state land planning agency determines that the  
 5892 plan amendment is not in compliance, the agency shall submit,  
 5893 within 30 days following its receipt, the recommended order to  
 5894 the Administration Commission for final agency action. If the  
 5895 state land planning agency determines that the plan amendment is  
 5896 in compliance, the agency shall enter a final order within 30  
 5897 days following its receipt of the recommended order.

5898 (c) Small scale development amendments shall not become  
 5899 effective until 31 days after adoption. If challenged within 30  
 5900 days after adoption, small scale development amendments shall  
 5901 not become effective until the state land planning agency or the  
 5902 Administration Commission, respectively, issues a final order  
 5903 determining that the adopted small scale development amendment  
 5904 is in compliance.

5905 (d) In all challenges under this subsection, when a  
 5906 determination of compliance as defined in s. 163.3184(1)(b) is  
 5907 made, consideration shall be given to the plan amendment as a  
 5908 whole and whether the plan amendment furthers the intent of this

5909 part.

5910 ~~(4) Each governing body shall transmit to the state land~~  
 5911 ~~planning agency a current copy of its comprehensive plan not~~  
 5912 ~~later than December 1, 1985. Each governing body shall also~~  
 5913 ~~transmit copies of any amendments it adopts to its comprehensive~~  
 5914 ~~plan so as to continually update the plans on file with the~~  
 5915 ~~state land planning agency.~~

5916 ~~(5) Nothing in this part is intended to prohibit or limit~~  
 5917 ~~the authority of local governments to require that a person~~  
 5918 ~~requesting an amendment pay some or all of the cost of public~~  
 5919 ~~notice.~~

5920 ~~(6) (a) No local government may amend its comprehensive~~  
 5921 ~~plan after the date established by the state land planning~~  
 5922 ~~agency for adoption of its evaluation and appraisal report~~  
 5923 ~~unless it has submitted its report or addendum to the state land~~  
 5924 ~~planning agency as prescribed by s. 163.3191, except for plan~~  
 5925 ~~amendments described in paragraph (1) (b) or paragraph (1) (h).~~

5926 ~~(b) A local government may amend its comprehensive plan~~  
 5927 ~~after it has submitted its adopted evaluation and appraisal~~  
 5928 ~~report and for a period of 1 year after the initial~~  
 5929 ~~determination of sufficiency regardless of whether the report~~  
 5930 ~~has been determined to be insufficient.~~

5931 ~~(c) A local government may not amend its comprehensive~~  
 5932 ~~plan, except for plan amendments described in paragraph (1) (b),~~  
 5933 ~~if the 1-year period after the initial sufficiency determination~~  
 5934 ~~of the report has expired and the report has not been determined~~  
 5935 ~~to be sufficient.~~

5936 ~~(d) When the state land planning agency has determined~~

5937 ~~that the report has sufficiently addressed all pertinent~~  
 5938 ~~provisions of s. 163.3191, the local government may amend its~~  
 5939 ~~comprehensive plan without the limitations imposed by paragraph~~  
 5940 ~~(a) or paragraph (c).~~

5941 ~~(c) Any plan amendment which a local government attempts~~  
 5942 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~  
 5943 ~~invalid, but such invalidity may be overcome if the local~~  
 5944 ~~government readopts the amendment and transmits the amendment to~~  
 5945 ~~the state land planning agency pursuant to s. 163.3184(7) after~~  
 5946 ~~the report is determined to be sufficient.~~

5947 Section 18. Section 163.3189, Florida Statutes, is  
 5948 repealed.

5949 Section 19. Section 163.3191, Florida Statutes, is amended  
 5950 to read:

5951 163.3191 Evaluation and appraisal of comprehensive plan.—

5952 (1) At least once every 7 years, each local government  
 5953 shall evaluate its comprehensive plan to determine if plan  
 5954 amendments are necessary to reflect changes in state  
 5955 requirements in this part since the last update of the  
 5956 comprehensive plan, and notify the state land planning agency as  
 5957 to its determination.

5958 (2) If the local government determines amendments to its  
 5959 comprehensive plan are necessary to reflect changes in state  
 5960 requirements, the local government shall prepare and transmit  
 5961 within 1 year such plan amendment or amendments for review  
 5962 pursuant to s. 163.3184.

5963 (3) Local governments are encouraged to comprehensively  
 5964 evaluate and, as necessary, update comprehensive plans to

5965 reflect changes in local conditions. Plan amendments transmitted  
 5966 pursuant to this section shall be reviewed in accordance with s.  
 5967 163.3184.

5968 (4) If a local government fails to submit its letter  
 5969 prescribed by subsection (1) or update its plan pursuant to  
 5970 subsection (2), it may not amend its comprehensive plan until  
 5971 such time as it complies with this section.

5972 ~~(1) The planning program shall be a continuous and ongoing~~  
 5973 ~~process. Each local government shall adopt an evaluation and~~  
 5974 ~~appraisal report once every 7 years assessing the progress in~~  
 5975 ~~implementing the local government's comprehensive plan.~~  
 5976 ~~Furthermore, it is the intent of this section that:~~

5977 ~~(a) Adopted comprehensive plans be reviewed through such~~  
 5978 ~~evaluation process to respond to changes in state, regional, and~~  
 5979 ~~local policies on planning and growth management and changing~~  
 5980 ~~conditions and trends, to ensure effective intergovernmental~~  
 5981 ~~coordination, and to identify major issues regarding the~~  
 5982 ~~community's achievement of its goals.~~

5983 ~~(b) After completion of the initial evaluation and~~  
 5984 ~~appraisal report and any supporting plan amendments, each~~  
 5985 ~~subsequent evaluation and appraisal report must evaluate the~~  
 5986 ~~comprehensive plan in effect at the time of the initiation of~~  
 5987 ~~the evaluation and appraisal report process.~~

5988 ~~(c) Local governments identify the major issues, if~~  
 5989 ~~applicable, with input from state agencies, regional agencies,~~  
 5990 ~~adjacent local governments, and the public in the evaluation and~~  
 5991 ~~appraisal report process. It is also the intent of this section~~  
 5992 ~~to establish minimum requirements for information to ensure~~

5993 ~~predictability, certainty, and integrity in the growth~~  
 5994 ~~management process. The report is intended to serve as a summary~~  
 5995 ~~audit of the actions that a local government has undertaken and~~  
 5996 ~~identify changes that it may need to make. The report should be~~  
 5997 ~~based on the local government's analysis of major issues to~~  
 5998 ~~further the community's goals consistent with statewide minimum~~  
 5999 ~~standards. The report is not intended to require a comprehensive~~  
 6000 ~~rewrite of the elements within the local plan, unless a local~~  
 6001 ~~government chooses to do so.~~

6002 ~~(2) The report shall present an evaluation and assessment~~  
 6003 ~~of the comprehensive plan and shall contain appropriate~~  
 6004 ~~statements to update the comprehensive plan, including, but not~~  
 6005 ~~limited to, words, maps, illustrations, or other media, related~~  
 6006 ~~to:~~

6007 ~~(a) Population growth and changes in land area, including~~  
 6008 ~~annexation, since the adoption of the original plan or the most~~  
 6009 ~~recent update amendments.~~

6010 ~~(b) The extent of vacant and developable land.~~

6011 ~~(c) The financial feasibility of implementing the~~  
 6012 ~~comprehensive plan and of providing needed infrastructure to~~  
 6013 ~~achieve and maintain adopted level of service standards and~~  
 6014 ~~sustain concurrency management systems through the capital~~  
 6015 ~~improvements element, as well as the ability to address~~  
 6016 ~~infrastructure backlogs and meet the demands of growth on public~~  
 6017 ~~services and facilities.~~

6018 ~~(d) The location of existing development in relation to~~  
 6019 ~~the location of development as anticipated in the original plan,~~  
 6020 ~~or in the plan as amended by the most recent evaluation and~~

6021 ~~appraisal report update amendments, such as within areas~~  
 6022 ~~designated for urban growth.~~

6023 ~~(e) An identification of the major issues for the~~  
 6024 ~~jurisdiction and, where pertinent, the potential social,~~  
 6025 ~~economic, and environmental impacts.~~

6026 ~~(f) Relevant changes to the state comprehensive plan, the~~  
 6027 ~~requirements of this part, the minimum criteria contained in~~  
 6028 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~  
 6029 ~~strategic regional policy plan since the adoption of the~~  
 6030 ~~original plan or the most recent evaluation and appraisal report~~  
 6031 ~~update amendments.~~

6032 ~~(g) An assessment of whether the plan objectives within~~  
 6033 ~~each element, as they relate to major issues, have been~~  
 6034 ~~achieved. The report shall include, as appropriate, an~~  
 6035 ~~identification as to whether unforeseen or unanticipated changes~~  
 6036 ~~in circumstances have resulted in problems or opportunities with~~  
 6037 ~~respect to major issues identified in each element and the~~  
 6038 ~~social, economic, and environmental impacts of the issue.~~

6039 ~~(h) A brief assessment of successes and shortcomings~~  
 6040 ~~related to each element of the plan.~~

6041 ~~(i) The identification of any actions or corrective~~  
 6042 ~~measures, including whether plan amendments are anticipated to~~  
 6043 ~~address the major issues identified and analyzed in the report.~~  
 6044 ~~Such identification shall include, as appropriate, new~~  
 6045 ~~population projections, new revised planning timeframes, a~~  
 6046 ~~revised future conditions map or map series, an updated capital~~  
 6047 ~~improvements element, and any new and revised goals, objectives,~~  
 6048 ~~and policies for major issues identified within each element.~~



6049 ~~This paragraph shall not require the submittal of the plan~~  
 6050 ~~amendments with the evaluation and appraisal report.~~

6051 ~~(j) A summary of the public participation program and~~  
 6052 ~~activities undertaken by the local government in preparing the~~  
 6053 ~~report.~~

6054 ~~(k) The coordination of the comprehensive plan with~~  
 6055 ~~existing public schools and those identified in the applicable~~  
 6056 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~  
 6057 ~~assessment shall address, where relevant, the success or failure~~  
 6058 ~~of the coordination of the future land use map and associated~~  
 6059 ~~planned residential development with public schools and their~~  
 6060 ~~capacities, as well as the joint decisionmaking processes~~  
 6061 ~~engaged in by the local government and the school board in~~  
 6062 ~~regard to establishing appropriate population projections and~~  
 6063 ~~the planning and siting of public school facilities. For those~~  
 6064 ~~counties or municipalities that do not have a public schools~~  
 6065 ~~interlocal agreement or public school facilities element, the~~  
 6066 ~~assessment shall determine whether the local government~~  
 6067 ~~continues to meet the criteria of s. 163.3177(12). If the county~~  
 6068 ~~or municipality determines that it no longer meets the criteria,~~  
 6069 ~~it must adopt appropriate school concurrency goals, objectives,~~  
 6070 ~~and policies in its plan amendments pursuant to the requirements~~  
 6071 ~~of the public school facilities element, and enter into the~~  
 6072 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~  
 6073 ~~and 163.31777 in order to fully participate in the school~~  
 6074 ~~concurrency system.~~

6075 ~~(l) The extent to which the local government has been~~  
 6076 ~~successful in identifying alternative water supply projects and~~

6077 ~~traditional water supply projects, including conservation and~~  
 6078 ~~reuse, necessary to meet the water needs identified in s.~~  
 6079 ~~373.709(2) (a) within the local government's jurisdiction. The~~  
 6080 ~~report must evaluate the degree to which the local government~~  
 6081 ~~has implemented the work plan for building public, private, and~~  
 6082 ~~regional water supply facilities, including development of~~  
 6083 ~~alternative water supplies, identified in the element as~~  
 6084 ~~necessary to serve existing and new development.~~

6085 ~~(m) If any of the jurisdiction of the local government is~~  
 6086 ~~located within the coastal high hazard area, an evaluation of~~  
 6087 ~~whether any past reduction in land use density impairs the~~  
 6088 ~~property rights of current residents when redevelopment occurs,~~  
 6089 ~~including, but not limited to, redevelopment following a natural~~  
 6090 ~~disaster. The property rights of current residents shall be~~  
 6091 ~~balanced with public safety considerations. The local government~~  
 6092 ~~must identify strategies to address redevelopment feasibility~~  
 6093 ~~and the property rights of affected residents. These strategies~~  
 6094 ~~may include the authorization of redevelopment up to the actual~~  
 6095 ~~built density in existence on the property prior to the natural~~  
 6096 ~~disaster or redevelopment.~~

6097 ~~(n) An assessment of whether the criteria adopted pursuant~~  
 6098 ~~to s. 163.3177(6) (a) were successful in achieving compatibility~~  
 6099 ~~with military installations.~~

6100 ~~(o) The extent to which a concurrency exception area~~  
 6101 ~~designated pursuant to s. 163.3180(5), a concurrency management~~  
 6102 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~  
 6103 ~~transportation district designated pursuant to s. 163.3180(15)~~  
 6104 ~~has achieved the purpose for which it was created and otherwise~~

