

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. 163.3175, F.S.; providing that certain comments,
20 underlying studies, and reports provided by a military
21 installation's commanding officer are not binding on local
22 governments; providing additional factors for local
23 government consideration in impacts to military
24 installations; clarifying requirements for adopting
25 criteria to address compatibility of lands relating to
26 military installations; amending s. 163.3177, F.S.;
27 revising and providing duties of local governments;
28 revising and providing required and optional elements of

29 comprehensive plans; revising requirements of schedules of
30 capital improvements; revising and providing provisions
31 relating to capital improvements elements; revising major
32 objectives of, and procedures relating to, the local
33 comprehensive planning process; revising and providing
34 required and optional elements of future land use plans;
35 providing required transportation elements; revising and
36 providing required conservation elements; revising and
37 providing required housing elements; revising and
38 providing required coastal management elements; revising
39 and providing required intergovernmental coordination
40 elements; amending s. 163.31777, F.S.; revising
41 requirements relating to public schools' interlocal
42 agreements; deleting duties of the Office of Educational
43 Facilities, the state land planning agency, and local
44 governments relating to such agreements; deleting an
45 exemption; amending s. 163.3178, F.S.; deleting a deadline
46 for local governments to amend coastal management elements
47 and future land use maps; amending s. 163.3180, F.S.;
48 revising and providing provisions relating to concurrency;
49 revising concurrency requirements; revising application
50 and findings; revising local government requirements;
51 revising and providing requirements relating to
52 transportation concurrency, transportation concurrency
53 exception areas, urban infill, urban redevelopment, urban
54 service, downtown revitalization areas, transportation
55 concurrency management areas, long-term transportation and
56 school concurrency management systems, development of

57 regional impact, school concurrency, service areas,
 58 financial feasibility, interlocal agreements, and
 59 multimodal transportation districts; revising duties of
 60 the Office of Program Policy Analysis and the state land
 61 planning agency; providing requirements for local plans;
 62 providing for the limiting the liability of local
 63 governments under certain conditions; amending s.
 64 163.3182, F.S.; revising definitions; revising provisions
 65 relating to transportation deficiency plans and projects;
 66 amending s. 163.3184, F.S.; providing a definition;
 67 providing requirements for comprehensive plans and plan
 68 amendments; providing a expedited state review process for
 69 adoption of comprehensive plan amendments; providing
 70 requirements for the adoption of comprehensive plan
 71 amendments; creating the state-coordinated review process;
 72 providing and revising provisions relating to the review
 73 process; revising requirements relating to local
 74 government transmittal of proposed plan or amendments;
 75 providing for comment by reviewing agencies; deleting
 76 provisions relating to regional, county, and municipal
 77 review; revising provisions relating to state land
 78 planning agency review; revising provisions relating to
 79 local government review of comments; deleting and revising
 80 provisions relating to notice of intent and processes for
 81 compliance and noncompliance; providing procedures for
 82 administrative challenges to plans and plan amendments;
 83 providing for compliance agreements; providing for
 84 mediation and expeditious resolution; revising powers and

85 | duties of the administration commission; revising
86 | provisions relating to areas of critical state concern;
87 | providing for concurrent zoning; amending s. 163.3187,
88 | F.S.; deleting provisions relating to the amendment of
89 | adopted comprehensive plan and providing the process for
90 | adoption of small-scale comprehensive plan amendments;
91 | repealing s. 163.3189, F.S., relating to process for
92 | amendment of adopted comprehensive plan; amending s.
93 | 163.3191, F.S., relating to the evaluation and appraisal
94 | of comprehensive plans; providing and revising local
95 | government requirements including notice, amendments,
96 | compliance, mediation, reports, and scoping meetings;
97 | amending s. 163.3229, F.S.; revising limitations on
98 | duration of development agreements; amending s. 163.3235,
99 | F.S.; revising requirements for periodic reviews of a
100 | development agreements; amending s. 163.3239, F.S.;
101 | revising recording requirements; amending s. 163.3243,
102 | F.S.; revising parties who may file an action for
103 | injunctive relief; amending s. 163.3245, F.S.; revising
104 | provisions relating to optional sector plans; authorizing
105 | the adoption of sector plans under certain circumstances;
106 | amending s. 163.3246, F.S.; revising provisions relating
107 | to the local government comprehensive planning
108 | certification program; conforming provisions to changes
109 | made by the act; deleting reporting requirements of the
110 | Office of Program Policy Analysis and Government
111 | Accountability; repealing s. 163.32465, F.S., relating to
112 | state review of local comprehensive plans in urban areas;

