

By Senator Bennett

21-00445C-12

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1 A bill to be entitled
2 An act relating to growth management; repealing s.
3 163.03, F.S., relating to the powers and duties of the
4 Secretary of Community Affairs and functions of the
5 Department of Community Affairs with respect to
6 federal grant-in-aid programs; amending s. 163.065,
7 F.S.; conforming cross-references to changes made by
8 the act; amending s. 163.2511, F.S.; conforming cross-
9 references to changes made by the act; amending s.
10 163.2514, F.S.; conforming cross-references to changes
11 made by the act; amending s. 163.2517, F.S.; replacing
12 references to the Department of Community Affairs with
13 state land planning agency; repealing s. 163.2523,
14 F.S., relating to the Urban Infill and Redevelopment
15 Assistance Grant Program; amending s. 163.3167, F.S.;
16 authorizing a local government to retain certain
17 charter provisions that were in effect as of a
18 specified date and that relate to an initiatives or
19 referendum process; amending s. 163.3174, F.S.;
20 requiring a local land planning agency to periodically
21 evaluate a comprehensive plan; amending s. 163.3177,
22 F.S.; making technical and grammatical changes;
23 amending s. 163.3178, F.S.; replacing reference to the
24 Department of Community Affairs with the state land
25 planning agency; deleting provisions relating to the
26 Coastal Resources Interagency Management Committee;
27 amending s. 163.3180, F.S.; deleting provisions
28 excluding a municipality that is not a signatory to a
29 certain interlocal agreement from participating in a

21-00445C-12

2012842__

30 school concurrency system; amending s. 163.3184, F.S.;
31 clarifying the time in which a local government must
32 transmit an amendment to a comprehensive plan to the
33 reviewing agencies; deleting the deadlines in
34 administrative challenges to comprehensive plans and
35 plan amendments for the entry of final orders and
36 referrals of recommended orders; specifying a deadline
37 for the state land planning agency to issue a notice
38 of intent after receiving a complete comprehensive
39 plan or plan amendment adopted pursuant to a
40 compliance agreement; amending s. 163.3191, F.S.;
41 conforming a cross-reference to changes made by the
42 act; amending s. 163.3204, F.S.; replacing a reference
43 to the Department of Community Affairs with the state
44 land planning agency; amending s. 163.3221, F.S.;
45 replacing a reference to the Department of Community
46 Affairs with the Department of Economic Opportunity;
47 amending s. 163.3246, F.S.; replacing a reference to
48 the Department of Community Affairs with the
49 Department of Economic Opportunity; providing for a
50 local government to update its comprehensive plan
51 based on an evaluation and appraisal review; amending
52 s. 163.3247, F.S.; replacing a reference to the
53 Secretary of Community Affairs with the executive
54 director of the state land planning agency; replacing
55 a reference to the Department of Community Affairs
56 with the state land planning agency; amending s.
57 163.336, F.S.; replacing a reference to the Department
58 of Community Affairs with the Department of Economic

21-00445C-12

2012842__

Opportunity; amending s. 163.458, F.S.; replacing a reference to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.460, F.S.; replacing references to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.461, F.S.; replacing references to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.462, F.S.; replacing a reference to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.5055, F.S.; replacing references to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.506, F.S.; replacing a reference to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.508, F.S.; replacing a reference to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.511, F.S.; replacing a reference to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 163.512, F.S.; replacing a reference to the Department of Community Affairs with the Department of Economic Opportunity; amending s. 186.002, F.S.; deleting a requirement for the Governor to consider evaluation and appraisal reports in preparing certain plans and amendments; amending s. 186.007, F.S.; deleting a requirement for the Governor consider certain evaluation and appraisal reports when reviewing the state comprehensive plan; amending s.

21-00445C-12

2012842__

186.505, F.S.; requiring a regional planning council to determine before accepting a grant that the purpose of the grant is in furtherance of its functions; prohibiting a regional planning council from providing consulting services for a fee to any local government for a project for which the council will serve in a review capacity; prohibiting a regional planning council from providing consulting services to a private developer or landowner for a project for which the council may serve in a review capacity in the future; amending s. 186.508, F.S.; requiring regional planning councils to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal process; amending s. 189.415, F.S.; requiring an independent special district to update its public facilities report every 7 years and at least 12 months before the submission date of the evaluation and appraisal notification letter; requiring the Department of Economic Opportunity post a schedule of the due dates for public facilities reports and updates that independent special districts must provide to local governments; amending s. 288.975, F.S.; deleting a provision exempting local government plan amendments to initially adopt the military base reuse plan from a limitation on the frequency of plan amendments; amending s. 342.201, F.S.; replacing a reference to the Department of Environmental Protection with the Department of Economic Opportunity; amending s. 380.06, F.S.;

21-00445C-12

2012842__

conforming cross-references to changes made by the act; deleting provisions subjecting recreational vehicle parks that increase in area to potential development-of-regional impact review; exempting development within an urban service boundary and development identified in an airport master plan from development-of-regional-impact review under certain circumstances; correcting cross-references; amending s. 1013.33, F.S.; deleting requirements for interlocal agreements relating to public education facilities; conforming cross-references to changes made by the act; amending s. 1013.35, F.S.; conforming cross-references to changes made by the act; amending s. 1013.351, F.S.; deleting a requirement for the School for the Deaf and the Blind to send an interlocal agreement with the municipality in which the school is located to the state land planning agency and the Office of Educational Facilities; providing an effective date.

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

Section 1. Section 163.03, Florida Statutes, is repealed.

Section 2. Paragraph (a) of subsection (4) of section 163.065, Florida Statutes, is amended to read:

163.065 Miami River Improvement Act.—

(4) PLAN.—The Miami River Commission, working with the City of Miami and Miami-Dade County, shall consider the merits of the following:

21-00445C-12

2012842__

(a) Development and adoption of an urban infill and redevelopment plan, under ss. 163.2511-163.2520 ~~ss. 163.2511-163.2523~~, which participating state and regional agencies shall review for the purposes of determining consistency with applicable law.