6105 ~~complies with the provisions of s. 163.3180.~~

6106 ~~(p) An assessment of the extent to which changes are~~

6107 ~~needed to develop a common methodology for measuring impacts on~~

6108 ~~transportation facilities for the purpose of implementing its~~

6109 ~~concurrency management system in coordination with the~~

6110 ~~municipalities and counties, as appropriate pursuant to s.~~

6111 ~~163.3180(10).~~

6112 ~~(3) Voluntary scoping meetings may be conducted by each~~

6113 ~~local government or several local governments within the same~~

6114 ~~county that agree to meet together. Joint meetings among all~~

6115 ~~local governments in a county are encouraged. All scoping~~

6116 ~~meetings shall be completed at least 1 year prior to the~~

6117 ~~established adoption date of the report. The purpose of the~~

6118 ~~meetings shall be to distribute data and resources available to~~

6119 ~~assist in the preparation of the report, to provide input on~~

6120 ~~major issues in each community that should be addressed in the~~

6121 ~~report, and to advise on the extent of the effort for the~~

6122 ~~components of subsection (2). If scoping meetings are held, the~~

6123 ~~local government shall invite each state and regional reviewing~~

6124 ~~agency, as well as adjacent and other affected local~~

6125 ~~governments. A preliminary list of new data and major issues~~

6126 ~~that have emerged since the adoption of the original plan, or~~

6127 ~~the most recent evaluation and appraisal report-based update~~

6128 ~~amendments, should be developed by state and regional entities~~

6129 ~~and involved local governments for distribution at the scoping~~

6130 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~

6131 ~~a meeting conducted to determine the scope of review of the~~

6132 ~~evaluation and appraisal report by parties to which the report~~

6133 ~~relates.~~

6134 ~~(4) The local planning agency shall prepare the evaluation~~

6135 ~~and appraisal report and shall make recommendations to the~~

6136 ~~governing body regarding adoption of the proposed report. The~~

6137 ~~local planning agency shall prepare the report in conformity~~

6138 ~~with its public participation procedures adopted as required by~~

6139 ~~s. 163.3181. During the preparation of the proposed report and~~

6140 ~~prior to making any recommendation to the governing body, the~~

6141 ~~local planning agency shall hold at least one public hearing,~~

6142 ~~with public notice, on the proposed report. At a minimum, the~~

6143 ~~format and content of the proposed report shall include a table~~

6144 ~~of contents; numbered pages; element headings; section headings~~

6145 ~~within elements; a list of included tables, maps, and figures; a~~

6146 ~~title and sources for all included tables; a preparation date;~~

6147 ~~and the name of the preparer. Where applicable, maps shall~~

6148 ~~include major natural and artificial geographic features; city,~~

6149 ~~county, and state lines; and a legend indicating a north arrow,~~

6150 ~~map scale, and the date.~~

6151 ~~(5) Ninety days prior to the scheduled adoption date, the~~

6152 ~~local government may provide a proposed evaluation and appraisal~~

6153 ~~report to the state land planning agency and distribute copies~~

6154 ~~to state and regional commenting agencies as prescribed by rule,~~

6155 ~~adjacent jurisdictions, and interested citizens for review. All~~

6156 ~~review comments, including comments by the state land planning~~

6157 ~~agency, shall be transmitted to the local government and state~~

6158 ~~land planning agency within 30 days after receipt of the~~

6159 ~~proposed report.~~

6160 ~~(6) The governing body, after considering the review~~

6161 ~~comments and recommended changes, if any, shall adopt the~~  
 6162 ~~evaluation and appraisal report by resolution or ordinance at a~~  
 6163 ~~public hearing with public notice. The governing body shall~~  
 6164 ~~adopt the report in conformity with its public participation~~  
 6165 ~~procedures adopted as required by s. 163.3181. The local~~  
 6166 ~~government shall submit to the state land planning agency three~~  
 6167 ~~copies of the report, a transmittal letter indicating the dates~~  
 6168 ~~of public hearings, and a copy of the adoption resolution or~~  
 6169 ~~ordinance. The local government shall provide a copy of the~~  
 6170 ~~report to the reviewing agencies which provided comments for the~~  
 6171 ~~proposed report, or to all the reviewing agencies if a proposed~~  
 6172 ~~report was not provided pursuant to subsection (5), including~~  
 6173 ~~the adjacent local governments. Within 60 days after receipt,~~  
 6174 ~~the state land planning agency shall review the adopted report~~  
 6175 ~~and make a preliminary sufficiency determination that shall be~~  
 6176 ~~forwarded by the agency to the local government for its~~  
 6177 ~~consideration. The state land planning agency shall issue a~~  
 6178 ~~final sufficiency determination within 90 days after receipt of~~  
 6179 ~~the adopted evaluation and appraisal report.~~

6180 ~~(7) The intent of the evaluation and appraisal process is~~  
 6181 ~~the preparation of a plan update that clearly and concisely~~  
 6182 ~~achieves the purpose of this section. Toward this end, the~~  
 6183 ~~sufficiency review of the state land planning agency shall~~  
 6184 ~~concentrate on whether the evaluation and appraisal report~~  
 6185 ~~sufficiently fulfills the components of subsection (2). If the~~  
 6186 ~~state land planning agency determines that the report is~~  
 6187 ~~insufficient, the governing body shall adopt a revision of the~~  
 6188 ~~report and submit the revised report for review pursuant to~~

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6189 ~~subsection (6).~~

6190 ~~(8) The state land planning agency may delegate the review~~  
 6191 ~~of evaluation and appraisal reports, including all state land~~  
 6192 ~~planning agency duties under subsections (4) (7), to the~~  
 6193 ~~appropriate regional planning council. When the review has been~~  
 6194 ~~delegated to a regional planning council, any local government~~  
 6195 ~~in the region may elect to have its report reviewed by the~~  
 6196 ~~regional planning council rather than the state land planning~~  
 6197 ~~agency. The state land planning agency shall by agreement~~  
 6198 ~~provide for uniform and adequate review of reports and shall~~  
 6199 ~~retain oversight for any delegation of review to a regional~~  
 6200 ~~planning council.~~

6201 ~~(9) The state land planning agency may establish a phased~~  
 6202 ~~schedule for adoption of reports. The schedule shall provide~~  
 6203 ~~each local government at least 7 years from plan adoption or~~  
 6204 ~~last established adoption date for a report and shall allot~~  
 6205 ~~approximately one-seventh of the reports to any 1 year. In order~~  
 6206 ~~to allow the municipalities to use data and analyses gathered by~~  
 6207 ~~the counties, the state land planning agency shall schedule~~  
 6208 ~~municipal report adoption dates between 1 year and 18 months~~  
 6209 ~~later than the report adoption date for the county in which~~  
 6210 ~~those municipalities are located. A local government may adopt~~  
 6211 ~~its report no earlier than 90 days prior to the established~~  
 6212 ~~adoption date. Small municipalities which were scheduled by~~  
 6213 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~  
 6214 ~~evaluation and appraisal report after February 2, 1999, shall be~~  
 6215 ~~rescheduled to adopt their report together with the other~~  
 6216 ~~municipalities in their county as provided in this subsection.~~

6217           ~~(10) The governing body shall amend its comprehensive plan~~  
 6218 ~~based on the recommendations in the report and shall update the~~  
 6219 ~~comprehensive plan based on the components of subsection (2),~~  
 6220 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~  
 6221 ~~163.3189. Amendments to update a comprehensive plan based on the~~  
 6222 ~~evaluation and appraisal report shall be adopted during a single~~  
 6223 ~~amendment cycle within 18 months after the report is determined~~  
 6224 ~~to be sufficient by the state land planning agency, except the~~  
 6225 ~~state land planning agency may grant an extension for adoption~~  
 6226 ~~of a portion of such amendments. The state land planning agency~~  
 6227 ~~may grant a 6-month extension for the adoption of such~~  
 6228 ~~amendments if the request is justified by good and sufficient~~  
 6229 ~~cause as determined by the agency. An additional extension may~~  
 6230 ~~also be granted if the request will result in greater~~  
 6231 ~~coordination between transportation and land use, for the~~  
 6232 ~~purposes of improving Florida's transportation system, as~~  
 6233 ~~determined by the agency in coordination with the Metropolitan~~  
 6234 ~~Planning Organization program. Beginning July 1, 2006, failure~~  
 6235 ~~to timely adopt and transmit update amendments to the~~  
 6236 ~~comprehensive plan based on the evaluation and appraisal report~~  
 6237 ~~shall result in a local government being prohibited from~~  
 6238 ~~adopting amendments to the comprehensive plan until the~~  
 6239 ~~evaluation and appraisal report update amendments have been~~  
 6240 ~~adopted and transmitted to the state land planning agency. The~~  
 6241 ~~prohibition on plan amendments shall commence when the update~~  
 6242 ~~amendments to the comprehensive plan are past due. The~~  
 6243 ~~comprehensive plan as amended shall be in compliance as defined~~  
 6244 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~

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6245 ~~of the update amendments to the comprehensive plan, the local~~  
 6246 ~~government shall provide to the state land planning agency and~~  
 6247 ~~to all agencies designated by rule a complete copy of the~~  
 6248 ~~updated comprehensive plan.~~

6249 ~~(11) The Administration Commission may impose the~~  
 6250 ~~sanctions provided by s. 163.3184(11) against any local~~  
 6251 ~~government that fails to adopt and submit a report, or that~~  
 6252 ~~fails to implement its report through timely and sufficient~~  
 6253 ~~amendments to its local plan, except for reasons of excusable~~  
 6254 ~~delay or valid planning reasons agreed to by the state land~~  
 6255 ~~planning agency or found present by the Administration~~  
 6256 ~~Commission. Sanctions for untimely or insufficient plan~~  
 6257 ~~amendments shall be prospective only and shall begin after a~~  
 6258 ~~final order has been issued by the Administration Commission and~~  
 6259 ~~a reasonable period of time has been allowed for the local~~  
 6260 ~~government to comply with an adverse determination by the~~  
 6261 ~~Administration Commission through adoption of plan amendments~~  
 6262 ~~that are in compliance. The state land planning agency may~~  
 6263 ~~initiate, and an affected person may intervene in, such a~~  
 6264 ~~proceeding by filing a petition with the Division of~~  
 6265 ~~Administrative Hearings, which shall appoint an administrative~~  
 6266 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~  
 6267 ~~120.57(1) and shall submit a recommended order to the~~  
 6268 ~~Administration Commission. The affected local government shall~~  
 6269 ~~be a party to any such proceeding. The commission may implement~~  
 6270 ~~this subsection by rule.~~

6271 ~~(5)~~ (12) The state land planning agency shall not adopt  
 6272 rules to implement this section, other than procedural rules.



6273           ~~(13) The state land planning agency shall regularly review~~  
 6274 ~~the evaluation and appraisal report process and submit a report~~  
 6275 ~~to the Governor, the Administration Commission, the Speaker of~~  
 6276 ~~the House of Representatives, the President of the Senate, and~~  
 6277 ~~the respective community affairs committees of the Senate and~~  
 6278 ~~the House of Representatives. The first report shall be~~  
 6279 ~~submitted by December 31, 2004, and subsequent reports shall be~~  
 6280 ~~submitted every 5 years thereafter. At least 9 months before the~~  
 6281 ~~due date of each report, the Secretary of Community Affairs~~  
 6282 ~~shall appoint a technical committee of at least 15 members to~~  
 6283 ~~assist in the preparation of the report. The membership of the~~  
 6284 ~~technical committee shall consist of representatives of local~~  
 6285 ~~governments, regional planning councils, the private sector, and~~  
 6286 ~~environmental organizations. The report shall assess the~~  
 6287 ~~effectiveness of the evaluation and appraisal report process.~~

6288           ~~(14) The requirement of subsection (10) prohibiting a~~  
 6289 ~~local government from adopting amendments to the local~~  
 6290 ~~comprehensive plan until the evaluation and appraisal report~~  
 6291 ~~update amendments have been adopted and transmitted to the state~~  
 6292 ~~land planning agency does not apply to a plan amendment proposed~~  
 6293 ~~for adoption by the appropriate local government as defined in~~  
 6294 ~~s. 163.3178(2)(k) in order to integrate a port comprehensive~~  
 6295 ~~master plan with the coastal management element of the local~~  
 6296 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~  
 6297 ~~comprehensive master plan or the proposed plan amendment does~~  
 6298 ~~not cause or contribute to the failure of the local government~~  
 6299 ~~to comply with the requirements of the evaluation and appraisal~~  
 6300 ~~report.~~

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6301           Section 20. Paragraph (b) of subsection (2) of section  
 6302 163.3217, Florida Statutes, is amended to read:  
 6303           163.3217 Municipal overlay for municipal incorporation.—  
 6304           (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL  
 6305 OVERLAY.—  
 6306           (b)~~1~~. A municipal overlay shall be adopted as an amendment  
 6307 to the local government comprehensive plan as prescribed by s.  
 6308 163.3184.  
 6309           ~~2. A county may consider the adoption of a municipal~~  
 6310 ~~overlay without regard to the provisions of s. 163.3187(1)~~  
 6311 ~~regarding the frequency of adoption of amendments to the local~~  
 6312 ~~comprehensive plan.~~  
 6313           Section 21. Subsection (3) of section 163.3220, Florida  
 6314 Statutes, is amended to read:  
 6315           163.3220 Short title; legislative intent.—  
 6316           (3) In conformity with, in furtherance of, and to  
 6317 implement the Community Local Government Comprehensive Planning  
 6318 ~~and Land Development Regulation Act~~ and the Florida State  
 6319 Comprehensive Planning Act of 1972, it is the intent of the  
 6320 Legislature to encourage a stronger commitment to comprehensive  
 6321 and capital facilities planning, ensure the provision of  
 6322 adequate public facilities for development, encourage the  
 6323 efficient use of resources, and reduce the economic cost of  
 6324 development.  
 6325           Section 22. Subsections (2) and (11) of section 163.3221,  
 6326 Florida Statutes, are amended to read:  
 6327           163.3221 Florida Local Government Development Agreement  
 6328 Act; definitions.—As used in ss. 163.3220-163.3243:

6329 (2) "Comprehensive plan" means a plan adopted pursuant to  
 6330 the Community ~~"Local Government Comprehensive Planning and Land~~  
 6331 ~~Development Regulation Act."~~

6332 (11) "Local planning agency" means the agency designated  
 6333 to prepare a comprehensive plan or plan amendment pursuant to  
 6334 the Community ~~"Florida Local Government Comprehensive Planning~~  
 6335 ~~and Land Development Regulation Act."~~

6336 Section 23. Section 163.3229, Florida Statutes, is amended  
 6337 to read:

6338 163.3229 Duration of a development agreement and  
 6339 relationship to local comprehensive plan.—The duration of a  
 6340 development agreement may ~~shall~~ not exceed 20 years, unless it  
 6341 is. ~~It may be~~ extended by mutual consent of the governing body  
 6342 and the developer, subject to a public hearing in accordance  
 6343 with s. 163.3225. No development agreement shall be effective or  
 6344 be implemented by a local government unless the local  
 6345 government's comprehensive plan and plan amendments implementing  
 6346 or related to the agreement are ~~found~~ in compliance ~~by the state~~  
 6347 ~~land planning agency~~ in accordance with s. 163.3184, ~~s.~~  
 6348 ~~163.3187, or s. 163.3189.~~

6349 Section 24. Section 163.3239, Florida Statutes, is amended  
 6350 to read:

6351 163.3239 Recording and effectiveness of a development  
 6352 agreement.—Within 14 days after a local government enters into a  
 6353 development agreement, the local government shall record the  
 6354 agreement with the clerk of the circuit court in the county  
 6355 where the local government is located. ~~A copy of the recorded~~  
 6356 ~~development agreement shall be submitted to the state land~~

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6357 ~~planning agency within 14 days after the agreement is recorded.~~  
 6358 A development agreement shall not be effective until it is  
 6359 properly recorded in the public records of the county ~~and until~~  
 6360 ~~30 days after having been received by the state land planning~~  
 6361 ~~agency pursuant to this section.~~ The burdens of the development  
 6362 agreement shall be binding upon, and the benefits of the  
 6363 agreement shall inure to, all successors in interest to the  
 6364 parties to the agreement.