113 | amending s. 163.3247, F.S.; providing for future repeal
114 | and abolition of the Century Commission for a Sustainable
115 | Florida; creating s. 163.3248, F.S.; providing for the
116 | designation of rural land stewardship areas; providing
117 | purposes and requirements for the establishment of such
118 | areas; providing for the creation of rural land
119 | stewardship overlay zoning district and transferable rural
120 | land use credits; providing certain limitation relating to
121 | such credits; providing for incentives; providing
122 | eligibility for incentives; providing legislative intent;
123 | amending s. 380.06, F.S.; revising requirements relating
124 | to the issuance of permits for development by local
125 | governments; revising criteria for the determination of
126 | substantial deviation; providing for extension of certain
127 | expiration dates; revising exemptions governing
128 | developments of regional impact; revising provisions to
129 | conform to changes made by this act; amending s. 380.0651,
130 | F.S.; revising provisions relating to statewide guidelines
131 | and standards for certain multiscreen movie theaters,
132 | industrial plants, industrial parks, distribution,
133 | warehousing and wholesaling facilities, and hotels and
134 | motels; revising criteria for the determination of when to
135 | treat two or more developments as a single development;
136 | amending s. 331.303, F.S.; conforming a cross-reference;
137 | amending s. 380.115, F.S.; subjecting certain developments
138 | required to undergo development-of-regional-impact review
139 | to certain procedures; amending s. 380.065, F.S.; deleting
140 | certain reporting requirements; conforming provisions to

141 changes made by the act; amending s. 380.0685, F.S.,
 142 relating to use of surcharges for beach renourishment and
 143 restoration; repealing Rules 9J-5 and 9J-11.023, Florida
 144 Administrative Code, relating to minimum criteria for
 145 review of local government comprehensive plans and plan
 146 amendments, evaluation and appraisal reports, land
 147 development regulations, and determinations of compliance;
 148 amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217,
 149 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203,
 150 186.513, 189.415, 190.004, 190.005, 193.501, 287.042,
 151 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155,
 152 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031,
 153 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095,
 154 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and
 155 1013.35, F.S.; revising provisions to conform to changes
 156 made by this act; extending permits and other
 157 authorizations extended under s. 14, ch. 2009-96, Laws of
 158 Florida; extending certain previously granted buildout
 159 dates; requiring a permitholder to notify the authorizing
 160 agency of its intended use of the extension; exempting
 161 certain permits from eligibility for an extension;
 162 providing for applicability of rules governing permits;
 163 declaring that certain provisions do not impair the
 164 authority of counties and municipalities under certain
 165 circumstances; requiring the state land planning agency to
 166 review certain administrative and judicial proceedings;
 167 providing procedures for such review; providing that all
 168 local governments shall be governed by certain provisions

169 of general law; providing a directive of the Division of
 170 Statutory Revision; providing an effective date.

171

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

173

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

176 70.51 Land use and environmental dispute resolution.—

177 (26) A special magistrate's recommendation under this
 178 section constitutes data in support of, and a support document
 179 for, a comprehensive plan or comprehensive plan amendment, but
 180 is not, in and of itself, dispositive of a determination of
 181 compliance with chapter 163. ~~Any comprehensive plan amendment~~
 182 ~~necessary to carry out the approved recommendation of a special~~
 183 ~~magistrate under this section is exempt from the twice-a-year~~
 184 ~~limit on plan amendments and may be adopted by the local~~
 185 ~~government amendments in s. 163.3184(16)(d).~~

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

190 163.06 Miami River Commission.—

191 (3) The policy committee shall have the following powers
 192 and duties:

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

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

198 163.2517 Designation of urban infill and redevelopment
 199 area.—

200 (4) In order for a local government to designate an urban
 201 infill and redevelopment area, it must amend its comprehensive
 202 land use plan under s. 163.3187 to delineate the boundaries of
 203 the urban infill and redevelopment area within the future land
 204 use element of its comprehensive plan pursuant to its adopted
 205 urban infill and redevelopment plan. The state land planning
 206 agency shall review the boundary delineation of the urban infill
 207 and redevelopment area in the future land use element under s.
 208 163.3184. However, an urban infill and redevelopment plan
 209 adopted by a local government is not subject to review for
 210 compliance as defined by s. 163.3184(1)(b), and the local
 211 government is not required to adopt the plan as a comprehensive
 212 plan amendment. ~~An amendment to the local comprehensive plan to~~
 213 ~~designate an urban infill and redevelopment area is exempt from~~
 214 ~~the twice-a-year amendment limitation of s. 163.3187.~~

215 Section 4. Section 163.3161, Florida Statutes, is amended
 216 to read:

217 163.3161 Short title; intent and purpose.—

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

221 (2) ~~In conformity with, and in furtherance of, the purpose~~
 222 ~~of the Florida Environmental Land and Water Management Act of~~
 223 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and

224 strengthen the existing role, processes, and powers of local
 225 governments in the establishment and implementation of
 226 comprehensive planning programs to guide and manage ~~control~~
 227 future development consistent with the proper role of local
 228 government.