Section 3. Subsection (1) of section 163.2511, Florida Statutes, is amended to read:

163.2511 Urban infill and redevelopment.—

(1) Sections 163.2511-163.2520 ~~Sections 163.2511-163.2523~~ may be cited as the "Growth Policy Act."

Section 4. Section 163.2514, Florida Statutes, is amended to read:

163.2514 Growth Policy Act; definitions.—As used in ss. 163.2511-163.2520 ~~ss. 163.2511-163.2523~~, the term:

(1) "Local government" means any county or municipality.

(2) "Urban infill and redevelopment area" means an area or areas designated by a local government where:

(a) Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided in an adopted 5-year schedule of capital improvements;

(b) The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress as defined by s. 290.0058;

(c) The area exhibits a proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete which is higher than the average for the local government;

(d) More than 50 percent of the area is within 1/4 mile of

21-00445C-12

2012842__

175 a transit stop, or a sufficient number of transit stops will be
176 made available concurrent with the designation; and

177 (e) The area includes or is adjacent to community
178 redevelopment areas, brownfields, enterprise zones, or Main
179 Street programs, or has been designated by the state or Federal
180 Government as an urban redevelopment, revitalization, or infill
181 area under empowerment zone, enterprise community, or brownfield
182 showcase community programs or similar programs.

183 Section 5. Paragraph (b) of subsection (6) of section
184 163.2517, Florida Statutes, is amended to read:

185 163.2517 Designation of urban infill and redevelopment
186 area.—

187 (6)

188 (b) If the local government fails to implement the urban
189 infill and redevelopment plan in accordance with the deadlines
190 set forth in the plan, the state land planning agency ~~Department~~
191 ~~of Community Affairs~~ may seek to rescind the economic and
192 regulatory incentives granted to the urban infill and
193 redevelopment area, subject to the provisions of chapter 120.
194 The action to rescind may be initiated 90 days after issuing a
195 written letter of warning to the local government.

196 Section 6. Section 163.2523, Florida Statutes, is repealed.

197 Section 7. Subsection (8) of section 163.3167, Florida
198 Statutes, is amended to read:

199 163.3167 Scope of act.—

200 (8) An initiative or referendum process in regard to any
201 development order or in regard to any local comprehensive plan
202 amendment or map amendment is prohibited. However, any local
203 government charter provision that was in effect as of June 1,

21-00445C-12

2012842__

2011, for an initiative or referendum process in regard to
development orders or in regard to local comprehensive plan
amendments or map amendments, may be retained and implemented.

Section 8. Paragraph (b) of subsection (4) of section
163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(4) The local planning agency shall have the general
responsibility for the conduct of the comprehensive planning
program. Specifically, the local planning agency shall:

(b) Monitor and oversee the effectiveness and status of the
comprehensive plan and recommend to the governing body such
changes in the comprehensive plan as may from time to time be
required, including the periodic evaluation and appraisal of the
comprehensive plan ~~preparation of the periodic reports~~ required
by s. 163.3191.

Section 9. Paragraph (h) of subsection (6) of section
163.3177, Florida Statutes, is amended to read:

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

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

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

21-00445C-12

2012842__

233 plan and with the applicable regional water supply plan approved
234 pursuant to s. 373.709, as the case may require and as such
235 adopted plans or plans in preparation may exist. This element of
236 the local comprehensive plan must demonstrate consideration of
237 the particular effects of the local plan, when adopted, upon the
238 development of adjacent municipalities, the county, adjacent
239 counties, or the region, or upon the state comprehensive plan,
240 as the case may require.

241 a. The intergovernmental coordination element must provide
242 procedures for identifying and implementing joint planning
243 areas, especially for the purpose of annexation, municipal
244 incorporation, and joint infrastructure service areas.

245 b. The intergovernmental coordination element shall provide
246 for a dispute resolution process, as established pursuant to s.
247 186.509, for bringing intergovernmental disputes to closure in a
248 timely manner.

249 c. The intergovernmental coordination element shall provide
250 for interlocal agreements as established pursuant to s.
251 333.03(1)(b).

252 2. The intergovernmental coordination element shall also
253 state principles and guidelines to be used in coordinating the
254 adopted comprehensive plan with the plans of school boards and
255 other units of local government providing facilities and
256 services but not having regulatory authority over the use of
257 land. In addition, the intergovernmental coordination element
258 must describe joint processes for collaborative planning and
259 decisionmaking on population projections and public school
260 siting, the location and extension of public facilities subject
261 to concurrency, and siting facilities with countywide

21-00445C-12

2012842__

significance, including locally unwanted land uses whose nature and identity are established in an agreement.

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

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities includes ~~shall include~~ adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties includes ~~shall include~~ all municipalities within the county, adjacent counties, and adjacent municipalities.

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

Section 10. Subsections (3) and (6) of section 163.3178, Florida Statutes, are amended to read:

163.3178 Coastal management.—

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s.

21-00445C-12

2012842__

403.021(9); port transportation facilities and projects listed in s. 311.07(3)(b); intermodal transportation facilities identified pursuant to s. 311.09(3); and facilities determined by the state land planning agency ~~Department of Community Affairs~~ and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities may ~~shall~~ not be designated as developments of regional impact if such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.

(6) Local governments are encouraged to adopt countywide marina siting plans to designate sites for existing and future marinas. ~~The Coastal Resources Interagency Management Committee, at the direction of the Legislature, shall identify incentives to encourage local governments to adopt such siting plans and uniform criteria and standards to be used by local governments to implement state goals, objectives, and policies relating to marina siting. These criteria must ensure that priority is given to water-dependent land uses. Countywide marina siting plans must be consistent with state and regional environmental planning policies and standards.~~ Each local government in the coastal area which participates in adoption of a countywide marina siting plan shall incorporate the plan into the coastal management element of its local comprehensive plan.