6365 Section 25. Section 163.3235, Florida Statutes, is amended  
 6366 to read:

6367 163.3235 Periodic review of a development agreement.—A  
 6368 local government shall review land subject to a development  
 6369 agreement at least once every 12 months to determine if there  
 6370 has been demonstrated good faith compliance with the terms of  
 6371 the development agreement. ~~For each annual review conducted~~  
 6372 ~~during years 6 through 10 of a development agreement, the review~~  
 6373 ~~shall be incorporated into a written report which shall be~~  
 6374 ~~submitted to the parties to the agreement and the state land~~  
 6375 ~~planning agency. The state land planning agency shall adopt~~  
 6376 ~~rules regarding the contents of the report, provided that the~~  
 6377 ~~report shall be limited to the information sufficient to~~  
 6378 ~~determine the extent to which the parties are proceeding in good~~  
 6379 ~~faith to comply with the terms of the development agreement.~~ If  
 6380 the local government finds, on the basis of substantial  
 6381 competent evidence, that there has been a failure to comply with  
 6382 the terms of the development agreement, the agreement may be  
 6383 revoked or modified by the local government.

6384 Section 26. Section 163.3243, Florida Statutes, is amended

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6385 to read:

6386 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or  
 6387 adversely affected person as defined in s. 163.3215(2), ~~or the~~  
 6388 ~~state land planning agency~~ may file an action for injunctive  
 6389 relief in the circuit court where the local government is  
 6390 located to enforce the terms of a development agreement or to  
 6391 challenge compliance of the agreement with the provisions of ss.  
 6392 163.3220-163.3243.

6393 Section 27. Section 163.3245, Florida Statutes, is amended  
 6394 to read:

6395 163.3245 ~~Optional~~ Sector plans.—

6396 (1) In recognition of the benefits of ~~conceptual~~ long-  
 6397 range planning for ~~the buildout of an area, and detailed~~  
 6398 ~~planning for specific areas, as a demonstration project, the~~  
 6399 ~~requirements of s. 380.06 may be addressed as identified by this~~  
 6400 ~~section for up to five~~ local governments or combinations of  
 6401 local governments may ~~which~~ adopt into their ~~the~~ comprehensive  
 6402 plans ~~plan~~ an ~~optional~~ sector plan in accordance with this  
 6403 section. This section is intended to promote and encourage long-  
 6404 term planning for conservation, development, and agriculture on  
 6405 a landscape scale; to further the intent of s. 163.3168  
 6406 163.3177(11), which supports innovative and flexible planning  
 6407 and development strategies, and the purposes of this part, ~~and~~  
 6408 part I of chapter 380 to facilitate protection of regionally  
 6409 significant natural resources, including water courses and  
 6410 wildlife corridors; ~~and~~ to avoid duplication of effort in terms  
 6411 of the level of data and analysis required for a development of  
 6412 regional impact, while ensuring the adequate mitigation of

6413 impacts to applicable state and regional resources and  
 6414 facilities, including those within the jurisdiction of other  
 6415 local governments, as would otherwise be provided. ~~Optional~~  
 6416 Sector plans are intended for substantial geographic areas that  
 6417 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more  
 6418 local governmental jurisdictions and are to emphasize urban form  
 6419 and protection of state and regionally significant resources and  
 6420 public facilities. ~~The state land planning agency may approve~~  
 6421 ~~optional sector plans of less than 5,000 acres based on local~~  
 6422 ~~circumstances if it is determined that the plan would further~~  
 6423 ~~the purposes of this part and part I of chapter 380. Preparation~~  
 6424 ~~of an optional sector plan is authorized by agreement between~~  
 6425 ~~the state land planning agency and the applicable local~~  
 6426 ~~governments under s. 163.3171(4). An optional sector plan may be~~  
 6427 ~~adopted through one or more comprehensive plan amendments under~~  
 6428 ~~s. 163.3184. However, an optional~~ A sector plan may not be  
 6429 adopted ~~authorized~~ in an area of critical state concern.

6430 (2) Upon the request of a local government with  
 6431 jurisdiction, ~~The state land planning agency may enter into an~~  
 6432 ~~agreement to authorize preparation of an optional sector plan~~  
 6433 ~~upon the request of one or more local governments based on~~  
 6434 ~~consideration of problems and opportunities presented by~~  
 6435 ~~existing development trends; the effectiveness of current~~  
 6436 ~~comprehensive plan provisions; the potential to further the~~  
 6437 ~~state comprehensive plan, applicable strategic regional policy~~  
 6438 ~~plans, this part, and part I of chapter 380; and those factors~~  
 6439 ~~identified by s. 163.3177(10)(i).~~ the applicable regional  
 6440 planning council shall conduct a scoping meeting with affected

6441 local governments and those agencies identified in s.  
 6442 163.3184(1)(c)~~(4)~~ before preparation of the sector plan  
 6443 ~~execution of the agreement authorized by this section.~~ The  
 6444 purpose of this meeting is to assist the state land planning  
 6445 agency and the local government in the identification of the  
 6446 relevant planning issues to be addressed and the data and  
 6447 resources available to assist in the preparation of the sector  
 6448 plan subsequent plan amendments. In the event that a scoping  
 6449 meeting is conducted, the regional planning council shall make  
 6450 written recommendations to the state land planning agency and  
 6451 affected local governments, on the issues requested by the local  
 6452 government. The scoping meeting shall be noticed and open to the  
 6453 public. In the event that the entire planning area proposed for  
 6454 the sector plan is within the jurisdiction of two or more local  
 6455 governments, some or all of them may enter into a joint planning  
 6456 agreement pursuant to s. 163.3171 with respect to including  
 6457 ~~whether a sustainable sector plan would be appropriate.~~ The  
 6458 ~~agreement must define~~ the geographic area to be subject to the  
 6459 sector plan, the planning issues that will be emphasized,  
 6460 procedures requirements for intergovernmental coordination to  
 6461 address extrajurisdictional impacts, supporting application  
 6462 materials including data and analysis, ~~and~~ procedures for public  
 6463 participation, or other issues. ~~An agreement may address~~  
 6464 ~~previously adopted sector plans that are consistent with the~~  
 6465 ~~standards in this section.~~ ~~Before executing an agreement under~~  
 6466 ~~this subsection,~~ the local government shall hold a duly noticed  
 6467 ~~public workshop to review and explain to the public the optional~~  
 6468 ~~sector planning process and the terms and conditions of the~~

6469 ~~proposed agreement. The local government shall hold a duly~~  
 6470 ~~noticed public hearing to execute the agreement. All meetings~~  
 6471 ~~between the department and the local government must be open to~~  
 6472 ~~the public.~~

6473 (3) ~~Optional~~ Sector planning encompasses two levels:  
 6474 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term  
 6475 master plan for the entire planning area as part of the  
 6476 comprehensive plan, and adoption by local development order of  
 6477 two or more buildout overlay to the comprehensive plan, having  
 6478 ~~no immediate effect on the issuance of development orders or the~~  
 6479 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~  
 6480 detailed specific area plans that implement the ~~conceptual~~ long-  
 6481 term master plan buildout overlay and authorize issuance of  
 6482 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~  
 6483 ~~such time as a detailed specific area plan is adopted, the~~  
 6484 ~~underlying future land use designations apply.~~

6485 (a) In addition to the other requirements of this chapter,  
 6486 a long-term master plan pursuant to this section ~~conceptual~~  
 6487 ~~long-term buildout overlay~~ must include maps, illustrations, and  
 6488 text supported by data and analysis to address the following:

- 6489 1. A ~~long-range conceptual~~ framework map that, at a  
 6490 minimum, generally depicts ~~identifies~~ anticipated areas of  
 6491 urban, agricultural, rural, and conservation land use;  
 6492 identifies allowed uses in various parts of the planning area;  
 6493 specifies maximum and minimum densities and intensities of use;  
 6494 and provides the conceptual framework for the development  
 6495 pattern in developed areas with graphic illustrations based on a  
 6496 hierarchy of places and functional place-making components.



6497        2. A general identification of the water supplies needed  
 6498 and available sources of water, including water resource  
 6499 development and water supply development projects, and water  
 6500 conservation measures needed to meet the projected demand of the  
 6501 future land uses in the long-term master plan.

6502        3. A general identification of the transportation  
 6503 facilities to serve the future land uses in the long-term master  
 6504 plan, including guidelines to be used to establish each modal  
 6505 component intended to optimize mobility.

6506        ~~4.2.~~ A general identification of other state or regionally  
 6507 significant public facilities consistent with chapter 9J-2,  
 6508 Florida Administrative Code, irrespective of local governmental  
 6509 jurisdiction necessary to support buildout of the anticipated  
 6510 future land uses, which may include central utilities provided  
 6511 on-site within the planning area, and policies setting forth the  
 6512 procedures to be used to mitigate the impacts of future land  
 6513 uses on public facilities.

6514        ~~5.3.~~ A general identification of state or regionally  
 6515 significant natural resources within the planning area and  
 6516 policies setting forth the procedures for protection or  
 6517 conservation of specific resources consistent with the overall  
 6518 conservation and development strategy for the planning area  
 6519 consistent with chapter 9J-2, Florida Administrative Code.

6520        ~~6.4.~~ General principles and guidelines addressing that  
 6521 address the urban form and the interrelationships of anticipated  
 6522 future land uses; the protection and, as appropriate,  
 6523 restoration and management of lands identified for permanent  
 6524 preservation; conservation easements pursuant to s. 704.06; and

6525 ~~a discussion, at the applicant's option, of the extent, if any,~~  
 6526 ~~to which the plan will address restoring key ecosystems,~~  
 6527 ~~achieving a more clean, healthy environment;~~ limiting urban  
 6528 sprawl; providing a range of housing types; ~~protecting wildlife~~  
 6529 ~~and natural areas;~~ advancing the efficient use of land and  
 6530 other resources; ~~and~~ creating quality communities of a design  
 6531 that promotes travel by multiple transportation modes; ~~and~~  
 6532 enhancing the prospects for the creation of jobs.

6533 ~~7.5.~~ Identification of general procedures and policies to  
 6534 facilitate ensure intergovernmental coordination to address  
 6535 extrajurisdictional impacts from the future land uses ~~long-range~~  
 6536 ~~conceptual framework map.~~

6537  
 6538 A long-term master plan adopted pursuant to this paragraph may  
 6539 be based upon a planning period longer than the generally  
 6540 applicable planning period of the local comprehensive plan,  
 6541 shall specify the projected population within the planning area  
 6542 during the chosen planning period, and may include a phasing or  
 6543 staging schedule that allocates a portion of the local  
 6544 government's future growth to the planning area through the  
 6545 planning period. It shall not be a requirement for a long-term  
 6546 master plan adopted pursuant to this section to demonstrate need  
 6547 based upon projected population growth or on any other basis.

6548 (b) In addition to the other requirements of this chapter,  
 6549 ~~including those in paragraph (a),~~ the detailed specific area  
 6550 plans shall be consistent with and implement the long-term  
 6551 master plan and must include conditions and commitments which  
 6552 provide for:

6553           1. Development or conservation of an area of adequate size  
 6554 ~~to accommodate a level of development which achieves a~~  
 6555 ~~functional relationship between a full range of land uses within~~  
 6556 ~~the area and to encompass~~ at least 1,000 acres consistent with  
 6557 the long-term master plan. The local government ~~state land~~  
 6558 ~~planning agency~~ may approve detailed specific area plans of less  
 6559 than 1,000 acres based on local circumstances if it is  
 6560 determined that the detailed specific area plan furthers the  
 6561 purposes of this part and part I of chapter 380.

6562           2. Detailed identification and analysis of the maximum and  
 6563 minimum densities and intensities of use and the distribution,  
 6564 extent, and location of future land uses.

6565           3. Detailed identification of water resource development  
 6566 and water supply development projects and related infrastructure  
 6567 and water conservation measures to address water needs of  
 6568 development in the detailed specific area plan.

6569           4. Detailed identification of the transportation  
 6570 facilities to serve the future land uses in the detailed  
 6571 specific area plan.

6572           ~~5.3.~~ Detailed identification of other state or regionally  
 6573 significant public facilities, including public facilities  
 6574 outside the jurisdiction of the host local government,  
 6575 ~~anticipated~~ impacts of future land uses on those facilities, and  
 6576 required improvements consistent with the long-term master plan  
 6577 ~~chapter 9J-2, Florida Administrative Code.~~

6578           ~~6.4.~~ Public facilities necessary to serve development in  
 6579 the detailed specific area plan for the short term, including  
 6580 developer contributions in a ~~financially feasible~~ 5-year capital

6581 improvement schedule of the affected local government.

6582 ~~7.5.~~ Detailed analysis and identification of specific  
 6583 measures to assure the protection or conservation of lands  
 6584 identified in the long-term master plan to be permanently  
 6585 preserved and, as appropriate, restored or managed, ~~of~~  
 6586 ~~regionally significant natural resources~~ and other important  
 6587 resources both within and outside the host jurisdiction,  
 6588 ~~including those regionally significant resources identified in~~  
 6589 ~~chapter 9J-2, Florida Administrative Code.~~

6590 ~~8.6.~~ Detailed principles and guidelines addressing that  
 6591 ~~address~~ the urban form and the interrelationships of ~~anticipated~~  
 6592 future land uses; ~~and a discussion, at the applicant's option,~~  
 6593 ~~of the extent, if any, to which the plan will address restoring~~  
 6594 ~~key ecosystems,~~ achieving a cleaner, healthier ~~more clean,~~  
 6595 healthy environment; ~~;~~ limiting urban sprawl; providing a range  
 6596 of housing types; ~~;~~ protecting wildlife and natural areas;  
 6597 advancing the efficient use of land and other resources; ~~;~~ and  
 6598 creating quality communities of a design that promotes travel by  
 6599 multiple transportation modes; and enhancing the prospects for  
 6600 the creation of jobs.