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

232 (4) It is the intent of this act that the ability of its
 233 ~~adoption is necessary so that~~ local governments to ~~can~~ preserve
 234 and enhance present advantages; encourage the most appropriate
 235 use of land, water, and resources, consistent with the public
 236 interest; overcome present handicaps; and deal effectively with
 237 future problems that may result from the use and development of
 238 land within their jurisdictions. Through the process of
 239 comprehensive planning, it is intended that units of local
 240 government can preserve, promote, protect, and improve the
 241 public health, safety, comfort, good order, appearance,
 242 convenience, law enforcement and fire prevention, and general
 243 welfare; ~~prevent the overcrowding of land and avoid undue~~
 244 ~~concentration of population;~~ facilitate the adequate and
 245 efficient provision of transportation, water, sewerage, schools,
 246 parks, recreational facilities, housing, and other requirements
 247 and services; and conserve, develop, utilize, and protect
 248 natural resources within their jurisdictions.

249 (5)-(4) It is the intent of this act to encourage and
 250 ensure ~~assure~~ cooperation between and among municipalities and
 251 counties and to encourage and assure coordination of planning

252 and development activities of units of local government with the
 253 planning activities of regional agencies and state government in
 254 accord with applicable provisions of law.

255 (6)~~(5)~~ It is the intent of this act that adopted
 256 comprehensive plans shall have the legal status set out in this
 257 act and that no public or private development shall be permitted
 258 except in conformity with comprehensive plans, or elements or
 259 portions thereof, prepared and adopted in conformity with this
 260 act.

261 (7)~~(6)~~ It is the intent of this act that the activities of
 262 units of local government in the preparation and adoption of
 263 comprehensive plans, or elements or portions therefor, shall be
 264 conducted in conformity with ~~the provisions of~~ this act.

265 (8)~~(7)~~ The provisions of this act in their interpretation
 266 and application are declared to be the minimum requirements
 267 necessary to accomplish the stated intent, purposes, and
 268 objectives of this act; to protect human, environmental, social,
 269 and economic resources; and to maintain, through orderly growth
 270 and development, the character and stability of present and
 271 future land use and development in this state.

272 (9)~~(8)~~ It is the intent of the Legislature that the repeal
 273 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws
 274 of Florida, and amendments to this part by this chapter law,
 275 ~~shall~~ not be interpreted to limit or restrict the powers of
 276 municipal or county officials, but ~~shall~~ be interpreted as a
 277 recognition of their broad statutory and constitutional powers
 278 to plan for and regulate the use of land. It is, further, the
 279 intent of the Legislature to reconfirm that ss. 163.3161-

280 163.3248 ~~163.3161 through 163.3215~~ have provided and do provide
 281 the necessary statutory direction and basis for municipal and
 282 county officials to carry out their comprehensive planning and
 283 land development regulation powers, duties, and
 284 responsibilities.

285 (10) ~~(9)~~ It is the intent of the Legislature that all
 286 governmental entities in this state recognize and respect
 287 judicially acknowledged or constitutionally protected private
 288 property rights. It is the intent of the Legislature that all
 289 rules, ordinances, regulations, and programs adopted under the
 290 authority of this act must be developed, promulgated,
 291 implemented, and applied with sensitivity for private property
 292 rights and not be unduly restrictive, and property owners must
 293 be free from actions by others which would harm their property.
 294 Full and just compensation or other appropriate relief must be
 295 provided to any property owner for a governmental action that is
 296 determined to be an invalid exercise of the police power which
 297 constitutes a taking, as provided by law. Any such relief must
 298 be determined in a judicial action.

299 (11) It is the intent of this part that the traditional
 300 economic base of this state, agriculture, tourism, and military
 301 presence, be recognized and protected. Further, it is the intent
 302 of this part to encourage economic diversification, workforce
 303 development, and community planning.

304 (12) It is the intent of this part that new statutory
 305 requirements created by the Legislature will not require a local
 306 government whose plan has been found to be in compliance with
 307 this part to adopt amendments implementing the new statutory

308 requirements until the evaluation and appraisal period provided
 309 in s. 163.3191, unless otherwise specified in law. However, any
 310 new amendments must comply with the requirements of this part.