Section 11. Paragraphs (a) and (i) of subsection (6) of section 163.3180, Florida Statutes, are amended, and paragraphs (j) and (k) of that subsection are redesignated as paragraphs

21-00445C-12

2012842__

(i) and (j), respectively, to read:

163.3180 Concurrency.—

(6) (a) ~~If concurrency is applied to public education facilities,~~ All local governments that apply concurrency to public education facilities within a county, except as provided in paragraph (i), shall include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and interlocal agreements. If the county and one or more municipalities have adopted school concurrency into their comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the choice ~~failure~~ of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency. All local government provisions included in comprehensive plans regarding school concurrency within a county must be consistent with each other and as well as the requirements of this part.

~~(i) A municipality is not required to be a signatory to the interlocal agreement required by paragraph (j), as a prerequisite for imposition of school concurrency, and as a nonsignatory, may not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:~~

~~1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional~~

21-00445C-12

2012842__

~~public school students during the preceding 5 years.~~

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

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

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

Section 12. Paragraph (b) of subsection (3), paragraphs (d) and (e) of subsection (5), paragraph (f) of subsection (6), and paragraph (d) of subsection (7) of section 163.3184, Florida Statutes, are amended to read:

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

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 calendar days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the

21-00445C-12

2012842

amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after ~~from~~ the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

21-00445C-12

2012842__

407 c. Municipal comments shall be in the context of the
408 relationship and effect of the proposed plan amendments on the
409 municipal plan.

410 d. Military installation comments shall be provided in
411 accordance with s. 163.3175.

412 4. Comments to the local government from state agencies
413 shall be limited to the following subjects as they relate to
414 important state resources and facilities that will be adversely
415 impacted by the amendment if adopted:

416 a. The Department of Environmental Protection shall limit
417 its comments to the subjects of air and water pollution;
418 wetlands and other surface waters of the state; federal and
419 state-owned lands and interest in lands, including state parks,
420 greenways and trails, and conservation easements; solid waste;
421 water and wastewater treatment; and the Everglades ecosystem
422 restoration.

423 b. The Department of State shall limit its comments to the
424 subjects of historic and archaeological resources.

425 c. The Department of Transportation shall limit its
426 comments to issues within the agency's jurisdiction as it
427 relates to transportation resources and facilities of state
428 importance.

429 d. The Fish and Wildlife Conservation Commission shall
430 limit its comments to subjects relating to fish and wildlife
431 habitat and listed species and their habitat.

432 e. The Department of Agriculture and Consumer Services
433 shall limit its comments to the subjects of agriculture,
434 forestry, and aquaculture issues.

435 f. The Department of Education shall limit its comments to

21-00445C-12

2012842__

the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

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

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

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, ~~within 30 days after receipt of the recommended order,~~ the recommended order and its determination to the Administration Commission for final agency action.

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

21-00445C-12

2012842__

the recommended order.

(6) COMPLIANCE AGREEMENT.—

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency, ~~upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement,~~ shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement within 30 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the

21-00445C-12

2012842__

494 cumulative notice of intent by filing a petition with the agency
495 as provided in subsection (5). The agency shall forward the
496 petition filed by the affected person not a party to the
497 realigned proceeding to the Division of Administrative Hearings
498 for consolidation with the realigned proceeding. If the
499 cumulative notice of intent is not challenged, the state land
500 planning agency shall request that the Division of
501 Administrative Hearings relinquish jurisdiction to the state
502 land planning agency for issuance of a final order.

503 2. If the local government adopts a comprehensive plan
504 amendment pursuant to a compliance agreement and a notice of
505 intent is issued that finds the plan amendment not in
506 compliance, the state land planning agency shall forward the
507 notice of intent to the Division of Administrative Hearings,
508 which shall consolidate the proceeding with the pending
509 proceeding and immediately set a date for a hearing in the
510 pending proceeding under ss. 120.569 and 120.57. Affected
511 persons who are not a party to the underlying proceeding under
512 ss. 120.569 and 120.57 may challenge the plan amendment adopted
513 pursuant to the compliance agreement by filing a petition
514 pursuant to paragraph (5) (a).

515 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

516 ~~(d) Absent a showing of extraordinary circumstances, the~~
517 ~~Administration Commission shall issue a final order, in a case~~
518 ~~proceeding under subsection (5), within 45 days after the~~
519 ~~issuance of the recommended order, unless the parties agree in~~
520 ~~writing to a longer time.~~

521 Section 13. Subsection (3) of section 163.3191, Florida
522 Statutes, is amended to read:

21-00445C-12

2012842__

163.3191 Evaluation and appraisal of comprehensive plan.—

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to ~~in~~ ~~accordance with~~ s. 163.3184(4).

Section 14. Section 163.3204, Florida Statutes, is amended to read:

163.3204 Cooperation by state and regional agencies.—The state land planning agency ~~Department of Community Affairs~~ and any ad hoc working groups appointed by the department and all state and regional agencies involved in the administration and implementation of the Community Planning ~~this~~ Act shall cooperate and work with units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, and of local land development regulations.

Section 15. Subsection (14) of section 163.3221, Florida Statutes, is amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(14) "State land planning agency" means the Department of Economic Opportunity ~~Community Affairs~~.

Section 16. Subsections (1) and (12) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the state land planning agency ~~Department of Community Affairs~~. The

21-00445C-12

2012842__

552 purpose of the program is to create a certification process for
553 local governments who identify a geographic area for
554 certification within which they commit to directing growth and
555 who, because of a demonstrated record of effectively adopting,
556 implementing, and enforcing its comprehensive plan, the level of
557 technical planning experience exhibited by the local government,
558 and a commitment to implement exemplary planning practices,
559 require less state and regional oversight of the comprehensive
560 plan amendment process. The purpose of the certification area is
561 to designate areas that are contiguous, compact, and appropriate
562 for urban growth and development within a 10-year planning
563 timeframe. Municipalities and counties are encouraged to jointly
564 establish the certification area, and subsequently enter into
565 joint certification agreement with the department.