6601 ~~9.7.~~ Identification of specific procedures to facilitate  
 6602 ~~ensure~~ intergovernmental coordination to address  
 6603 extrajurisdictional impacts from ~~of~~ the detailed specific area  
 6604 plan.

6605  
 6606 A detailed specific area plan adopted by local development order  
 6607 pursuant to this paragraph may be based upon a planning period  
 6608 longer than the generally applicable planning period of the

6609 local comprehensive plan and shall specify the projected  
 6610 population within the specific planning area during the chosen  
 6611 planning period. It shall not be a requirement for a long-term  
 6612 master plan adopted pursuant to this section to demonstrate need  
 6613 based upon projected population growth or on any other basis.

6614 (c) Notwithstanding the limitations on comments of  
 6615 agencies in s. 184.3184, in its review of a long-term master  
 6616 plan, the state land planning agency shall consult with the  
 6617 Department of Agriculture and Consumer Services, the Department  
 6618 of Environmental Protection, the Fish and Wildlife Conservation  
 6619 Commission, and the applicable water management district may  
 6620 comment on the design of areas for protection and conservation  
 6621 of state or regionally significant natural resources and for the  
 6622 protection by conservation easements pursuant to s. 704.06, or  
 6623 other methods and, as appropriate, restoration and management of  
 6624 lands identified for permanent preservation.

6625 (d) Notwithstanding the limitations on comments of  
 6626 agencies in s. 184.3184, in its review of a long-term master  
 6627 plan, the state land planning agency shall consult with the  
 6628 Department of Transportation, the applicable metropolitan  
 6629 planning organization, and any urban transit agency regarding  
 6630 the location, capacity, design, and phasing or staging of major  
 6631 transportation facilities in the planning area.

6632 (e) The local government must transmit the detail specific  
 6633 area plan development order to the state land planning agency.  
 6634 The state land planning agency may initiate a civil action  
 6635 pursuant to s. 163.3215 with respect to a detailed specific area  
 6636 plan that is not consistent with a long-term master plan adopted

6637 pursuant to this section. For purposes of such a proceeding, the  
 6638 state land planning agency shall be deemed an aggrieved and  
 6639 adversely affected party. Regardless of whether the local  
 6640 government has adopted an ordinance that establishes a local  
 6641 process which meets the requirements of s. 163.3215(4), judicial  
 6642 review of a detailed specific area plan initiated by the state  
 6643 land planning agency shall be de novo pursuant to s. 163.3215(3)  
 6644 and not by petition for writ of certiorari pursuant to s.  
 6645 163.3215(4). Any other aggrieved or adversely affected party  
 6646 shall be subject to s. 163.3215 in all respects when initiating  
 6647 a consistency challenge to a detailed specific area plan.

6648 (f)(e) This subsection does ~~may not be construed to~~  
 6649 prevent preparation and approval of the ~~optional~~ sector plan and  
 6650 detailed specific area plan concurrently or in the same  
 6651 submission.

6652 (4) Upon the long-term master plan becoming legally  
 6653 effective:

6654 (a) Any long-range transportation plan developed by a  
 6655 metropolitan planning organization pursuant to s. 339.175(7)  
 6656 must be consistent, to the maximum extent feasible, with the  
 6657 long-term master plan, including but not limited to the  
 6658 projected population, the approved use and densities and  
 6659 intensities of use and their distribution within the planning  
 6660 area. The transportation facilities identified in adopted plans  
 6661 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be  
 6662 developed in coordination with the adopted metropolitan planning  
 6663 organization long-range transportation plan.

6664 (b) The water needs, sources, and water resource

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6665 development and water supply development projects identified in  
6666 adopted plans pursuant to sub-subparagraphs (3) (a)2. and  
6667 (3) (b)3. shall be incorporated into the applicable district and  
6668 regional water supply plans adopted in accordance with ss.  
6669 373.036 and 373.079. Accordingly, and notwithstanding the permit  
6670 durations stated in s. 373.236, an applicant may request and the  
6671 applicable district may issue consumptive use permits for  
6672 durations commensurate with the long-term master plan. The  
6673 permitting criteria in s. 373.223 shall be applied based upon  
6674 the projected population, the approved densities and intensities  
6675 of use and their distribution in the long-term master plan.  
6676 However, nothing in this paragraph shall be interpreted to  
6677 supercede the public interest test set forth in s. 373.223. The  
6678 ~~host local government shall submit a monitoring report to the~~  
6679 ~~state land planning agency and applicable regional planning~~  
6680 ~~council on an annual basis after adoption of a detailed specific~~  
6681 ~~area plan. The annual monitoring report must provide summarized~~  
6682 ~~information on development orders issued, development that has~~  
6683 ~~occurred, public facility improvements made, and public facility~~  
6684 ~~improvements anticipated over the upcoming 5 years.~~

6685 (5) ~~When a plan amendment adopting~~ a detailed specific  
6686 area plan has become effective for a portion of the planning  
6687 area governed by a long-term master plan adopted pursuant to  
6688 this section ~~under ss. 163.3184 and 163.3189(2),~~ the provisions  
6689 of s. 380.06 do not apply to development within the geographic  
6690 area of the detailed specific area plan. However, any  
6691 development-of-regional-impact development order that is vested  
6692 from the detailed specific area plan may be enforced pursuant to

6693 ~~under~~ s. 380.11.

6694 (a) The local government adopting the detailed specific  
 6695 area plan is primarily responsible for monitoring and enforcing  
 6696 the detailed specific area plan. Local governments shall not  
 6697 issue any permits or approvals or provide any extensions of  
 6698 services to development that are not consistent with the  
 6699 detailed specific ~~sector~~ area plan.

6700 (b) If the state land planning agency has reason to  
 6701 believe that a violation of any detailed specific area plan, ~~or~~  
 6702 ~~of any agreement entered into under this section,~~ has occurred  
 6703 or is about to occur, it may institute an administrative or  
 6704 judicial proceeding to prevent, abate, or control the conditions  
 6705 or activity creating the violation, using the procedures in s.  
 6706 380.11.

6707 (c) In instituting an administrative or judicial  
 6708 proceeding involving an ~~optional~~ sector plan or detailed  
 6709 specific area plan, including a proceeding pursuant to paragraph  
 6710 (b), the complaining party shall comply with the requirements of  
 6711 s. 163.3215(4), (5), (6), and (7), except as provided by  
 6712 paragraph (3)(e).

6713 (d) The detailed specific area plan shall establish a  
 6714 buildout date until which the approved development shall not be  
 6715 subject to downzoning, unit density reduction, or intensity  
 6716 reduction, unless the local government can demonstrate that  
 6717 implementation of the plan is not continuing in good faith based  
 6718 on standards established by plan policy, or that substantial  
 6719 changes in the conditions underlying the approval of the  
 6720 detailed specific area plan have occurred, or that the detailed



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6721 specific area plan was based on substantially inaccurate  
6722 information provided by the applicant, or that the change is  
6723 clearly established to be essential to the public health,  
6724 safety, or welfare.

6725 (6) Concurrent with or subsequent to review and adoption  
6726 of a long-term master plan pursuant to paragraph (3) (a), an  
6727 applicant may apply for master development approval pursuant to  
6728 s. 380.06(21) for the entire planning area in order to establish  
6729 a buildout date until which the approved uses and densities and  
6730 intensities of use of the master plan shall not be subject to  
6731 downzoning, unit density reduction, or intensity reduction,  
6732 unless the local government can demonstrate that implementation  
6733 of the master plan is not continuing in good faith based on  
6734 standards established by plan policy, or that substantial  
6735 changes in the conditions underlying the approval of the master  
6736 plan have occurred, or that the master plan was based on  
6737 substantially inaccurate information provided by the applicant,  
6738 or that change is clearly established to be essential to the  
6739 public health, safety, or welfare. Review of the application for  
6740 master development approval shall be at a level of detail  
6741 appropriate for the long-term and conceptual nature of the long-  
6742 term master plan and, to the maximum extent possible, shall only  
6743 consider information provided in the application for a long-term  
6744 master plan. Notwithstanding any provision of s. 380.06 to the  
6745 contrary, an increment of development in such an approved master  
6746 development plan shall be approved by a detailed specific area  
6747 plan pursuant to paragraph (3) (b) and shall be exempt from  
6748 review pursuant to s 380.06.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

6749 ~~(6) Beginning December 1, 1999, and each year thereafter,~~  
 6750 ~~the department shall provide a status report to the Legislative~~  
 6751 ~~Committee on Intergovernmental Relations regarding each optional~~  
 6752 ~~sector plan authorized under this section.~~

6753 (7) A developer within an area subject to a long-term  
 6754 master plan that meets the requirements of paragraph (3) (a) and  
 6755 subsection (6) or a detailed specific area plan which meets the  
 6756 requirements of paragraph (3) (b) may enter into a development  
 6757 agreement with a local government pursuant to ss. 163.3220-  
 6758 163.3243. The duration of such a development agreement may be  
 6759 through the planning period of the long-term master plan or the  
 6760 detailed specific area plan, as the case may be, notwithstanding  
 6761 the limit on the duration of a development agreement pursuant to  
 6762 s. 163.3229.

6763 (8) Any owner of property within the planning area of a  
 6764 proposed long-term master plan may withdraw his consent to the  
 6765 master plan at any time prior to local government adoption, and  
 6766 the local government shall exclude such parcels from the adopted  
 6767 master plan. Thereafter, the long-term master plan, any detailed  
 6768 specific area plan, and the exemption from development-of-  
 6769 regional-impact review under this section shall not apply to the  
 6770 subject parcels. After adoption of a long-term master plan, an  
 6771 owner may withdraw his or her property from the master plan only  
 6772 with the approval of the local government by plan amendment.

6773 (9) The adoption of a long-term master plan or a detailed  
 6774 specific area plan pursuant to this section shall not limit the  
 6775 right to continue existing agricultural or silvicultural uses or  
 6776 other natural resource-based operations or to establish similar

6777 new uses that are consistent with the plans approved pursuant to  
 6778 this section.

6779 (10) Notwithstanding any provision to the contrary of s.  
 6780 380.06, part II of chapter 163, or any planning agreement or  
 6781 plan policy, a landowner or developer who has received approval  
 6782 of a master development of regional impact development order  
 6783 pursuant to s. 380.06(21) may apply to implement this order by  
 6784 filing one or more applications to approve a detailed specific  
 6785 area plan pursuant to paragraph (3) (b).

6786 (11) Notwithstanding the provisions of this act, a  
 6787 detailed specific area plan to implement a conceptual long-term  
 6788 buildout overlay, adopted by a local government and found in  
 6789 compliance before July 1, 2011, shall be governed by the  
 6790 provisions of this section.

6791 (12)~~(7)~~ This section may not be construed to abrogate the  
 6792 rights of any person under this chapter.

6793 Section 28. Sections 163.3246, 163.32465, and 163.3247,  
 6794 Florida Statutes, are repealed.

6795 Section 29. Section 163.3248, Florida Statutes, is created  
 6796 to read:

6797 163.3248 Rural land stewardship areas.—

6798 (1) Rural land stewardship areas are designed to establish  
 6799 a long-term incentive based strategy to balance and guide the  
 6800 allocation of land so as to accommodate future land uses in a  
 6801 manner that protects the natural environment, stimulate economic  
 6802 growth and diversification, and encourage the retention of land  
 6803 for agriculture and other traditional rural land uses.

6804 (2) Upon written request by one or more landowners to

6805 designate lands as a rural land stewardship area, or pursuant to  
 6806 a private sector initiated comprehensive plan amendment local  
 6807 governments may adopt a future land use overlay to designate all  
 6808 or portions of lands classified in the future land use element  
 6809 as predominantly agricultural, rural, open, open-rural, or a  
 6810 substantively equivalent land use, as a rural land stewardship  
 6811 area within which planning and economic incentives are applied  
 6812 to encourage the implementation of innovative and flexible  
 6813 planning and development strategies and creative land use  
 6814 planning techniques to support a diverse economic and employment  
 6815 base.

6816 (3) Rural land stewardship areas may be used to further  
 6817 the following broad principles of rural sustainability:  
 6818 restoration and maintenance of the economic value of rural land;  
 6819 control of urban sprawl; identification and protection of  
 6820 ecosystems, habitats, and natural resources; promotion and  
 6821 diversification of economic activity and employment  
 6822 opportunities within the rural areas; maintenance of the  
 6823 viability of the state's agricultural economy; and protection of  
 6824 private property rights in rural areas of the state. Rural land  
 6825 stewardship areas may be multicounty in order to encourage  
 6826 coordinated regional stewardship planning.

6827 (4) A local government or one or more property owners may  
 6828 request assistance in participation of the development of a plan  
 6829 for the rural land stewardship area from the state land planning  
 6830 agency, the Department of Agriculture and Consumer Services, the  
 6831 Fish and Wildlife Conservation Commission, the Department of  
 6832 Environmental Protection, the appropriate water management

6833 district, the regional planning council, private land owners,  
 6834 and stakeholders.

6835 (5) A rural land stewardship area shall be not less than  
 6836 10,000 acres and shall be located outside of municipalities and  
 6837 established urban service areas, and shall be designated by plan  
 6838 amendment by each local government with jurisdiction over the  
 6839 rural land stewardship area. The plan amendment or amendments  
 6840 designating a rural land stewardship area shall be subject to  
 6841 review pursuant to s. 163.3184 and shall provide for the  
 6842 following:

6843 (a) Criteria for the designation of receiving areas which  
 6844 shall at a minimum provide for the following: adequacy of  
 6845 suitable land to accommodate development so as to avoid conflict  
 6846 with significant environmentally sensitive areas, resources, and  
 6847 habitats; compatibility between and transition from higher  
 6848 density uses to lower intensity rural uses; and the  
 6849 establishment of receiving area service boundaries which provide  
 6850 for a transition from receiving areas and other land uses within  
 6851 the rural land stewardship area through limitations on the  
 6852 extension of services.

6853 (b) Innovative planning and development strategies to be  
 6854 applied within rural land stewardship areas pursuant to the  
 6855 provisions of this section.

6856 (c) A process for the implementation of innovative  
 6857 planning and development strategies within the rural land  
 6858 stewardship area, including those described in this subsection,  
 6859 which provide for a functional mix of land uses through the  
 6860 adoption by the local government of zoning and land development

6861 regulations applicable to the rural land stewardship area.

6862 (d) A mix of densities and intensities that would not be  
 6863 characterized as urban sprawl through the use of innovative  
 6864 strategies and creative land use techniques.