311 Section 5. Subsections (2) through (5) of section
 312 163.3162, Florida Statutes, are renumbered as subsections (1)
 313 through (4), respectively, and present subsections (1) and (5)
 314 of that section are amended to read:

315 163.3162 Agricultural Lands and Practices Act.—

316 ~~(1) SHORT TITLE.—This section may be cited as the~~
 317 ~~"Agricultural Lands and Practices Act."~~

318 (4) ~~(5)~~ AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—

319 The owner of a parcel of land defined as an agricultural enclave
 320 under s. 163.3164~~(33)~~ may apply for an amendment to the local
 321 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.
 322 Such amendment is presumed not to be urban sprawl as defined in
 323 s. 163.3164 if it includes consistent with rule 9J-5.006(5),
 324 ~~Florida Administrative Code,~~ and may include land uses and
 325 intensities of use that are consistent with the uses and
 326 intensities of use of the industrial, commercial, or residential
 327 areas that surround the parcel. This presumption may be rebutted
 328 by clear and convincing evidence. Each application for a
 329 comprehensive plan amendment under this subsection for a parcel
 330 larger than 640 acres must include appropriate new urbanism
 331 concepts such as clustering, mixed-use development, the creation
 332 of rural village and city centers, and the transfer of
 333 development rights in order to discourage urban sprawl while
 334 protecting landowner rights.

335 (a) The local government and the owner of a parcel of land

336 that is the subject of an application for an amendment shall
337 have 180 days following the date that the local government
338 receives a complete application to negotiate in good faith to
339 reach consensus on the land uses and intensities of use that are
340 consistent with the uses and intensities of use of the
341 industrial, commercial, or residential areas that surround the
342 parcel. Within 30 days after the local government's receipt of
343 such an application, the local government and owner must agree
344 in writing to a schedule for information submittal, public
345 hearings, negotiations, and final action on the amendment, which
346 schedule may thereafter be altered only with the written consent
347 of the local government and the owner. Compliance with the
348 schedule in the written agreement constitutes good faith
349 negotiations for purposes of paragraph (c).

350 (b) Upon conclusion of good faith negotiations under
351 paragraph (a), regardless of whether the local government and
352 owner reach consensus on the land uses and intensities of use
353 that are consistent with the uses and intensities of use of the
354 industrial, commercial, or residential areas that surround the
355 parcel, the amendment must be transmitted to the state land
356 planning agency for review pursuant to s. 163.3184. If the local
357 government fails to transmit the amendment within 180 days after
358 receipt of a complete application, the amendment must be
359 immediately transferred to the state land planning agency for
360 such review ~~at the first available transmittal cycle~~. A plan
361 amendment transmitted to the state land planning agency
362 submitted under this subsection is presumed not to be urban
363 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~

364 ~~5.006(5), Florida Administrative Code.~~ This presumption may be
 365 rebutted by clear and convincing evidence.

366 (c) If the owner fails to negotiate in good faith, a plan
 367 amendment submitted under this subsection is not entitled to the
 368 rebuttable presumption under this subsection in the negotiation
 369 and amendment process.

370 (d) Nothing within this subsection relating to
 371 agricultural enclaves shall preempt or replace any protection
 372 currently existing for any property located within the
 373 boundaries of the following areas:

- 374 1. The Wekiva Study Area, as described in s. 369.316; or
- 375 2. The Everglades Protection Area, as defined in s.
 376 373.4592(2).

377 Section 6. Section 163.3164, Florida Statutes, is amended
 378 to read:

379 163.3164 Community ~~Local Government Comprehensive~~ Planning
 380 ~~and Land Development Regulation Act~~; definitions.—As used in
 381 this act:

382 (1) "Administration Commission" means the Governor and the
 383 Cabinet, and for purposes of this chapter the commission shall
 384 act on a simple majority vote, except that for purposes of
 385 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,
 386 affirmative action shall require the approval of the Governor
 387 and at least three other members of the commission.

388 (2) "Affordable housing" has the same meaning as in s.
 389 420.0004(3).