566 (12) A local government's certification shall be reviewed
567 by the local government and the department as part of the
568 evaluation and appraisal process pursuant to s. 163.3191. Within
569 1 year after the deadline for the local government to update its
570 comprehensive plan based on the evaluation and appraisal review
571 ~~report~~, the department shall renew or revoke the certification.
572 The local government's failure to timely adopt necessary
573 amendments to update its comprehensive plan based on an
574 evaluation and appraisal, which are found to be in compliance by
575 the department, shall be cause for revoking the certification
576 agreement. The department's decision to renew or revoke shall be
577 considered agency action subject to challenge under s. 120.569.

578 Section 17. Paragraphs (a) and (b) of subsection (5) of
579 section 163.3247, Florida Statutes, are amended to read:

580 163.3247 Century Commission for a Sustainable Florida.—

21-00445C-12

2012842__

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

(a) The executive director of the state land planning agency ~~Secretary of Community Affairs~~ shall select an executive director of the commission, and the executive director of the commission shall serve at the pleasure of the executive director of the state land planning agency ~~secretary~~ under the supervision and control of the commission.

(b) The state land planning agency ~~Department of Community Affairs~~ shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

Section 18. Paragraph (c) of subsection (2) of section 163.336, Florida Statutes, is amended to read:

163.336 Coastal resort area redevelopment pilot project.—

(2) PILOT PROJECT ADMINISTRATION.—

(c) The Office of the Governor, Department of Environmental Protection, and the Department of Economic Opportunity ~~Community Affairs~~ are directed to provide technical assistance to expedite permitting for redevelopment projects and construction activities within the pilot project areas consistent with the principles, processes, and timeframes provided in s. 403.973.

Section 19. Section 163.458, Florida Statutes, is amended to read:

163.458 Three-tiered plan.—The Department of Economic Opportunity ~~Community Affairs~~ ~~is authorized to~~ award core administrative and operating grants. Administrative and operating grants shall be used for staff salaries and administrative expenses for eligible community-based development organizations selected through a competitive three-tiered

21-00445C-12

2012842__

610 process for the purpose of housing and economic development
611 projects. The department shall adopt by rule a set of criteria
612 for three-tiered funding which ~~that~~ shall ensure equitable
613 geographic distribution of the funding throughout the state.
614 This three-tiered plan shall include emerging, intermediate, and
615 mature community-based development organizations recognizing the
616 varying needs of the three tiers. Funding shall be provided for
617 core administrative and operating grants for all levels of
618 community-based development organizations. Priority shall be
619 given to those organizations that demonstrate community-based
620 productivity and high performance as evidenced by past projects
621 developed with stakeholder input that have responded to
622 neighborhood needs, and have current projects located in high-
623 poverty neighborhoods, and to emerging community-based
624 development corporations that demonstrate a positive need
625 identified by stakeholders. Persons, equipment, supplies, and
626 other resources funded in whole or in part by grant funds shall
627 be used ~~utilized~~ to further the purposes of the Community-Based
628 Development Organization Assistance ~~this~~ Act, and may be used
629 ~~utilized~~ to further the goals and objectives of the Front Porch
630 Florida Initiative. Each community-based development
631 organization shall be eligible to apply for a grant of up to
632 \$50,000 per year for a period of 5 years.

633 Section 20. Subsection (5) of section 163.460, Florida
634 Statutes, is amended to read:

635 163.460 Application requirements.—A community-based
636 development organization applying for a core administrative and
637 operating grant pursuant to the Community-Based Development
638 Organization Assistance ~~this~~ Act must submit a proposal to the

21-00445C-12

2012842__

Department of Economic Opportunity ~~Community Affairs~~ that includes:

(5) Other supporting information that may be required by the Department of Economic Opportunity ~~Community Affairs~~ to determine the organization's capacity and productivity.

Section 21. Subsection (14) of section 163.461, Florida Statutes, is amended to read:

163.461 Reporting and evaluation requirements.—Community-based development organizations that receive funds under the Community-Based Development Organization Assistance ~~this~~ Act shall provide the following information to the Department of Economic Opportunity ~~Community Affairs~~ annually:

(14) Such other information as the Department of Economic Opportunity ~~Community Affairs~~ requires.

Section 22. Section 163.462, Florida Statutes, is amended to read:

163.462 Rulemaking authority.—The Department of Economic Opportunity ~~Community Affairs~~ shall adopt rules for the administration of the Community-Based Development Organization Assistance ~~this~~ Act.

Section 23. Subsection (1) of section 163.5055, Florida Statutes, is amended to read:

163.5055 Registration of district establishment; notice of dissolution.—

(1)(a) Each neighborhood improvement district authorized and established under this part shall within 30 days thereof register with both the Department of Economic Opportunity ~~Community Affairs~~ and the Department of Legal Affairs by providing these departments with the district's name, location,

21-00445C-12

2012842__

size, and type, and such other information as the departments may require.

(b) Each local governing body that ~~which~~ authorizes the dissolution of a district shall notify both the Department of Economic Opportunity ~~Community Affairs~~ and the Department of Legal Affairs within 30 days after the dissolution of the district.