6865 (6) A receiving area may only be designated pursuant to  
 6866 procedures established in the local government's land  
 6867 development regulations. At the time of designation of a  
 6868 stewardship receiving area, a listed species survey will be  
 6869 performed. If listed species occur on the receiving area site,  
 6870 the applicant shall coordinate with each appropriate local,  
 6871 state, or federal agency to determine if adequate provisions  
 6872 have been made to protect those species in accordance with  
 6873 applicable regulations. In determining the adequacy of  
 6874 provisions for the protection of listed species and their  
 6875 habitats, the rural land stewardship area shall be considered as  
 6876 a whole, and the potential impacts and protective measures taken  
 6877 within areas to be developed as receiving areas shall be  
 6878 considered in conjunction with the substantial benefits derived  
 6879 from lands set aside and protective measures taken outside of  
 6880 the designation of receiving areas.

6881 (7) Upon the adoption of a plan amendment creating a rural  
 6882 land stewardship area, the local government shall, by ordinance,  
 6883 establish a rural land stewardship overlay zoning district,  
 6884 which shall provide the methodology for the creation,  
 6885 conveyance, and use of transferable rural land use credits,  
 6886 hereinafter referred to as stewardship credits, the assignment  
 6887 and application of which shall not constitute a right to develop  
 6888 land, nor increase density of land, except as provided by this

6889 section. The total amount of stewardship credits within the  
 6890 rural land stewardship area must enable the realization of the  
 6891 long-term vision and goals for the rural land stewardship area,  
 6892 which may take into consideration the anticipated effect of the  
 6893 proposed receiving areas. The estimated amount of receiving area  
 6894 shall be projected based on available data and the development  
 6895 potential represented by the stewardship credits created within  
 6896 the rural land stewardship area must correlate to that amount.

6897 (8) Stewardship credits are subject to the following  
 6898 limitations:

6899 (a) Stewardship credits may only exist within a rural land  
 6900 stewardship area.

6901 (b) Stewardship credits may only be created from lands  
 6902 designated as stewardship sending areas and may only be used on  
 6903 lands designated as stewardship receiving areas and then solely  
 6904 for the purpose of implementing innovative planning and  
 6905 development strategies and creative land use planning techniques  
 6906 adopted by the local government pursuant to this section.

6907 (c) Stewardship credits assigned to a parcel of land  
 6908 within a rural land stewardship area shall cease to exist if the  
 6909 parcel of land is removed from the rural land stewardship area  
 6910 by plan amendment.

6911 (d) Neither the creation of the rural land stewardship  
 6912 area by plan amendment nor the adoption of the rural land  
 6913 stewardship zoning overlay district by the local government  
 6914 shall displace the underlying permitted uses, density or  
 6915 intensity of land uses assigned to a parcel of land within the  
 6916 rural land stewardship area that existed before adoption of the

6917 plan amendment or zoning overlay district; however, once  
 6918 stewardship credits have been transferred from a designated  
 6919 sending area for use within a designated receiving area, the  
 6920 underlying density assigned to the designated sending area shall  
 6921 cease to exist.

6922 (e) The underlying permitted uses, density, or intensity  
 6923 on each parcel of land located within a rural land stewardship  
 6924 area shall not be increased or decreased by the local  
 6925 government, except as a result of the conveyance or stewardship  
 6926 credits, as long as the parcel remains within the rural land  
 6927 stewardship area.

6928 (f) Stewardship credits shall cease to exist on a parcel  
 6929 of land where the underlying density assigned to the parcel of  
 6930 land is used.

6931 (g) An increase in the density or intensity of use on a  
 6932 parcel of land located within a designated receiving area may  
 6933 occur only through the assignment or use of stewardship credits  
 6934 and shall not require a plan amendment. A change in the type of  
 6935 agricultural use on property within a rural land stewardship  
 6936 area shall not be considered a change in use or intensity of use  
 6937 and shall not require any transfer of stewardship credits.

6938 (h) A change in the density or intensity of land use on  
 6939 parcels located within receiving areas shall be specified in a  
 6940 development order which reflects the total number of stewardship  
 6941 credits assigned to the parcel of land and the infrastructure  
 6942 and support services necessary to provide for a functional mix  
 6943 of land uses corresponding to the plan of development.

6944 (i) Land within a rural land stewardship area may be



6945 removed from the rural land stewardship area through a plan  
 6946 amendment.

6947 (j) Stewardship credits may be assigned at different  
 6948 ratios of credits per acre according to the natural resource or  
 6949 other beneficial use characteristics of the land and according  
 6950 to the land use remaining following the transfer of credits,  
 6951 with the highest number of credits per acre assigned to the most  
 6952 environmentally valuable land or, in locations where the  
 6953 retention of open space and agricultural land is a priority, to  
 6954 such lands.

6955 (k) The use or conveyance of stewardship credits must be  
 6956 recorded in the public records of the county in which the  
 6957 property is located as a covenant or restrictive easement  
 6958 running with the land in favor of the county and either the  
 6959 Department of Environmental Protection, Department of  
 6960 Agriculture and Consumer Services, a water management district,  
 6961 or a recognized statewide land trust.

6962 (9) Owners of land within rural land stewardship sending  
 6963 areas should be provided other incentives, in addition to the  
 6964 use or conveyance of stewardship credits, to enter into rural  
 6965 land stewardship agreements, pursuant to existing law and rules  
 6966 adopted thereto, with state agencies, water management  
 6967 districts, the Fish and Wildlife Conservation Commission, and  
 6968 local governments to achieve mutually agreed upon objectives.  
 6969 Such incentives may include, but not be limited to, the  
 6970 following:

6971 (a) Opportunity to accumulate transferable wetland and  
 6972 species habitat mitigation credits for use or sale.

6973 |       (b) Extended permit agreements.

6974 |       (c) Opportunities for recreational leases and ecotourism.

6975 |       (d) Compensation for the achievement of specified land  
 6976 | management activities of public benefit, including, but not  
 6977 | limited to, facility siting and corridors, recreational leases,  
 6978 | water conservation and storage, water reuse, wastewater  
 6979 | recycling, water supply and water resource development, nutrient  
 6980 | reduction, environmental restoration and mitigation, public  
 6981 | recreation, listed species protection and recovery, and wildlife  
 6982 | corridor management and enhancement.

6983 |       (e) Option agreements for sale to public entities or  
 6984 | private land conservation entities, in either fee or easement,  
 6985 | upon achievement of specified conservation objectives.

6986 |       (10) The provisions of paragraph (9) (d) constitute an  
 6987 | overlay of land use options that provide economic and regulatory  
 6988 | incentives for landowners outside of established and planned  
 6989 | urban service areas to conserve and manage vast areas of land  
 6990 | for the benefit of the state's citizens and natural environment  
 6991 | while maintaining and enhancing the asset value of their  
 6992 | landholdings. It is the intent of the Legislature that the  
 6993 | provisions of this section be implemented pursuant to law and  
 6994 | rulemaking is not authorized.

6995 |       Section 30. Paragraph (a) of subsection (2) of section  
 6996 | 163.360, Florida Statutes, is amended to read:  
 6997 |       163.360 Community redevelopment plans.—  
 6998 |       (2) The community redevelopment plan shall:  
 6999 |       (a) Conform to the comprehensive plan for the county or  
 7000 | municipality as prepared by the local planning agency under the

7001 Community ~~Local Government Comprehensive~~ Planning and Land  
 7002 ~~Development Regulation~~ Act.

7003 Section 31. Paragraph (a) of subsection (3) and subsection  
 7004 (8) of section 163.516, Florida Statutes, are amended to read:  
 7005 163.516 Safe neighborhood improvement plans.—

7006 (3) The safe neighborhood improvement plan shall:

7007 (a) Be consistent with the adopted comprehensive plan for  
 7008 the county or municipality pursuant to the Community ~~Local~~  
 7009 ~~Government Comprehensive~~ Planning and Land ~~Development~~  
 7010 ~~Regulation~~ Act. No district plan shall be implemented unless the  
 7011 local governing body has determined said plan is consistent.

7012 (8) Pursuant to s. ss. ~~163.3184, 163.3187, and 163.3189,~~  
 7013 the governing body of a municipality or county shall hold two  
 7014 public hearings to consider the board-adopted safe neighborhood  
 7015 improvement plan as an amendment or modification to the  
 7016 municipality's or county's adopted local comprehensive plan.

7017 Section 32. Paragraph (f) of subsection (6), subsection  
 7018 (9), and paragraph (c) of subsection (11) of section 171.203,  
 7019 Florida Statutes, are amended to read:

7020 171.203 Interlocal service boundary agreement.—The  
 7021 governing body of a county and one or more municipalities or  
 7022 independent special districts within the county may enter into  
 7023 an interlocal service boundary agreement under this part. The  
 7024 governing bodies of a county, a municipality, or an independent  
 7025 special district may develop a process for reaching an  
 7026 interlocal service boundary agreement which provides for public  
 7027 participation in a manner that meets or exceeds the requirements  
 7028 of subsection (13), or the governing bodies may use the process

7029 established in this section.

7030 (6) An interlocal service boundary agreement may address  
 7031 any issue concerning service delivery, fiscal responsibilities,  
 7032 or boundary adjustment. The agreement may include, but need not  
 7033 be limited to, provisions that:

7034 (f) Establish a process for land use decisions consistent  
 7035 with part II of chapter 163, including those made jointly by the  
 7036 governing bodies of the county and the municipality, or allow a  
 7037 municipality to adopt land use changes consistent with part II  
 7038 of chapter 163 for areas that are scheduled to be annexed within  
 7039 the term of the interlocal agreement; however, the county  
 7040 comprehensive plan and land development regulations shall  
 7041 control until the municipality annexes the property and amends  
 7042 its comprehensive plan accordingly. ~~Comprehensive plan~~  
 7043 ~~amendments to incorporate the process established by this~~  
 7044 ~~paragraph are exempt from the twice-per-year limitation under s.~~  
 7045 ~~163.3187.~~

7046 (9) Each local government that is a party to the  
 7047 interlocal service boundary agreement shall amend the  
 7048 intergovernmental coordination element of its comprehensive  
 7049 plan, as described in s. 163.3177(6)(h)1., no later than 6  
 7050 months following entry of the interlocal service boundary  
 7051 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~  
 7052 ~~required by this subsection are exempt from the twice-per-year~~  
 7053 ~~limitation under s. 163.3187.~~

7054 (11)

7055 ~~(c) Any amendment required by paragraph (a) is exempt from~~  
 7056 ~~the twice-per-year limitation under s. 163.3187.~~

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7057 Section 33. Section 186.513, Florida Statutes, is amended  
7058 to read:

7059 186.513 Reports.—Each regional planning council shall  
7060 prepare and furnish an annual report on its activities to the  
7061 state land planning agency as defined in s. 163.3164~~(20)~~ and the  
7062 local general-purpose governments within its boundaries and,  
7063 upon payment as may be established by the council, to any  
7064 interested person. The regional planning councils shall make a  
7065 joint report and recommendations to appropriate legislative  
7066 committees.

7067 Section 34. Section 186.515, Florida Statutes, is amended  
7068 to read:

7069 186.515 Creation of regional planning councils under  
7070 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and  
7071 186.515 is intended to repeal or limit the provisions of chapter  
7072 163; however, the local general-purpose governments serving as  
7073 voting members of the governing body of a regional planning  
7074 council created pursuant to ss. 186.501-186.507, 186.513, and  
7075 186.515 are not authorized to create a regional planning council  
7076 pursuant to chapter 163 unless an agency, other than a regional  
7077 planning council created pursuant to ss. 186.501-186.507,  
7078 186.513, and 186.515, is designated to exercise the powers and  
7079 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);  
7080 in which case, such a regional planning council is also without  
7081 authority to exercise the powers and duties in s. 163.3164~~(19)~~  
7082 or s. 380.031(15).

7083 Section 35. Subsection (1) of section 189.415, Florida  
7084 Statutes, is amended to read:

7085 189.415 Special district public facilities report.—  
 7086 (1) It is declared to be the policy of this state to  
 7087 foster coordination between special districts and local general-  
 7088 purpose governments as those local general-purpose governments  
 7089 develop comprehensive plans under the Community ~~Local Government~~  
 7090 ~~Comprehensive Planning and Land Development Regulation~~ Act,  
 7091 pursuant to part II of chapter 163.

7092 Section 36. Subsection (3) of section 190.004, Florida  
 7093 Statutes, is amended to read:

7094 190.004 Preemption; sole authority.—

7095 (3) The establishment of an independent community  
 7096 development district as provided in this act is not a  
 7097 development order within the meaning of chapter 380. All  
 7098 governmental planning, environmental, and land development laws,  
 7099 regulations, and ordinances apply to all development of the land  
 7100 within a community development district. Community development  
 7101 districts do not have the power of a local government to adopt a  
 7102 comprehensive plan, building code, or land development code, as  
 7103 those terms are defined in the Community ~~Local Government~~  
 7104 ~~Comprehensive Planning and Land Development Regulation~~ Act. A  
 7105 district shall take no action which is inconsistent with  
 7106 applicable comprehensive plans, ordinances, or regulations of  
 7107 the applicable local general-purpose government.

7108 Section 37. Paragraph (a) of subsection (1) of section  
 7109 190.005, Florida Statutes, is amended to read:

7110 190.005 Establishment of district.—

7111 (1) The exclusive and uniform method for the establishment  
 7112 of a community development district with a size of 1,000 acres

7113 or more shall be pursuant to a rule, adopted under chapter 120  
 7114 by the Florida Land and Water Adjudicatory Commission, granting  
 7115 a petition for the establishment of a community development  
 7116 district.

7117 (a) A petition for the establishment of a community  
 7118 development district shall be filed by the petitioner with the  
 7119 Florida Land and Water Adjudicatory Commission. The petition  
 7120 shall contain:

7121 1. A metes and bounds description of the external  
 7122 boundaries of the district. Any real property within the  
 7123 external boundaries of the district which is to be excluded from  
 7124 the district shall be specifically described, and the last known  
 7125 address of all owners of such real property shall be listed. The  
 7126 petition shall also address the impact of the proposed district  
 7127 on any real property within the external boundaries of the  
 7128 district which is to be excluded from the district.