390 (3) ~~(33)~~ "Agricultural enclave" means an unincorporated,
 391 undeveloped parcel that:

- 392 (a) Is owned by a single person or entity;
- 393 (b) Has been in continuous use for bona fide agricultural
 394 purposes, as defined by s. 193.461, for a period of 5 years
 395 prior to the date of any comprehensive plan amendment
 396 application;
- 397 (c) Is surrounded on at least 75 percent of its perimeter
 398 by:
- 399 1. Property that has existing industrial, commercial, or
 400 residential development; or
 - 401 2. Property that the local government has designated, in
 402 the local government's comprehensive plan, zoning map, and
 403 future land use map, as land that is to be developed for
 404 industrial, commercial, or residential purposes, and at least 75
 405 percent of such property is existing industrial, commercial, or
 406 residential development;
- 407 (d) Has public services, including water, wastewater,
 408 transportation, schools, and recreation facilities, available or
 409 such public services are scheduled in the capital improvement
 410 element to be provided by the local government or can be
 411 provided by an alternative provider of local government
 412 infrastructure in order to ensure consistency with applicable
 413 concurrency provisions of s. 163.3180; and
- 414 (e) Does not exceed 1,280 acres; however, if the property
 415 is surrounded by existing or authorized residential development
 416 that will result in a density at buildout of at least 1,000
 417 residents per square mile, then the area shall be determined to
 418 be urban and the parcel may not exceed 4,480 acres.
- 419 (4) "Antiquated subdivision" means a subdivision that was

420 recorded or approved more than 20 years ago and that has
 421 substantially failed to be built and the continued buildout of
 422 the subdivision in accordance with the subdivision's zoning and
 423 land use purposes would cause an imbalance of land uses and
 424 would be detrimental to the local and regional economies and
 425 environment, hinder current planning practices, and lead to
 426 inefficient and fiscally irresponsible development patterns as
 427 determined by the respective jurisdiction in which the
 428 subdivision is located.

429 (5)-(2) "Area" or "area of jurisdiction" means the total
 430 area qualifying under the provisions of this act, whether this
 431 be all of the lands lying within the limits of an incorporated
 432 municipality, lands in and adjacent to incorporated
 433 municipalities, all unincorporated lands within a county, or
 434 areas comprising combinations of the lands in incorporated
 435 municipalities and unincorporated areas of counties.

436 (6) "Capital improvement" means physical assets
 437 constructed or purchased to provide, improve, or replace a
 438 public facility and which are typically large scale and high in
 439 cost. The cost of a capital improvement is generally
 440 nonrecurring and may require multiyear financing. For the
 441 purposes of this part, physical assets that have been identified
 442 as existing or projected needs in the individual comprehensive
 443 plan elements shall be considered capital improvements.

444 (7)-(3) "Coastal area" means the 35 coastal counties and
 445 all coastal municipalities within their boundaries designated
 446 coastal by the state land planning agency.

447 (8) "Compatibility" means a condition in which land uses

448 or conditions can coexist in relative proximity to each other in
449 a stable fashion over time such that no use or condition is
450 unduly negatively impacted directly or indirectly by another use
451 or condition.

452 (9)-(4) "Comprehensive plan" means a plan that meets the
453 requirements of ss. 163.3177 and 163.3178.

454 (10) "Deepwater ports" means the ports identified in s.
455 403.021(9).

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

459 (12)-(5) "Developer" means any person, including a
460 governmental agency, undertaking any development as defined in
461 this act.

462 (13)-(6) "Development" has the same meaning as ~~given it~~ in
463 s. 380.04.

464 (14)-(7) "Development order" means any order granting,
465 denying, or granting with conditions an application for a
466 development permit.

467 (15)-(8) "Development permit" includes any building permit,
468 zoning permit, subdivision approval, rezoning, certification,
469 special exception, variance, or any other official action of
470 local government having the effect of permitting the development
471 of land.

472 (16)-(25) "Downtown revitalization" means the physical and
473 economic renewal of a central business district of a community
474 as designated by local government, and includes both downtown
475 development and redevelopment.

476 (17) "Floodprone areas" means areas inundated during a
 477 100-year flood event or areas identified by the National Flood
 478 Insurance Program as an A Zone on flood insurance rate maps or
 479 flood hazard boundary maps.

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

482 (19)~~(9)~~ "Governing body" means the board of county
 483 commissioners of a county, the commission or council of an
 484 incorporated municipality, or any other chief governing body of
 485 a unit of local government, however designated, or the
 486 combination of such bodies where joint utilization of ~~the~~
 487 ~~provisions of~~ this act is accomplished as provided herein.

488 (20)~~(10)~~ "Governmental agency" means:

489 (a) The United States or any department, commission,
 490 agency, or other instrumentality thereof.

491 (b) This state or any department, commission, agency, or
 492 other instrumentality thereof.

493 (c) Any local government, as defined in this section, or
 494 any department, commission, agency, or other instrumentality
 495 thereof.

496 (d) Any school board or other special district, authority,
 497 or governmental entity.

498 (21) "Intensity" means an objective measurement of the
 499 extent to which land may be developed or used, including the
 500 consumption or use of the space above, on, or below ground; the
 501 measurement of the use of or demand on natural resources; and
 502 the measurement of the use of or demand on facilities and
 503 services.