Section 24. Paragraph (h) of subsection (1) of section 163.506, Florida Statutes, is amended to read:

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.—

(1) After a local planning ordinance has been adopted authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(h) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity ~~Community Affairs~~ in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 25. Paragraph (g) of subsection (1) of section 163.508, Florida Statutes, is amended to read:

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.—

(1) After a local planning ordinance has been adopted authorizing the creation of property owners' association neighborhood improvement districts, the local governing body of a municipality or county may create property owners' association

21-00445C-12

2012842__

neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(g) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community ~~Affairs~~ in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 26. Paragraph (i) of subsection (1) of section 163.511, Florida Statutes, is amended to read:

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.—

(1) After a local planning ordinance has been adopted authorizing the creation of special neighborhood improvement districts, the governing body of a municipality or county may declare the need for and create special residential or business neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(i) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community ~~Affairs~~ in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 27. Paragraph (i) of subsection (1) of section 163.512, Florida Statutes, is amended to read:

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.—

(1) Upon the recommendation of the community redevelopment agency and after a local planning ordinance has been adopted authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment

21-00445C-12

2012842__

neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(i) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community ~~Affairs~~ in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 28. Paragraph (d) of subsection (2) of section 186.002, Florida Statutes, is amended to read:

186.002 Findings and intent.—

(2) It is the intent of the Legislature that:

(d) The state planning process ~~shall~~ be informed and guided by the experience of public officials at all levels of government. ~~In preparing any plans or proposed revisions or amendments required by this chapter, the Governor shall consider the experience of and information provided by local governments in their evaluation and appraisal reports pursuant to s. 163.3191.~~

Section 29. Subsection (8) of section 186.007, Florida Statutes, is amended to read:

186.007 State comprehensive plan; preparation; revision.—

(8) The revision of the state comprehensive plan is a continuing process. Each section of the plan shall be reviewed and analyzed biennially by the Executive Office of the Governor in conjunction with the planning officers of other state agencies significantly affected by the provisions of the particular section under review. In conducting this review and analysis, the Executive Office of the Governor shall review and consider, with the assistance of the state land planning agency and regional planning councils, ~~the evaluation and appraisal~~

21-00445C-12

2012842__

~~reports submitted pursuant to s. 163.3191 and the~~ evaluation and appraisal reports prepared pursuant to s. 186.511. Any necessary revisions of the state comprehensive plan shall be proposed by the Governor in a written report and be accompanied by an explanation of the need for such changes. If the Governor determines that changes are unnecessary, the written report must explain why changes are unnecessary. The proposed revisions and accompanying explanations may be submitted in the report required by s. 186.031. Any proposed revisions to the plan shall be submitted to the Legislature as provided in s. 186.008(2) at least 30 days prior to the regular legislative session occurring in each even-numbered year.

Section 30. Subsections (8) and (20) of section 186.505, Florida Statutes, are amended to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

(8) To accept and receive, in furtherance of its functions, funds, grants, and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal, or local government; or from private or civic sources, except as prohibited by subsection (20). Each regional planning council shall render an accounting of the receipt and disbursement of all funds received by it, pursuant to the federal Older Americans Act, to the Legislature no later than March 1 of each year. Before accepting a grant, a regional planning council must make a formal public determination that the purpose of the grant is in furtherance of the council's functions and will not diminish the council's ability to fund

21-00445C-12

2012842__

and accomplish its statutory functions.

(20) To provide technical assistance to local governments on growth management matters. However, a regional planning council may not provide consulting services for a fee to a local government for a project for which the council also serves in a review capacity or provide consulting services to a private developer or landowner for a project for which the council may also serve in a review capacity in the future.

Section 31. Subsection (1) of section 186.508, Florida Statutes, is amended to read:

186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.—

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule established by the Executive Office of the Governor to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal process ~~reports~~ required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed strategic regional policy plan to ensure consistency with the adopted state comprehensive plan and shall, within 60 days, provide any recommended revisions. The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing in this section precludes ~~herein shall preclude~~ a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan before ~~prior to~~ the effective date of the plan. The rules adopting the strategic regional policy plan are ~~shall~~ not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s.

21-00445C-12

2012842__

120.54(3)(c)2., but, once adopted, are ~~shall be~~ subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils, and ~~shall~~ become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

Section 32. Paragraph (a) of subsection (2) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(2) Each independent special district shall submit to each local general-purpose government in which it is located a public facilities report and an annual notice of any changes. The public facilities report shall specify the following information:

(a) A description of existing public facilities owned or operated by the special district, and each public facility that is operated by another entity, except a local general-purpose government, through a lease or other agreement with the special district. This description shall include the current capacity of the facility, the current demands placed upon it, and its location. This information shall be required in the initial report and updated every 7 5 years at least 12 months before ~~prior to~~ the submission date of the evaluation and appraisal notification letter ~~report~~ of the appropriate local government required by s. 163.3191. The department shall post a schedule on its website, based on the evaluation and appraisal notification schedule prepared pursuant to s. 163.3191(5), for use by a special district to determine when its public facilities report

21-00445C-12

2012842

and updates to that report are due to the local general-purpose governments in which the special district is located. ~~At least 12 months prior to the date on which each special district's first updated report is due, the department shall notify each independent district on the official list of special districts compiled pursuant to s. 189.4035 of the schedule for submission of the evaluation and appraisal report by each local government within the special district's jurisdiction.~~

Section 33. Subsection (5) of section 288.975, Florida Statutes, is amended to read:

288.975 Military base reuse plans.—

(5) At the discretion of the host local government, the provisions of this act may be complied with through the adoption of the military base reuse plan as a separate component of the local government comprehensive plan or through simultaneous amendments to all pertinent portions of the local government comprehensive plan. Once adopted and approved in accordance with this section, the military base reuse plan shall be considered to be part of the host local government's comprehensive plan and shall be thereafter implemented, amended, and reviewed pursuant to ~~in accordance with the provisions of~~ part II of chapter 163. ~~Local government comprehensive plan amendments necessary to initially adopt the military base reuse plan shall be exempt from the limitation on the frequency of plan amendments contained in s. 163.3187(1).~~

Section 34. Subsection (1) of section 342.201, Florida Statutes, is amended to read:

342.201 Waterfronts Florida Program.—

(1) There is established within the Department of Economic

21-00445C-12

2012842__

Opportunity ~~Environmental Protection~~ the Waterfronts Florida
Program to provide technical assistance and support to
communities in revitalizing waterfront areas in this state.