7129 2. The written consent to the establishment of the  
 7130 district by all landowners whose real property is to be included  
 7131 in the district or documentation demonstrating that the  
 7132 petitioner has control by deed, trust agreement, contract, or  
 7133 option of 100 percent of the real property to be included in the  
 7134 district, and when real property to be included in the district  
 7135 is owned by a governmental entity and subject to a ground lease  
 7136 as described in s. 190.003(14), the written consent by such  
 7137 governmental entity.

7138 3. A designation of five persons to be the initial members  
 7139 of the board of supervisors, who shall serve in that office  
 7140 until replaced by elected members as provided in s. 190.006.

7141 4. The proposed name of the district.

7142 5. A map of the proposed district showing current major  
 7143 trunk water mains and sewer interceptors and outfalls if in  
 7144 existence.

7145 6. Based upon available data, the proposed timetable for  
 7146 construction of the district services and the estimated cost of  
 7147 constructing the proposed services. These estimates shall be  
 7148 submitted in good faith but shall not be binding and may be  
 7149 subject to change.

7150 7. A designation of the future general distribution,  
 7151 location, and extent of public and private uses of land proposed  
 7152 for the area within the district by the future land use plan  
 7153 element of the effective local government comprehensive plan of  
 7154 which all mandatory elements have been adopted by the applicable  
 7155 general-purpose local government in compliance with the  
 7156 Community Local Government Comprehensive Planning and Land  
 7157 Development Regulation Act.

7158 8. A statement of estimated regulatory costs in accordance  
 7159 with the requirements of s. 120.541.

7160 Section 38. Paragraph (i) of subsection (6) of section  
 7161 193.501, Florida Statutes, is amended to read:

7162 193.501 Assessment of lands subject to a conservation  
 7163 easement, environmentally endangered lands, or lands used for  
 7164 outdoor recreational or park purposes when land development  
 7165 rights have been conveyed or conservation restrictions have been  
 7166 covenanted.—

7167 (6) The following terms whenever used as referred to in  
 7168 this section have the following meanings unless a different



7169 meaning is clearly indicated by the context:

7170 (i) "Qualified as environmentally endangered" means land  
 7171 that has unique ecological characteristics, rare or limited  
 7172 combinations of geological formations, or features of a rare or  
 7173 limited nature constituting habitat suitable for fish, plants,  
 7174 or wildlife, and which, if subject to a development moratorium  
 7175 or one or more conservation easements or development  
 7176 restrictions appropriate to retaining such land or water areas  
 7177 predominantly in their natural state, would be consistent with  
 7178 the conservation, recreation and open space, and, if applicable,  
 7179 coastal protection elements of the comprehensive plan adopted by  
 7180 formal action of the local governing body pursuant to s.  
 7181 163.3161, the Community Local Government Comprehensive Planning  
 7182 ~~and Land Development Regulation~~ Act; or surface waters and  
 7183 wetlands, as determined by the methodology ratified in s.  
 7184 373.4211.

7185 Section 39. Subsection (15) of section 287.042, Florida  
 7186 Statutes, is amended to read:

7187 287.042 Powers, duties, and functions.—The department  
 7188 shall have the following powers, duties, and functions:

7189 (15) To enter into joint agreements with governmental  
 7190 agencies, as defined in s. 163.3164(10), for the purpose of  
 7191 pooling funds for the purchase of commodities or information  
 7192 technology that can be used by multiple agencies.

7193 (a) Each agency that has been appropriated or has existing  
 7194 funds for such purchase, shall, upon contract award by the  
 7195 department, transfer their portion of the funds into the  
 7196 department's Operating Trust Fund for payment by the department.

7197 | The funds shall be transferred by the Executive Office of the  
 7198 | Governor pursuant to the agency budget amendment request  
 7199 | provisions in chapter 216.

7200 |       (b) Agencies that sign the joint agreements are  
 7201 | financially obligated for their portion of the agreed-upon  
 7202 | funds. If an agency becomes more than 90 days delinquent in  
 7203 | paying the funds, the department shall certify to the Chief  
 7204 | Financial Officer the amount due, and the Chief Financial  
 7205 | Officer shall transfer the amount due to the Operating Trust  
 7206 | Fund of the department from any of the agency's available funds.  
 7207 | The Chief Financial Officer shall report these transfers and the  
 7208 | reasons for the transfers to the Executive Office of the  
 7209 | Governor and the legislative appropriations committees.

7210 |       Section 40. Subsection (4) of section 288.063, Florida  
 7211 | Statutes, is amended to read:

7212 |       288.063 Contracts for transportation projects.-

7213 |       (4) The Office of Tourism, Trade, and Economic Development  
 7214 | may adopt criteria by which transportation projects are to be  
 7215 | reviewed and certified in accordance with s. 288.061. In  
 7216 | approving transportation projects for funding, the Office of  
 7217 | Tourism, Trade, and Economic Development shall consider factors  
 7218 | including, but not limited to, the cost per job created or  
 7219 | retained considering the amount of transportation funds  
 7220 | requested; the average hourly rate of wages for jobs created;  
 7221 | the reliance on the program as an inducement for the project's  
 7222 | location decision; the amount of capital investment to be made  
 7223 | by the business; the demonstrated local commitment; the location  
 7224 | of the project in an enterprise zone designated pursuant to s.

7225 290.0055; the location of the project in a spaceport territory  
 7226 as defined in s. 331.304; the unemployment rate of the  
 7227 surrounding area; and the poverty rate of the community; ~~and the~~  
 7228 ~~adoption of an economic element as part of its local~~  
 7229 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The  
 7230 Office of Tourism, Trade, and Economic Development may contact  
 7231 any agency it deems appropriate for additional input regarding  
 7232 the approval of projects.

7233 Section 41. Paragraph (a) of subsection (2), subsection  
 7234 (10), and paragraph (d) of subsection (12) of section 288.975,  
 7235 Florida Statutes, are amended to read:

7236 288.975 Military base reuse plans.—

7237 (2) As used in this section, the term:

7238 (a) "Affected local government" means a local government  
 7239 adjoining the host local government and any other unit of local  
 7240 government that is not a host local government but that is  
 7241 identified in a proposed military base reuse plan as providing,  
 7242 operating, or maintaining one or more public facilities as  
 7243 defined in s. 163.3164~~(24)~~ on lands within or serving a military  
 7244 base designated for closure by the Federal Government.

7245 (10) Within 60 days after receipt of a proposed military  
 7246 base reuse plan, these entities shall review and provide  
 7247 comments to the host local government. The commencement of this  
 7248 review period shall be advertised in newspapers of general  
 7249 circulation within the host local government and any affected  
 7250 local government to allow for public comment. No later than 180  
 7251 days after receipt and consideration of all comments, and the  
 7252 holding of at least two public hearings, the host local

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7253 government shall adopt the military base reuse plan. The host  
 7254 local government shall comply with the notice requirements set  
 7255 forth in s. 163.3184 (11) ~~(15)~~ to ensure full public participation  
 7256 in this planning process.

7257 (12) Following receipt of a petition, the petitioning  
 7258 party or parties and the host local government shall seek  
 7259 resolution of the issues in dispute. The issues in dispute shall  
 7260 be resolved as follows:

7261 (d) Within 45 days after receiving the report from the  
 7262 state land planning agency, the Administration Commission shall  
 7263 take action to resolve the issues in dispute. In deciding upon a  
 7264 proper resolution, the Administration Commission shall consider  
 7265 the nature of the issues in dispute, any requests for a formal  
 7266 administrative hearing pursuant to chapter 120, the compliance  
 7267 of the parties with this section, the extent of the conflict  
 7268 between the parties, the comparative hardships and the public  
 7269 interest involved. If the Administration Commission incorporates  
 7270 in its final order a term or condition that requires any local  
 7271 government to amend its local government comprehensive plan, the  
 7272 local government shall amend its plan within 60 days after the  
 7273 issuance of the order. ~~Such amendment or amendments shall be~~  
 7274 ~~exempt from the limitation of the frequency of plan amendments~~  
 7275 ~~contained in s. 163.3187(1), and~~ A public hearing on such  
 7276 amendment or amendments pursuant to s. 163.3184 (11) ~~(15)~~ (b)1.  
 7277 shall not be required. The final order of the Administration  
 7278 Commission is subject to appeal pursuant to s. 120.68. If the  
 7279 order of the Administration Commission is appealed, the time for  
 7280 the local government to amend its plan shall be tolled during

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7281 the pendency of any local, state, or federal administrative or  
 7282 judicial proceeding relating to the military base reuse plan.

7283 Section 42. Subsection (4) of section 290.0475, Florida  
 7284 Statutes, is amended to read:

7285 290.0475 Rejection of grant applications; penalties for  
 7286 failure to meet application conditions.—Applications received  
 7287 for funding under all program categories shall be rejected  
 7288 without scoring only in the event that any of the following  
 7289 circumstances arise:

7290 (4) The application is not consistent with the local  
 7291 government's comprehensive plan adopted pursuant to s.  
 7292 163.3184(7).

7293 Section 43. Paragraph (c) of subsection (3) of section  
 7294 311.07, Florida Statutes, is amended to read:

7295 311.07 Florida seaport transportation and economic  
 7296 development funding.—

7297 (3)

7298 (c) To be eligible for consideration by the council  
 7299 pursuant to this section, a project must be consistent with the  
 7300 port comprehensive master plan which is incorporated as part of  
 7301 the approved local government comprehensive plan as required by  
 7302 s. 163.3178(2)(k) or other provisions of the Community Local  
 7303 ~~Government Comprehensive Planning and Land Development~~  
 7304 ~~Regulation~~ Act, part II of chapter 163.

7305 Section 44. Subsection (1) of section 331.319, Florida  
 7306 Statutes, is amended to read:

7307 331.319 Comprehensive planning; building and safety  
 7308 codes.—The board of directors may:

7309 (1) Adopt, and from time to time review, amend,  
 7310 supplement, or repeal, a comprehensive general plan for the  
 7311 physical development of the area within the spaceport territory  
 7312 in accordance with the objectives and purposes of this act and  
 7313 consistent with the comprehensive plans of the applicable county  
 7314 or counties and municipality or municipalities adopted pursuant  
 7315 to the Community ~~Local Government Comprehensive Planning and~~  
 7316 ~~Land Development Regulation~~ Act, part II of chapter 163.

7317 Section 45. Paragraph (e) of subsection (5) of section  
 7318 339.155, Florida Statutes, is amended to read:

7319 339.155 Transportation planning.—

7320 (5) ADDITIONAL TRANSPORTATION PLANS.—

7321 (e) The regional transportation plan developed pursuant to  
 7322 this section must, at a minimum, identify regionally significant  
 7323 transportation facilities located within a regional  
 7324 transportation area and contain a prioritized list of regionally  
 7325 significant projects. ~~The level of service standards for~~  
 7326 ~~facilities to be funded under this subsection shall be adopted~~  
 7327 ~~by the appropriate local government in accordance with s.~~  
 7328 ~~163.3180(10).~~ The projects shall be adopted into the capital  
 7329 improvements schedule of the local government comprehensive plan  
 7330 pursuant to s. 163.3177(3).

7331 Section 46. Paragraph (a) of subsection (4) of section  
 7332 339.2819, Florida Statutes, is amended to read:

7333 339.2819 Transportation Regional Incentive Program.—

7334 (4) (a) Projects to be funded with Transportation Regional  
 7335 Incentive Program funds shall, at a minimum:

7336 1. Support those transportation facilities that serve

7337 national, statewide, or regional functions and function as an  
 7338 integrated regional transportation system.

7339 2. Be identified in the capital improvements element of a  
 7340 comprehensive plan that has been determined to be in compliance  
 7341 with part II of chapter 163, after July 1, 2005, ~~or to implement~~  
 7342 ~~a long-term concurrency management system adopted by a local~~  
 7343 ~~government in accordance with s. 163.3180(9)~~. Further, the  
 7344 project shall be in compliance with local government  
 7345 comprehensive plan policies relative to corridor management.

7346 3. Be consistent with the Strategic Intermodal System Plan  
 7347 developed under s. 339.64.

7348 4. Have a commitment for local, regional, or private  
 7349 financial matching funds as a percentage of the overall project  
 7350 cost.

7351 Section 47. Subsection (5) of section 369.303, Florida  
 7352 Statutes, is amended to read:

7353 369.303 Definitions.—As used in this part:

7354 (5) "Land development regulation" means a regulation  
 7355 covered by the definition in s. 163.3164(23) and any of the  
 7356 types of regulations described in s. 163.3202.

7357 Section 48. Subsections (5) and (7) of section 369.321,  
 7358 Florida Statutes, are amended to read:

7359 369.321 Comprehensive plan amendments.—Except as otherwise  
 7360 expressly provided, by January 1, 2006, each local government  
 7361 within the Wekiva Study Area shall amend its local government  
 7362 comprehensive plan to include the following:

7363 (5) Comprehensive plans and comprehensive plan amendments  
 7364 adopted by the local governments to implement this section shall

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7365 be reviewed by the Department of Community Affairs pursuant to  
 7366 s. 163.3184, ~~and shall be exempt from the provisions of s.~~  
 7367 ~~163.3187(1).~~

7368 (7) During the period prior to the adoption of the  
 7369 comprehensive plan amendments required by this act, any local  
 7370 comprehensive plan amendment adopted by a city or county that  
 7371 applies to land located within the Wekiva Study Area shall  
 7372 protect surface and groundwater resources and be reviewed by the  
 7373 Department of Community Affairs, ~~pursuant to chapter 163 and~~  
 7374 ~~chapter 9J-5, Florida Administrative Code,~~ using best available  
 7375 data, including the information presented to the Wekiva River  
 7376 Basin Coordinating Committee.

7377 Section 49. Subsection (1) of section 378.021, Florida  
 7378 Statutes, is amended to read:

7379 378.021 Master reclamation plan.—

7380 (1) The Department of Environmental Protection shall amend  
 7381 the master reclamation plan that provides guidelines for the  
 7382 reclamation of lands mined or disturbed by the severance of  
 7383 phosphate rock prior to July 1, 1975, which lands are not  
 7384 subject to mandatory reclamation under part II of chapter 211.  
 7385 In amending the master reclamation plan, the Department of  
 7386 Environmental Protection shall continue to conduct an onsite  
 7387 evaluation of all lands mined or disturbed by the severance of  
 7388 phosphate rock prior to July 1, 1975, which lands are not  
 7389 subject to mandatory reclamation under part II of chapter 211.  
 7390 The master reclamation plan when amended by the Department of  
 7391 Environmental Protection shall be consistent with local  
 7392 government plans prepared pursuant to the Community Local



7393 ~~Government Comprehensive Planning and Land Development~~  
 7394 ~~Regulation Act.~~

7395 Section 50. Subsection (10) of section 380.031, Florida  
 7396 Statutes, is amended to read:

7397 380.031 Definitions.—As used in this chapter:

7398 (10) "Local comprehensive plan" means any or all local  
 7399 comprehensive plans or elements or portions thereof prepared,  
 7400 adopted, or amended pursuant to the Community Local Government  
 7401 ~~Comprehensive Planning and Land Development Regulation Act~~, as  
 7402 amended.