504 (22) "Internal trip capture" means trips generated by a
 505 mixed-use project that travel from one on-site land use to
 506 another on-site land use without using the external road
 507 network.

508 (23)~~(11)~~ "Land" means the earth, water, and air, above,
 509 below, or on the surface, and includes any improvements or
 510 structures customarily regarded as land.

511 (24)~~(22)~~ "Land development regulation commission" means a
 512 commission designated by a local government to develop and
 513 recommend, to the local governing body, land development
 514 regulations which implement the adopted comprehensive plan and
 515 to review land development regulations, or amendments thereto,
 516 for consistency with the adopted plan and report to the
 517 governing body regarding its findings. The responsibilities of
 518 the land development regulation commission may be performed by
 519 the local planning agency.

520 (25)~~(23)~~ "Land development regulations" means ordinances
 521 enacted by governing bodies for the regulation of any aspect of
 522 development and includes any local government zoning, rezoning,
 523 subdivision, building construction, or sign regulations or any
 524 other regulations controlling the development of land, except
 525 that this definition does ~~shall~~ not apply in s. 163.3213.

526 (26)~~(12)~~ "Land use" means the development that has
 527 occurred on the land, the development that is proposed by a
 528 developer on the land, or the use that is permitted or
 529 permissible on the land under an adopted comprehensive plan or
 530 element or portion thereof, land development regulations, or a
 531 land development code, as the context may indicate.

532 (27) "Level of service" means an indicator of the extent
 533 or degree of service provided by, or proposed to be provided by,
 534 a facility based on and related to the operational
 535 characteristics of the facility. Level of service shall indicate
 536 the capacity per unit of demand for each public facility.

537 ~~(28)(13)~~ "Local government" means any county or
 538 municipality.

539 ~~(29)(14)~~ "Local planning agency" means the agency
 540 designated to prepare the comprehensive plan or plan amendments
 541 required by this act.

542 ~~(30)(15)~~ A "Newspaper of general circulation" means a
 543 newspaper published at least on a weekly basis and printed in
 544 the language most commonly spoken in the area within which it
 545 circulates, but does not include a newspaper intended primarily
 546 for members of a particular professional or occupational group,
 547 a newspaper whose primary function is to carry legal notices, or
 548 a newspaper that is given away primarily to distribute
 549 advertising.

550 (31) "New town" means an urban activity center and
 551 community designated on the future land use map of sufficient
 552 size, population and land use composition to support a variety
 553 of economic and social activities consistent with an urban area
 554 designation. New towns shall include basic economic activities;
 555 all major land use categories, with the possible exception of
 556 agricultural and industrial; and a centrally provided full range
 557 of public facilities and services that demonstrate internal trip
 558 capture. A new town shall be based on a master development plan.

559 (32) "Objective" means a specific, measurable,

560 intermediate end that is achievable and marks progress toward a
561 goal.

562 (33)~~(16)~~ "Parcel of land" means any quantity of land
563 capable of being described with such definiteness that its
564 locations and boundaries may be established, which is designated
565 by its owner or developer as land to be used, or developed as, a
566 unit or which has been used or developed as a unit.

567 (34)~~(17)~~ "Person" means an individual, corporation,
568 governmental agency, business trust, estate, trust, partnership,
569 association, two or more persons having a joint or common
570 interest, or any other legal entity.

571 (35) "Policy" means the way in which programs and
572 activities are conducted to achieve an identified goal.

573 (36)~~(28)~~ "Projects that promote public transportation"
574 means projects that directly affect the provisions of public
575 transit, including transit terminals, transit lines and routes,
576 separate lanes for the exclusive use of public transit services,
577 transit stops (shelters and stations), office buildings or
578 projects that include fixed-rail or transit terminals as part of
579 the building, and projects which are transit oriented and
580 designed to complement reasonably proximate planned or existing
581 public facilities.

582 (37)~~(24)~~ "Public facilities" means major capital
583 improvements, including, ~~but not limited to,~~ transportation,
584 sanitary sewer, solid waste, drainage, potable water,
585 educational, parks and recreational, ~~and health systems and~~
586 ~~facilities, and spoil disposal sites for maintenance dredging~~
587 ~~located in the intracoastal waterways, except for spoil disposal~~

588 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

589 ~~(38)-(18)~~ "Public notice" means notice as required by s.
 590 125.66(2) for a county or by s. 166.041(3)(a) for a
 591 municipality. The public notice procedures required in this part
 592 are established as minimum public notice procedures.