Section 35. Paragraph (b) of subsection (6), paragraph (b)
of subsection (19), paragraphs (l) and (q) of subsection (24),
and paragraphs (b) and (c) of subsection (29) of section 380.06,
Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments
related to a proposed development of regional impact, including
any changes proposed under subsection (19), may be initiated by
a local planning agency or the developer and must be considered
by the local governing body at the same time as the application
for development approval using the procedures provided for local
plan amendment in s. 163.3187 and applicable local ordinances,
without regard to local limits on the frequency of consideration
of amendments to the local comprehensive plan. This paragraph
does not require favorable consideration of a plan amendment
solely because it is related to a development of regional
impact. The procedure for processing such comprehensive plan
amendments is as follows:

1. If a developer seeks a comprehensive plan amendment
related to a development of regional impact, the developer must
so notify in writing the regional planning agency, the
applicable local government, and the state land planning agency
no later than the date of preapplication conference or the
submission of the proposed change under subsection (19).

21-00445C-12

2012842__

900 2. When filing the application for development approval or
901 the proposed change, the developer must include a written
902 request for comprehensive plan amendments that would be
903 necessitated by the development-of-regional-impact approvals
904 sought. That request must include data and analysis upon which
905 the applicable local government can determine whether to
906 transmit the comprehensive plan amendment pursuant to s.
907 163.3184.

908 3. The local government must advertise a public hearing on
909 the transmittal within 30 days after filing the application for
910 development approval or the proposed change and must make a
911 determination on the transmittal within 60 days after the
912 initial filing unless that time is extended by the developer.

913 4. If the local government approves the transmittal,
914 procedures set forth in s. 163.3184 (3) (b) and (c) ~~(4) (b) -- (d)~~ must
915 be followed.

916 5. Notwithstanding subsection (11) or subsection (19), the
917 local government may not hold a public hearing on the
918 application for development approval or the proposed change or
919 on the comprehensive plan amendments sooner than 30 days after
920 ~~from~~ receipt of the response from the state land planning agency
921 pursuant to s. 163.3184 (3) (c) 1. ~~(4) (d) --~~

922 6. The local government must hear both the application for
923 development approval or the proposed change and the
924 comprehensive plan amendments at the same hearing. However, the
925 local government must take action separately on the application
926 for development approval or the proposed change and on the
927 comprehensive plan amendments.

928 7. Thereafter, the appeal process for the local government

21-00445C-12

2012842__

development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated

21-00445C-12

2012842__

to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10-percent increase, whichever is greater.

~~7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.~~

~~7.8.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

~~8.9.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial

21-00445C-12

2012842__

deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

9.10. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

10.11. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 6., and 8. 9., excluding residential uses, and in subparagraph 9. 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9.7 and 8. 10. are increased by 50 percent for a project located wholly

21-00445C-12

2012842__

1016 within an urban infill and redevelopment area designated on the
1017 applicable adopted local comprehensive plan future land use map
1018 and not located within the coastal high hazard area.

1019 (24) STATUTORY EXEMPTIONS.—

1020 (1) Any proposed development within an urban service
1021 boundary established under s. 163.3177(14) (2010), which is not
1022 otherwise exempt pursuant to subsection (29), is exempt from
1023 this section if the local government having jurisdiction over
1024 the area where the development is proposed has adopted the urban
1025 service boundary and has entered into a binding agreement with
1026 jurisdictions that would be impacted and with the Department of
1027 Transportation regarding the mitigation of impacts on state and
1028 regional transportation facilities.

1029 (q) Any development identified in an airport master plan
1030 and adopted into the comprehensive plan pursuant to s.
1031 163.3177(6)(k) (2010) is exempt from this section.

1032
1033 If a use is exempt from review as a development of regional
1034 impact under paragraphs (a)-(u), but will be part of a larger
1035 project that is subject to review as a development of regional
1036 impact, the impact of the exempt use must be included in the
1037 review of the larger project, unless such exempt use involves a
1038 development of regional impact that includes a landowner,
1039 tenant, or user that has entered into a funding agreement with
1040 the Department of Economic Opportunity under the Innovation
1041 Incentive Program and the agreement contemplates a state award
1042 of at least \$50 million.

1043 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

1044 (b) If a municipality that does not qualify as a dense

21-00445C-12

2012842__

1045 urban land area ~~pursuant to s. 163.3164~~ designates any of the
1046 following areas in its comprehensive plan, any proposed
1047 development within the designated area is exempt from the
1048 development-of-regional-impact process:

- 1049 1. Urban infill as defined in s. 163.3164;
- 1050 2. Community redevelopment areas as defined in s. 163.340;
- 1051 3. Downtown revitalization areas as defined in s. 163.3164;
- 1052 4. Urban infill and redevelopment under s. 163.2517; or
- 1053 5. Urban service areas as defined in s. 163.3164 or areas
1054 within a designated urban service boundary under s.
1055 163.3177(14).

1056 (c) If a county that does not qualify as a dense urban land
1057 area ~~pursuant to s. 163.3164~~ designates any of the following
1058 areas in its comprehensive plan, any proposed development within
1059 the designated area is exempt from the development-of-regional-
1060 impact process:

- 1061 1. Urban infill as defined in s. 163.3164;
- 1062 2. Urban infill and redevelopment under s. 163.2517; or
- 1063 3. Urban service areas as defined in s. 163.3164.

1064 Section 36. Section 1013.33, Florida Statutes, is amended
1065 to read:

1066 1013.33 Coordination of planning with local governing
1067 bodies.—

1068 (1) It is the policy of this state to require the
1069 coordination of planning between boards and local governing
1070 bodies to ensure that plans for the construction and opening of
1071 public educational facilities are facilitated and coordinated in
1072 time and place with plans for residential development,
1073 concurrently with other necessary services. Such planning shall

21-00445C-12

2012842__

1074 include the integration of the educational facilities plan and
1075 applicable policies and procedures of a board with the local
1076 comprehensive plan and land development regulations of local
1077 governments. The planning must include the consideration of
1078 allowing students to attend the school located nearest their
1079 homes when a new housing development is constructed near a
1080 county boundary and it is more feasible to transport the
1081 students a short distance to an existing facility in an adjacent
1082 county than to construct a new facility or transport students
1083 longer distances in their county of residence. The planning must
1084 also consider the effects of the location of public education
1085 facilities, including the feasibility of keeping central city
1086 facilities viable, in order to encourage central city
1087 redevelopment and the efficient use of infrastructure and to
1088 discourage uncontrolled urban sprawl. In addition, all parties
1089 to the planning process must consult with state and local road
1090 departments to assist in implementing the Safe Paths to Schools
1091 program administered by the Department of Transportation.