7403 Section 51. Paragraph (b) of subsection (6), paragraphs  
 7404 (1), (m), and (s) of subsection (24), paragraph (e) of  
 7405 subsection (28), and paragraphs (a) and (e) of subsection (29)  
 7406 of section 380.06, Florida Statutes, are amended to read:

7407 380.06 Developments of regional impact.—

7408 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT  
 7409 PLAN AMENDMENTS.—

7410 (b) Any local government comprehensive plan amendments  
 7411 related to a proposed development of regional impact, including  
 7412 any changes proposed under subsection (19), may be initiated by  
 7413 a local planning agency or the developer and must be considered  
 7414 by the local governing body at the same time as the application  
 7415 for development approval ~~using the procedures provided for local~~  
 7416 ~~plan amendment in s. 163.3187 or s. 163.3189 and applicable~~  
 7417 ~~local ordinances, without regard to statutory or local ordinance~~  
 7418 ~~limits on the frequency of consideration of amendments to the~~  
 7419 ~~local comprehensive plan.~~ Nothing in this paragraph shall be  
 7420 deemed to require favorable consideration of a plan amendment

7421 solely because it is related to a development of regional  
 7422 impact. The procedure for processing such comprehensive plan  
 7423 amendments is as follows:

7424 1. If a developer seeks a comprehensive plan amendment  
 7425 related to a development of regional impact, the developer must  
 7426 so notify in writing the regional planning agency, the  
 7427 applicable local government, and the state land planning agency  
 7428 no later than the date of preapplication conference or the  
 7429 submission of the proposed change under subsection (19).

7430 2. When filing the application for development approval or  
 7431 the proposed change, the developer must include a written  
 7432 request for comprehensive plan amendments that would be  
 7433 necessitated by the development-of-regional-impact approvals  
 7434 sought. That request must include data and analysis upon which  
 7435 the applicable local government can determine whether to  
 7436 transmit the comprehensive plan amendment pursuant to s.  
 7437 163.3184.

7438 3. The local government must advertise a public hearing on  
 7439 the transmittal within 30 days after filing the application for  
 7440 development approval or the proposed change and must make a  
 7441 determination on the transmittal within 60 days after the  
 7442 initial filing unless that time is extended by the developer.

7443 4. If the local government approves the transmittal,  
 7444 procedures set forth in s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~ must be  
 7445 followed.

7446 5. Notwithstanding subsection (11) or subsection (19), the  
 7447 local government may not hold a public hearing on the  
 7448 application for development approval or the proposed change or

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7449 on the comprehensive plan amendments sooner than 30 days from  
 7450 receipt of the response from the state land planning agency  
 7451 pursuant to s. 163.3184(4) (d) ~~(6)~~. ~~The 60-day time period for~~  
 7452 ~~local governments to adopt, adopt with changes, or not adopt~~  
 7453 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~  
 7454 ~~concurrent plan amendments provided for in this subsection.~~

7455 6. The local government must hear both the application for  
 7456 development approval or the proposed change and the  
 7457 comprehensive plan amendments at the same hearing. However, the  
 7458 local government must take action separately on the application  
 7459 for development approval or the proposed change and on the  
 7460 comprehensive plan amendments.

7461 7. Thereafter, the appeal process for the local government  
 7462 development order must follow the provisions of s. 380.07, and  
 7463 the compliance process for the comprehensive plan amendments  
 7464 must follow the provisions of s. 163.3184.

7465 (24) STATUTORY EXEMPTIONS.—

7466 (1) Any proposed development within an urban service  
 7467 boundary established under s. 163.3177(14), which is not  
 7468 otherwise exempt pursuant to subsection (29), is exempt from the  
 7469 provisions of this section if the local government having  
 7470 jurisdiction over the area where the development is proposed has  
 7471 adopted the urban service boundary, has entered into a binding  
 7472 agreement with jurisdictions that would be impacted and with the  
 7473 Department of Transportation regarding the mitigation of impacts  
 7474 on state and regional transportation facilities, ~~and has adopted~~  
 7475 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7476 (m) Any proposed development within a rural land

7477 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ is  
 7478 exempt from the provisions of this section if the local  
 7479 government that has adopted the rural land stewardship area has  
 7480 entered into a binding agreement with jurisdictions that would  
 7481 be impacted and the Department of Transportation regarding the  
 7482 mitigation of impacts on state and regional transportation  
 7483 facilities, and has adopted a proportionate share methodology  
 7484 pursuant to s. ~~163.3180(16)~~.

7485 (s) Any development in a detailed specific area plan which  
 7486 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~  
 7487 ~~the comprehensive plan~~ is exempt from this section.

7488  
 7489 If a use is exempt from review as a development of regional  
 7490 impact under paragraphs (a)-(s), but will be part of a larger  
 7491 project that is subject to review as a development of regional  
 7492 impact, the impact of the exempt use must be included in the  
 7493 review of the larger project, unless such exempt use involves a  
 7494 development of regional impact that includes a landowner,  
 7495 tenant, or user that has entered into a funding agreement with  
 7496 the Office of Tourism, Trade, and Economic Development under the  
 7497 Innovation Incentive Program and the agreement contemplates a  
 7498 state award of at least \$50 million.

7499 (28) PARTIAL STATUTORY EXEMPTIONS.—

7500 (e) The vesting provision of s. 163.3167 (5) ~~(8)~~ relating to  
 7501 an authorized development of regional impact shall not apply to  
 7502 those projects partially exempt from the development-of-  
 7503 regional-impact review process under paragraphs (a)-(d).

7504 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7505 (a) The following are exempt from this section:  
 7506 1. Any proposed development in a municipality that has an  
 7507 average of at least 1,000 people per square mile of land area  
 7508 and a minimum total population of at least 5,000 ~~qualifies as a~~  
 7509 ~~dense urban land area as defined in s. 163.3164;~~  
 7510 2. Any proposed development within a county that has an  
 7511 average of at least 1,000 people per square mile of land area  
 7512 ~~qualifies as a dense urban land area as defined in s. 163.3164~~  
 7513 and that is located within an urban service area as defined in  
 7514 s. 163.3164 which has been adopted into the comprehensive plan;  
 7515 or  
 7516 3. Any proposed development within a county, including the  
 7517 municipalities located therein, which has a population of at  
 7518 least 900,000, that has an average of at least 1,000 people per  
 7519 square mile of land area ~~which qualifies as a dense urban land~~  
 7520 ~~area under s. 163.3164~~, but which does not have an urban service  
 7521 area designated in the comprehensive plan.  
 7522  
 7523 The Office of Economic and Demographic Research within the  
 7524 Legislature shall annually calculate the population and density  
 7525 criteria needed to determine which jurisdictions meet the  
 7526 density criteria in subparagraphs 1.-3. by using the most recent  
 7527 land area data from the decennial census conducted by the Bureau  
 7528 of the Census of the United States Department of Commerce and  
 7529 the latest available population estimates determined pursuant to  
 7530 s. 186.901. If any local government has had an annexation,  
 7531 contraction, or new incorporation, the Office of Economic and  
 7532 Demographic Research shall determine the population density

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7533 using the new jurisdictional boundaries as recorded in  
7534 accordance with s. 171.091. The Office of Economic and  
7535 Demographic Research shall annually submit to the state land  
7536 planning agency by July 1 a list of jurisdictions that meet the  
7537 total population and density criteria. The state land planning  
7538 agency shall publish the list of jurisdictions on its Internet  
7539 website within 7 days after the list is received. The  
7540 designation of jurisdictions that meet the density criteria of  
7541 subparagraphs 1.-3. is effective upon publication on the state  
7542 land planning agency's Internet website. Any area that meets the  
7543 density criteria may not thereafter be removed from the list of  
7544 areas that qualify.

7545 (e) In an area that is exempt under paragraphs (a)-(c),  
7546 any previously approved development-of-regional-impact  
7547 development orders shall continue to be effective, but the  
7548 developer has the option to be governed by s. 380.115(1). A  
7549 pending application for development approval shall be governed  
7550 by s. 380.115(2). ~~A development that has a pending application~~  
7551 ~~for a comprehensive plan amendment and that elects not to~~  
7552 ~~continue development-of-regional-impact review is exempt from~~  
7553 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~  
7554 ~~for the year following the effective date of the exemption.~~

7555 Section 52. Paragraph (a) of subsection (8) of section  
7556 380.061, Florida Statutes, is amended to read:

7557 380.061 The Florida Quality Developments program.—

7558 (8) (a) Any local government comprehensive plan amendments  
7559 related to a Florida Quality Development may be initiated by a  
7560 local planning agency and considered by the local governing body

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7561 at the same time as the application for development approval,  
 7562 ~~using the procedures provided for local plan amendment in s.~~  
 7563 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~  
 7564 ~~regard to statutory or local ordinance limits on the frequency~~  
 7565 ~~of consideration of amendments to the local comprehensive plan.~~  
 7566 Nothing in this subsection shall be construed to require  
 7567 favorable consideration of a Florida Quality Development solely  
 7568 because it is related to a development of regional impact.

7569 Section 53. Paragraph (a) of subsection (2) of section  
 7570 380.065, Florida Statutes, is amended to read:

7571 380.065 Certification of local government review of  
 7572 development.—

7573 (2) When a petition is filed, the state land planning  
 7574 agency shall have no more than 90 days to prepare and submit to  
 7575 the Administration Commission a report and recommendations on  
 7576 the proposed certification. In deciding whether to grant  
 7577 certification, the Administration Commission shall determine  
 7578 whether the following criteria are being met:

7579 (a) The petitioning local government has adopted and  
 7580 effectively implemented a local comprehensive plan and  
 7581 development regulations which comply with ss. 163.3161-163.3215,  
 7582 the Community Local Government Comprehensive Planning and Land  
 7583 Development Regulation Act.

7584 Section 54. Subsection (3) of section 380.115, Florida  
 7585 Statutes, is amended to read:

7586 380.115 Vested rights and duties; effect of size  
 7587 reduction, changes in guidelines and standards.—

7588 (3) A landowner that has filed an application for a

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7589 development-of-regional-impact review prior to the adoption of a  
 7590 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to  
 7591 have the application reviewed pursuant to s. 380.06,  
 7592 comprehensive plan provisions in force prior to adoption of the  
 7593 sector plan, and any requested comprehensive plan amendments  
 7594 that accompany the application.

7595 Section 55. Subsection (1) of section 403.50665, Florida  
 7596 Statutes, is amended to read:

7597 403.50665 Land use consistency.—

7598 (1) The applicant shall include in the application a  
 7599 statement on the consistency of the site and any associated  
 7600 facilities that constitute a "development," as defined in s.  
 7601 380.04, with existing land use plans and zoning ordinances that  
 7602 were in effect on the date the application was filed and a full  
 7603 description of such consistency. This information shall include  
 7604 an identification of those associated facilities that the  
 7605 applicant believes are exempt from the requirements of land use  
 7606 plans and zoning ordinances under the provisions of the  
 7607 Community Local Government Comprehensive Planning and Land  
 7608 ~~Development Regulation Act~~ provisions of chapter 163 and s.  
 7609 380.04(3).

7610 Section 56. Subsection (13) and paragraph (a) of  
 7611 subsection (14) of section 403.973, Florida Statutes, are  
 7612 amended to read:

7613 403.973 Expedited permitting; amendments to comprehensive  
 7614 plans.—

7615 (13) Notwithstanding any other provisions of law:

7616 ~~(a) Local comprehensive plan amendments for projects~~



7617 ~~qualified under this section are exempt from the twice-a-year~~  
 7618 ~~limits provision in s. 163.3187; and~~

7619       **(b)** Projects qualified under this section are not subject  
 7620 to interstate highway level-of-service standards adopted by the  
 7621 Department of Transportation for concurrency purposes. The  
 7622 memorandum of agreement specified in subsection (5) must include  
 7623 a process by which the applicant will be assessed a fair share  
 7624 of the cost of mitigating the project's significant traffic  
 7625 impacts, as defined in chapter 380 and related rules. The  
 7626 agreement must also specify whether the significant traffic  
 7627 impacts on the interstate system will be mitigated through the  
 7628 implementation of a project or payment of funds to the  
 7629 Department of Transportation. Where funds are paid, the  
 7630 Department of Transportation must include in the 5-year work  
 7631 program transportation projects or project phases, in an amount  
 7632 equal to the funds received, to mitigate the traffic impacts  
 7633 associated with the proposed project.