593 ~~(39)-(19)~~ "Regional planning agency" means the council
 594 created pursuant to chapter 186 ~~agency designated by the state~~
 595 ~~land planning agency to exercise responsibilities under law in a~~
 596 ~~particular region of the state.~~

597 (40) "Seasonal population" means part-time inhabitants who
 598 use, or may be expected to use, public facilities or services,
 599 but are not residents and includes tourists, migrant
 600 farmworkers, and other short-term and long-term visitors.

601 ~~(41)-(31)~~ "Optional Sector plan" means the an optional
 602 process authorized by s. 163.3245 in which one or more local
 603 governments engage in long-term planning for a large area and by
 604 ~~agreement with the state land planning agency are allowed to~~
 605 address regional ~~development-of-regional-impact~~ issues through
 606 adoption of detailed specific area plans within the planning
 607 area within certain designated geographic areas identified in
 608 ~~the local comprehensive plan~~ as a means of fostering innovative
 609 planning and development strategies in s. 163.3177(11)(a) and
 610 ~~(b)~~, furthering the purposes of this part and part I of chapter
 611 380, reducing overlapping data and analysis requirements,
 612 protecting regionally significant resources and facilities, and
 613 addressing extrajurisdictional impacts. The term includes an
 614 optional sector plan that was adopted before the effective date
 615 of this act.

616 (42)~~(20)~~ "State land planning agency" means the Department
 617 of Community Affairs.

618 (43)~~(21)~~ "Structure" has the same meaning as in ~~given it~~
 619 ~~by~~ s. 380.031(19).

620 (44) "Suitability" means the degree to which the existing
 621 characteristics and limitations of land and water are compatible
 622 with a proposed use or development.

623 (45) "Transit-oriented development" means a project or
 624 projects, in areas identified in a local government
 625 comprehensive plan, that is or will be served by existing or
 626 planned transit service. These designated areas shall be
 627 compact, moderate to high density developments, of mixed-use
 628 character, interconnected with other land uses, bicycle and
 629 pedestrian friendly, and designed to support frequent transit
 630 service operating through, collectively or separately, rail,
 631 fixed guideway, streetcar, or bus systems on dedicated
 632 facilities or available roadway connections.

633 (46)~~(30)~~ "Transportation corridor management" means the
 634 coordination of the planning of designated future transportation
 635 corridors with land use planning within and adjacent to the
 636 corridor to promote orderly growth, to meet the concurrency
 637 requirements of this chapter, and to maintain the integrity of
 638 the corridor for transportation purposes.

639 (47)~~(27)~~ "Urban infill" means the development of vacant
 640 parcels in otherwise built-up areas where public facilities such
 641 as sewer systems, roads, schools, and recreation areas are
 642 already in place and the average residential density is at least
 643 five dwelling units per acre, the average nonresidential

644 intensity is at least a floor area ratio of 1.0 and vacant,
 645 developable land does not constitute more than 10 percent of the
 646 area.

647 ~~(48)(26)~~ "Urban redevelopment" means demolition and
 648 reconstruction or substantial renovation of existing buildings
 649 or infrastructure within urban infill areas, existing urban
 650 service areas, or community redevelopment areas created pursuant
 651 to part III.

652 ~~(49)(29)~~ "Urban service area" means ~~built-up~~ areas
 653 identified in the comprehensive plan where public facilities and
 654 services, including, but not limited to, central water and sewer
 655 capacity and roads, are already in place or are identified in
 656 the capital improvements element. The term includes any areas
 657 identified in the comprehensive plan as urban service areas,
 658 regardless of local government limitation ~~committed in the first~~
 659 ~~3 years of the capital improvement schedule. In addition, for~~
 660 ~~counties that qualify as dense urban land areas under subsection~~
 661 ~~(34), the nonrural area of a county which has adopted into the~~
 662 ~~county charter a rural area designation or areas identified in~~
 663 ~~the comprehensive plan as urban service areas or urban growth~~
 664 ~~boundaries on or before July 1, 2009, are also urban service~~
 665 ~~areas under this definition.~~

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

672 ~~(32) "Financial feasibility" means that sufficient~~
673 ~~revenues are currently available or will be available from~~
674 ~~committed funding sources for the first 3 years, or will be~~
675 ~~available from committed or planned funding sources for years 4~~
676 ~~and 5, of a 5-year capital improvement schedule for financing~~
677 ~~capital improvements, such as ad valorem taxes, bonds, state and~~
678 ~~federal funds, tax revenues, impact fees, and developer~~
679 ~~contributions, which are adequate to fund the projected costs of~~
680 ~~the capital improvements identified in the comprehensive plan~~
681 ~~necessary to ensure that adopted level of service standards are~~
682 ~~achieved and maintained within the period covered by the 5-year~~
683 ~~schedule of capital improvements. A comprehensive plan shall be~~
684 ~~deemed financially feasible for transportation and school~~
685 ~~facilities throughout the planning period addressed by the~~
686 ~~capital improvements schedule if it can be demonstrated that the~~
687 ~~level of service standards will be achieved and maintained by~~
688 ~~the end of the planning period even if in a particular year such~~
689 ~~improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