1092 (2)~~(a)~~ The school board, county, and nonexempt
1093 municipalities located within the geographic area of a school
1094 district shall enter into an interlocal agreement that jointly
1095 establishes the specific ways in which the plans and processes
1096 of the district school board and the local governments are to be
1097 coordinated. ~~The interlocal agreements shall be submitted to the~~
1098 ~~state land planning agency and the Office of Educational~~
1099 ~~Facilities in accordance with a schedule published by the state~~
1100 ~~land planning agency.~~

1101 ~~(b) The schedule must establish staggered due dates for~~
1102 ~~submission of interlocal agreements that are executed by both~~

21-00445C-12

2012842__

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

~~(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

21-00445C-12

2012842__

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections (2)-(7) must be updated and executed pursuant to the requirements of subsections (2)-(7), if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2)-(7) must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2)-(7) and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2)-(7), the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.~~

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. 163.31777 and, if applicable, s. 163.3180(6), and must address the following issues:

(a) A process by which each local government and the

21-00445C-12

2012842__

1161 district school board agree and base their plans on consistent
1162 projections of the amount, type, and distribution of population
1163 growth and student enrollment. The geographic distribution of
1164 jurisdiction-wide growth forecasts is a major objective of the
1165 process.

1166 (b) A process to coordinate and share information relating
1167 to existing and planned public school facilities, including
1168 school renovations and closures, and local government plans for
1169 development and redevelopment.

1170 (c) Participation by affected local governments with the
1171 district school board in the process of evaluating potential
1172 school closures, significant renovations to existing schools,
1173 and new school site selection before land acquisition. Local
1174 governments shall advise the district school board as to the
1175 consistency of the proposed closure, renovation, or new site
1176 with the local comprehensive plan, including appropriate
1177 circumstances and criteria under which a district school board
1178 may request an amendment to the comprehensive plan for school
1179 siting.

1180 (d) A process for determining the need for and timing of
1181 onsite and offsite improvements to support new construction,
1182 proposed expansion, or redevelopment of existing schools. The
1183 process shall address identification of the party or parties
1184 responsible for the improvements.

1185 (e) A process for the school board to inform the local
1186 government regarding the effect of comprehensive plan amendments
1187 on school capacity. The capacity reporting must be consistent
1188 with laws and rules regarding measurement of school facility
1189 capacity and must also identify how the district school board

21-00445C-12

2012842__

will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

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

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

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

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

~~(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the~~

21-00445C-12

2012842__

1219 ~~requirements of subsection (3) and this subsection as~~
1220 ~~appropriate.~~

1221 ~~(b) The state land planning agency's notice is subject to~~
1222 ~~challenge under chapter 120; however, an affected person, as~~
1223 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
1224 ~~administrative proceeding, and this proceeding is the sole means~~
1225 ~~available to challenge the consistency of an interlocal~~
1226 ~~agreement required by this section with the criteria contained~~
1227 ~~in subsection (3) and this subsection. In order to have~~
1228 ~~standing, each person must have submitted oral or written~~
1229 ~~comments, recommendations, or objections to the local government~~
1230 ~~or the school board before the adoption of the interlocal~~
1231 ~~agreement by the district school board and local government. The~~
1232 ~~district school board and local governments are parties to any~~
1233 ~~such proceeding. In this proceeding, when the state land~~
1234 ~~planning agency finds the interlocal agreement to be consistent~~
1235 ~~with the criteria in subsection (3) and this subsection, the~~
1236 ~~interlocal agreement must be determined to be consistent with~~
1237 ~~subsection (3) and this subsection if the local government's and~~
1238 ~~school board's determination of consistency is fairly debatable.~~
1239 ~~When the state land planning agency finds the interlocal~~
1240 ~~agreement to be inconsistent with the requirements of subsection~~
1241 ~~(3) and this subsection, the local government's and school~~
1242 ~~board's determination of consistency shall be sustained unless~~
1243 ~~it is shown by a preponderance of the evidence that the~~
1244 ~~interlocal agreement is inconsistent.~~

1245 ~~(c) If the state land planning agency enters a final order~~
1246 ~~that finds that the interlocal agreement is inconsistent with~~
1247 ~~the requirements of subsection (3) or this subsection, the state~~

21-00445C-12

2012842__

land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

~~(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

(4)~~(6)~~ Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before May 31, 2002, ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of

21-00445C-12

2012842__

subsections (2)-(4) ~~(2)-(6)~~ if the element is adopted before
June 1, 2003, ~~prior to or within 1 year after the effective date~~
~~of subsections (2)-(6)~~ and remains in effect.

(5) ~~(7)~~ A board and the local governing body must share and
coordinate information related to existing and planned school
facilities; proposals for development, redevelopment, or
additional development; and infrastructure required to support
the school facilities, concurrent with proposed development. A
school board must ~~shall~~ use information produced by the
demographic, revenue, and education estimating conferences
pursuant to s. 216.136 when preparing the district educational
facilities plan pursuant to s. 1013.35, as modified and agreed
to by the local governments, if ~~when~~ provided by interlocal
agreement, and the Office of Educational Facilities, in
consideration of local governments' population projections, to
ensure that the district educational facilities plan not only
reflects enrollment projections but also considers applicable
municipal and county growth and development projections. The
projections must be apportioned geographically with assistance
from the local governments using local government trend data and
the school district student enrollment data. A school board is
precluded from siting a new school in a jurisdiction where the
school board has failed to provide the annual educational
facilities plan for the prior year required pursuant to s.
1013.35 unless the failure is corrected.