7634       (14) (a) Challenges to state agency action in the expedited  
 7635 permitting process for projects processed under this section are  
 7636 subject to the summary hearing provisions of s. 120.574, except  
 7637 that the administrative law judge's decision, as provided in s.  
 7638 120.574(2) (f), shall be in the form of a recommended order and  
 7639 shall not constitute the final action of the state agency. In  
 7640 those proceedings where the action of only one agency of the  
 7641 state other than the Department of Environmental Protection is  
 7642 challenged, the agency of the state shall issue the final order  
 7643 within 45 working days after receipt of the administrative law  
 7644 judge's recommended order, and the recommended order shall

7645 | inform the parties of their right to file exceptions or  
 7646 | responses to the recommended order in accordance with the  
 7647 | uniform rules of procedure pursuant to s. 120.54. In those  
 7648 | proceedings where the actions of more than one agency of the  
 7649 | state are challenged, the Governor shall issue the final order  
 7650 | within 45 working days after receipt of the administrative law  
 7651 | judge's recommended order, and the recommended order shall  
 7652 | inform the parties of their right to file exceptions or  
 7653 | responses to the recommended order in accordance with the  
 7654 | uniform rules of procedure pursuant to s. 120.54. This paragraph  
 7655 | does not apply to the issuance of department licenses required  
 7656 | under any federally delegated or approved permit program. In  
 7657 | such instances, the department shall enter the final order. The  
 7658 | participating agencies of the state may opt at the preliminary  
 7659 | hearing conference to allow the administrative law judge's  
 7660 | decision to constitute the final agency action. ~~If a~~  
 7661 | ~~participating local government agrees to participate in the~~  
 7662 | ~~summary hearing provisions of s. 120.574 for purposes of review~~  
 7663 | ~~of local government comprehensive plan amendments, s.~~  
 7664 | ~~163.3184(9) and (10) apply.~~

7665 |         Section 57. Subsections (9) and (10) of section 420.5095,  
 7666 | Florida Statutes, are amended to read:

7667 |             420.5095 Community Workforce Housing Innovation Pilot  
 7668 | Program.—

7669 |             (9) Notwithstanding s. 163.3184 (4) (b) - (d) (3) - (6), any  
 7670 | local government comprehensive plan amendment to implement a  
 7671 | Community Workforce Housing Innovation Pilot Program project  
 7672 | found consistent with the provisions of this section shall be

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7673 expedited as provided in this subsection. At least 30 days prior  
 7674 to adopting a plan amendment under this subsection, the local  
 7675 government shall notify the state land planning agency of its  
 7676 intent to adopt such an amendment, and the notice shall include  
 7677 its evaluation related to site suitability and availability of  
 7678 facilities and services. The public notice of the hearing  
 7679 required by s. 163.3184(11)~~(15)~~(b)2. shall include a statement  
 7680 that the local government intends to use the expedited adoption  
 7681 process authorized by this subsection. Such amendments shall  
 7682 require only a single public hearing before the governing board,  
 7683 which shall be an adoption hearing as described in s.  
 7684 163.3184(4)(e)~~(7)~~. ~~The state land planning agency shall issue~~  
 7685 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~  
 7686 ~~after determining that the amendment package is complete. Any~~  
 7687 further proceedings shall be governed by s. ss. 163.3184(5)-  
 7688 (13)(9)-(16). ~~Amendments proposed under this section are not~~  
 7689 ~~subject to s. 163.3187(1), which limits the adoption of a~~  
 7690 ~~comprehensive plan amendment to no more than two times during~~  
 7691 ~~any calendar year.~~

7692 (10) The processing of approvals of development orders or  
 7693 development permits, as defined in s. 163.3164(7) ~~and (8)~~, for  
 7694 innovative community workforce housing projects shall be  
 7695 expedited.

7696 Section 58. Subsection (5) of section 420.615, Florida  
 7697 Statutes, is amended to read:

7698 420.615 Affordable housing land donation density bonus  
 7699 incentives.—

7700 (5) The local government, as part of the approval process,

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7701 shall adopt a comprehensive plan amendment, pursuant to part II  
 7702 of chapter 163, for the receiving land that incorporates the  
 7703 density bonus. Such amendment shall be adopted in the manner as  
 7704 required for small-scale amendments pursuant to s. 163.3187, is  
 7705 not subject to the requirements of s. 163.3184 (4) (b) - (d) - (3) - (6),  
 7706 and is exempt from the limitation on the frequency of plan  
 7707 amendments as provided in s. 163.3187.

7708 Section 59. Subsection (16) of section 420.9071, Florida  
 7709 Statutes, is amended to read:

7710 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
 7711 term:

7712 (16) "Local housing incentive strategies" means local  
 7713 regulatory reform or incentive programs to encourage or  
 7714 facilitate affordable housing production, which include at a  
 7715 minimum, assurance that permits as defined in s. 163.3164 ~~(7)~~ and  
 7716 ~~(8)~~ for affordable housing projects are expedited to a greater  
 7717 degree than other projects; an ongoing process for review of  
 7718 local policies, ordinances, regulations, and plan provisions  
 7719 that increase the cost of housing prior to their adoption; and a  
 7720 schedule for implementing the incentive strategies. Local  
 7721 housing incentive strategies may also include other regulatory  
 7722 reforms, such as those enumerated in s. 420.9076 or those  
 7723 recommended by the affordable housing advisory committee in its  
 7724 triennial evaluation of the implementation of affordable housing  
 7725 incentives, and adopted by the local governing body.

7726 Section 60. Paragraph (a) of subsection (4) of section  
 7727 420.9076, Florida Statutes, is amended to read:

7728 420.9076 Adoption of affordable housing incentive

7729 strategies; committees.—

7730 (4) Triennially, the advisory committee shall review the  
 7731 established policies and procedures, ordinances, land  
 7732 development regulations, and adopted local government  
 7733 comprehensive plan of the appointing local government and shall  
 7734 recommend specific actions or initiatives to encourage or  
 7735 facilitate affordable housing while protecting the ability of  
 7736 the property to appreciate in value. The recommendations may  
 7737 include the modification or repeal of existing policies,  
 7738 procedures, ordinances, regulations, or plan provisions; the  
 7739 creation of exceptions applicable to affordable housing; or the  
 7740 adoption of new policies, procedures, regulations, ordinances,  
 7741 or plan provisions, including recommendations to amend the local  
 7742 government comprehensive plan and corresponding regulations,  
 7743 ordinances, and other policies. At a minimum, each advisory  
 7744 committee shall submit a report to the local governing body that  
 7745 includes recommendations on, and triennially thereafter  
 7746 evaluates the implementation of, affordable housing incentives  
 7747 in the following areas:

7748 (a) The processing of approvals of development orders or  
 7749 permits, as defined in s. 163.3164 ~~(7) and (8)~~, for affordable  
 7750 housing projects is expedited to a greater degree than other  
 7751 projects.

7752  
 7753 The advisory committee recommendations may also include other  
 7754 affordable housing incentives identified by the advisory  
 7755 committee. Local governments that receive the minimum allocation  
 7756 under the State Housing Initiatives Partnership Program shall

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7757 perform the initial review but may elect to not perform the  
7758 triennial review.

7759 Section 61. Subsection (1) of section 720.403, Florida  
7760 Statutes, is amended to read:

7761 720.403 Preservation of residential communities; revival  
7762 of declaration of covenants.—

7763 (1) Consistent with required and optional elements of  
7764 local comprehensive plans and other applicable provisions of the  
7765 Community Local Government Comprehensive Planning and Land  
7766 Development Regulation Act, homeowners are encouraged to  
7767 preserve existing residential communities, promote available and  
7768 affordable housing, protect structural and aesthetic elements of  
7769 their residential community, and, as applicable, maintain roads  
7770 and streets, easements, water and sewer systems, utilities,  
7771 drainage improvements, conservation and open areas, recreational  
7772 amenities, and other infrastructure and common areas that serve  
7773 and support the residential community by the revival of a  
7774 previous declaration of covenants and other governing documents  
7775 that may have ceased to govern some or all parcels in the  
7776 community.

7777 Section 62. Subsection (6) of section 1013.30, Florida  
7778 Statutes, is amended to read:

7779 1013.30 University campus master plans and campus  
7780 development agreements.—

7781 (6) Before a campus master plan is adopted, a copy of the  
7782 draft master plan must be sent for review or made available  
7783 electronically to the host and any affected local governments,  
7784 the state land planning agency, the Department of Environmental

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7785 Protection, the Department of Transportation, the Department of  
 7786 State, the Fish and Wildlife Conservation Commission, and the  
 7787 applicable water management district and regional planning  
 7788 council. At the request of a governmental entity, a hard copy of  
 7789 the draft master plan shall be submitted within 7 business days  
 7790 of an electronic copy being made available. These agencies must  
 7791 be given 90 days after receipt of the campus master plans in  
 7792 which to conduct their review and provide comments to the  
 7793 university board of trustees. The commencement of this review  
 7794 period must be advertised in newspapers of general circulation  
 7795 within the host local government and any affected local  
 7796 government to allow for public comment. Following receipt and  
 7797 consideration of all comments and the holding of an informal  
 7798 information session and at least two public hearings within the  
 7799 host jurisdiction, the university board of trustees shall adopt  
 7800 the campus master plan. It is the intent of the Legislature that  
 7801 the university board of trustees comply with the notice  
 7802 requirements set forth in s. 163.3184(11)~~(15)~~ to ensure full  
 7803 public participation in this planning process. The informal  
 7804 public information session must be held before the first public  
 7805 hearing. The first public hearing shall be held before the draft  
 7806 master plan is sent to the agencies specified in this  
 7807 subsection. The second public hearing shall be held in  
 7808 conjunction with the adoption of the draft master plan by the  
 7809 university board of trustees. Campus master plans developed  
 7810 under this section are not rules and are not subject to chapter  
 7811 120 except as otherwise provided in this section.  
 7812 Section 63. Subsections (3), (7), and (8) of section

7813 1013.33, Florida Statutes, are amended to read:

7814 1013.33 Coordination of planning with local governing  
7815 bodies.-

7816 (3) At a minimum, the interlocal agreement must address  
7817 interlocal agreement requirements in s. 163.31777 and, if  
7818 applicable, s. 163.3180(6)-(13)(g), except for exempt local  
7819 governments as provided in s. 163.3177(12), and must address the  
7820 following issues:

7821 (a) A process by which each local government and the  
7822 district school board agree and base their plans on consistent  
7823 projections of the amount, type, and distribution of population  
7824 growth and student enrollment. The geographic distribution of  
7825 jurisdiction-wide growth forecasts is a major objective of the  
7826 process.

7827 (b) A process to coordinate and share information relating  
7828 to existing and planned public school facilities, including  
7829 school renovations and closures, and local government plans for  
7830 development and redevelopment.

7831 (c) Participation by affected local governments with the  
7832 district school board in the process of evaluating potential  
7833 school closures, significant renovations to existing schools,  
7834 and new school site selection before land acquisition. Local  
7835 governments shall advise the district school board as to the  
7836 consistency of the proposed closure, renovation, or new site  
7837 with the local comprehensive plan, including appropriate  
7838 circumstances and criteria under which a district school board  
7839 may request an amendment to the comprehensive plan for school  
7840 siting.



7841 (d) A process for determining the need for and timing of  
 7842 onsite and offsite improvements to support new construction,  
 7843 proposed expansion, or redevelopment of existing schools. The  
 7844 process shall address identification of the party or parties  
 7845 responsible for the improvements.

7846 (e) A process for the school board to inform the local  
 7847 government regarding the effect of comprehensive plan amendments  
 7848 on school capacity. The capacity reporting must be consistent  
 7849 with laws and rules regarding measurement of school facility  
 7850 capacity and must also identify how the district school board  
 7851 will meet the public school demand based on the facilities work  
 7852 program adopted pursuant to s. 1013.35.

7853 (f) Participation of the local governments in the  
 7854 preparation of the annual update to the school board's 5-year  
 7855 district facilities work program and educational plant survey  
 7856 prepared pursuant to s. 1013.35.

7857 (g) A process for determining where and how joint use of  
 7858 either school board or local government facilities can be shared  
 7859 for mutual benefit and efficiency.

7860 (h) A procedure for the resolution of disputes between the  
 7861 district school board and local governments, which may include  
 7862 the dispute resolution processes contained in chapters 164 and  
 7863 186.

7864 (i) An oversight process, including an opportunity for  
 7865 public participation, for the implementation of the interlocal  
 7866 agreement.

7867 ~~(7) Except as provided in subsection (8), municipalities~~  
 7868 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~

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7869 ~~from the requirements of subsections (2), (3), and (4).~~  
 7870 ~~(8) At the time of the evaluation and appraisal report,~~  
 7871 ~~each exempt municipality shall assess the extent to which it~~  
 7872 ~~continues to meet the criteria for exemption under s.~~  
 7873 ~~163.3177(12). If the municipality continues to meet these~~  
 7874 ~~eriteria, the municipality shall continue to be exempt from the~~  
 7875 ~~interlocal agreement requirement. Each municipality exempt under~~  
 7876 ~~s. 163.3177(12) must comply with the provisions of subsections~~  
 7877 ~~(2)-(8) within 1 year after the district school board proposes,~~  
 7878 ~~in its 5-year district facilities work program, a new school~~  
 7879 ~~within the municipality's jurisdiction.~~

7880 Section 64. Rules 9J-5 and 9J-11.023, Florida  
 7881 Administrative Code, are repealed, and the Department of State  
 7882 is directed to remove those rules from the Florida  
 7883 Administrative Code.

7884 Section 65. (1) The state land planning agency, within 60  
 7885 days after the effective date of this act, shall review any  
 7886 administrative or judicial proceeding filed by the agency and  
 7887 pending on the effective date of this act to determine whether  
 7888 the issues raised by the state land planning agency are  
 7889 consistent with the revised provisions of part II of chapter  
 7890 163, Florida Statutes. For each proceeding, if the agency  
 7891 determines that issues have been raised that are not consistent  
 7892 with the revised provisions of part II of chapter 163, Florida  
 7893 Statutes, the agency shall dismiss the proceeding. If the state  
 7894 land planning agency determines that one or more issues have  
 7895 been raised that are consistent with the revised provisions of  
 7896 part II of chapter 163, Florida Statutes, the agency shall amend

7897 its petition within 30 days after the determination to plead  
 7898 with particularity as to the manner in which the plan or plan  
 7899 amendment fails to meet the revised provisions of part II of  
 7900 chapter 163, Florida Statutes. If the agency fails to timely  
 7901 file such amended petition, the proceeding shall be dismissed.

7902 (2) In all proceedings that were initiated by the state  
 7903 land planning agency before the effective date of this act, and  
 7904 continue after that date, the local government's determination  
 7905 that the comprehensive plan or plan amendment is in compliance  
 7906 is presumed to be correct, and the local government's  
 7907 determination shall be sustained unless it is shown by a  
 7908 preponderance of the evidence that the comprehensive plan or  
 7909 plan amendment is not in compliance.

7910 Section 66. In accordance with s. 1.04, Florida Statutes,  
 7911 the provisions of law amended by this act shall be construed in  
 7912 pari materia with the provisions of law reenacted by Senate Bill  
 7913 174 or HB 7001, 2011 Regular Session, whichever becomes law, and  
 7914 incorporated therein. In addition, if any law amended by this  
 7915 act is also amended by any other law enacted at the same  
 7916 legislative session or an extension thereof which becomes law,  
 7917 full effect shall be given to each if possible.

7918 Section 67. The Division of Statutory Revision is directed  
 7919 to replace the phrase "the effective date of this act" wherever  
 7920 it occurs in this act with the date this act becomes a law.

7921 Section 68. This act shall take effect upon becoming a  
 7922 law.