(6) ~~(8)~~ The location of educational facilities shall be
consistent with the comprehensive plan of the appropriate local
governing body developed under part II of chapter 163 and
consistent with the plan's implementing land development

21-00445C-12

2012842__

1306 regulations.

1307 ~~(7)-(9)~~ To improve coordination relative to potential
1308 educational facility sites, a board shall provide written notice
1309 to the local government that has regulatory authority over the
1310 use of the land consistent with an interlocal agreement entered
1311 pursuant to subsections (2)-(4) ~~(2)-(6)~~ at least 60 days before
1312 ~~prior to~~ acquiring or leasing property that may be used for a
1313 new public educational facility. The local government, upon
1314 receipt of this notice, shall notify the board within 45 days if
1315 the site proposed for acquisition or lease is consistent with
1316 the land use categories and policies of the local government's
1317 comprehensive plan. This preliminary notice does not constitute
1318 the local government's determination of consistency pursuant to
1319 subsection (8) ~~(10)~~.

1320 (8) ~~(10)~~ As early in the design phase as feasible and
1321 consistent with an interlocal agreement entered pursuant to
1322 subsections (2)-(4) ~~(2)-(6)~~, but no later than 90 days before
1323 commencing construction, the district school board shall in
1324 writing request a determination of consistency with the local
1325 government's comprehensive plan. The local governing body that
1326 regulates the use of land shall determine, in writing within 45
1327 days after receiving the necessary information and a school
1328 board's request for a determination, whether a proposed
1329 educational facility is consistent with the local comprehensive
1330 plan and consistent with local land development regulations. If
1331 the determination is affirmative, school construction may
1332 commence and further local government approvals are not
1333 required, except as provided in this section. Failure of the
1334 local governing body to make a determination in writing within

21-00445C-12

2012842__

1335 90 days after a district school board's request for a
1336 determination of consistency shall be considered an approval of
1337 the district school board's application. Campus master plans and
1338 development agreements must comply with the provisions of s.
1339 1013.30.

1340 (9)~~(11)~~ A local governing body may not deny the site
1341 applicant based on adequacy of the site plan as it relates
1342 solely to the needs of the school. If the site is consistent
1343 with the comprehensive plan's land use policies and categories
1344 in which public schools are identified as allowable uses, the
1345 local government may not deny the application but it may impose
1346 reasonable development standards and conditions in accordance
1347 with s. 1013.51(1) and consider the site plan and its adequacy
1348 as it relates to environmental concerns, health, safety and
1349 welfare, and effects on adjacent property. Standards and
1350 conditions may not be imposed which conflict with those
1351 established in this chapter or the Florida Building Code, unless
1352 mutually agreed and consistent with the interlocal agreement
1353 required by subsections (2)-(4) ~~(2)-(6)~~.

1354 (10)~~(12)~~ This section does not prohibit a local governing
1355 body and district school board from agreeing and establishing an
1356 alternative process for reviewing a proposed educational
1357 facility and site plan, and offsite impacts, pursuant to an
1358 interlocal agreement adopted in accordance with subsections (2)-
1359 (4) ~~(2)-(6)~~.

1360 (11)~~(13)~~ Existing schools shall be considered consistent
1361 with the applicable local government comprehensive plan adopted
1362 under part II of chapter 163. If a board submits an application
1363 to expand an existing school site, the local governing body may

21-00445C-12

2012842__

impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:

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

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections (2)-(4) ~~(2)-(6)~~.

Section 37. Paragraph (b) of subsection (2) and subsection (3) of section 1013.35, Florida Statutes, are amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the

21-00445C-12

2012842__

projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33(8), (9), and (10) ~~ss. 1013.33(10), (11), and (12)~~ and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining

21-00445C-12

2012842__

future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work

21-00445C-12

2012842__

1451 program.

1452 3. The projected cost for each project identified in the
1453 district facilities work program. For proposed projects for new
1454 student stations, a schedule shall be prepared comparing the
1455 planned cost and square footage for each new student station, by
1456 elementary, middle, and high school levels, to the low, average,
1457 and high cost of facilities constructed throughout the state
1458 during the most recent fiscal year for which data is available
1459 from the Department of Education.

1460 4. A schedule of estimated capital outlay revenues from
1461 each currently approved source which is estimated to be
1462 available for expenditure on the projects included in the
1463 district facilities work program.

1464 5. A schedule indicating which projects included in the
1465 district facilities work program will be funded from current
1466 revenues projected in subparagraph 4.

1467 6. A schedule of options for the generation of additional
1468 revenues by the district for expenditure on projects identified
1469 in the district facilities work program which are not funded
1470 under subparagraph 5. Additional anticipated revenues may
1471 include effort index grants, SIT Program awards, and Classrooms
1472 First funds.

1473 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES
1474 PLAN TO LOCAL GOVERNMENT.—The district school board shall submit
1475 a copy of its tentative district educational facilities plan to
1476 all affected local governments prior to adoption by the board.
1477 The affected local governments shall review the tentative
1478 district educational facilities plan and comment to the district
1479 school board on the consistency of the plan with the local

21-00445C-12

2012842__

comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement when required by ss. 163.3177(6)(h) and, 163.31777, ~~and 1013.33(2)~~. The process for the submittal and review shall be detailed in the interlocal agreement when required pursuant to ss. 163.3177(6)(h) and, 163.31777, ~~and 1013.33(2)~~.

Section 38. Subsection (3) of section 1013.351, Florida Statutes, is amended to read:

1013.351 Coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.—

(3) The board of trustees and the municipality in which the school is located may enter into an interlocal agreement to establish the specific ways in which the plans and processes of the board of trustees and the local government are to be coordinated. ~~If the school and local government enter into an interlocal agreement, the agreement must be submitted to the state land planning agency and the Office of Educational Facilities.~~

Section 39. This act shall take effect upon becoming a law.