699

700 ~~The Office of Economic and Demographic Research within the~~
 701 ~~Legislature shall annually calculate the population and density~~
 702 ~~criteria needed to determine which jurisdictions qualify as~~
 703 ~~dense urban land areas by using the most recent land area data~~
 704 ~~from the decennial census conducted by the Bureau of the Census~~
 705 ~~of the United States Department of Commerce and the latest~~
 706 ~~available population estimates determined pursuant to s.~~
 707 ~~186.901. If any local government has had an annexation,~~
 708 ~~contraction, or new incorporation, the Office of Economic and~~
 709 ~~Demographic Research shall determine the population density~~
 710 ~~using the new jurisdictional boundaries as recorded in~~
 711 ~~accordance with s. 171.091. The Office of Economic and~~
 712 ~~Demographic Research shall submit to the state land planning~~
 713 ~~agency a list of jurisdictions that meet the total population~~
 714 ~~and density criteria necessary for designation as a dense urban~~
 715 ~~land area by July 1, 2009, and every year thereafter. The state~~
 716 ~~land planning agency shall publish the list of jurisdictions on~~
 717 ~~its Internet website within 7 days after the list is received.~~
 718 ~~The designation of jurisdictions that qualify or do not qualify~~
 719 ~~as a dense urban land area is effective upon publication on the~~
 720 ~~state land planning agency's Internet website.~~

721 Section 7. Section 163.3167, Florida Statutes, is amended
 722 to read:

723 163.3167 Scope of act.—

724 (1) The several incorporated municipalities and counties
 725 shall have power and responsibility:

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

727 (b) To adopt and amend comprehensive plans, or elements or

728 portions thereof, to guide their future development and growth.

729 (c) To implement adopted or amended comprehensive plans by
 730 the adoption of appropriate land development regulations or
 731 elements thereof.

732 (d) To establish, support, and maintain administrative
 733 instruments and procedures to carry out the provisions and
 734 purposes of this act.

735

736 The powers and authority set out in this act may be employed by
 737 municipalities and counties individually or jointly by mutual
 738 agreement in accord with ~~the provisions of~~ this act and in such
 739 combinations as their common interests may dictate and require.

740 (2) Each local government shall maintain ~~prepare~~ a
 741 comprehensive plan of the type and in the manner set out in this
 742 part or prepare amendments to its existing comprehensive plan to
 743 conform it to the requirements of this part and in the manner
 744 set out in this part. ~~In accordance with s. 163.3184, each local~~
 745 ~~government shall submit to the state land planning agency its~~
 746 ~~complete proposed comprehensive plan or its complete~~
 747 ~~comprehensive plan as proposed to be amended.~~

748 ~~(3) When a local government has not prepared all of the~~
 749 ~~required elements or has not amended its plan as required by~~
 750 ~~subsection (2), the regional planning agency having~~
 751 ~~responsibility for the area in which the local government lies~~
 752 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
 753 ~~missing elements or adopt by rule amendments to the existing~~
 754 ~~plan in accordance with this act by July 1, 1989, or within 1~~
 755 ~~year after the dates specified or provided in subsection (2) and~~

756 ~~the state land planning agency review schedule, whichever is~~
757 ~~later. The regional planning agency shall provide at least 90~~
758 ~~days' written notice to any local government whose plan it is~~
759 ~~required by this subsection to prepare, prior to initiating the~~
760 ~~planning process. At least 90 days before the adoption by the~~
761 ~~regional planning agency of a comprehensive plan, or element or~~
762 ~~portion thereof, pursuant to this subsection, the regional~~
763 ~~planning agency shall transmit a copy of the proposed~~
764 ~~comprehensive plan, or element or portion thereof, to the local~~
765 ~~government and the state land planning agency for written~~
766 ~~comment. The state land planning agency shall review and comment~~
767 ~~on such plan, or element or portion thereof, in accordance with~~
768 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
769 ~~applicable to the regional planning agency as if it were a~~
770 ~~governing body. Existing comprehensive plans shall remain in~~
771 ~~effect until they are amended pursuant to subsection (2), this~~
772 ~~subsection, s. 163.3187, or s. 163.3189.~~

773 (3)~~(4)~~ A municipality established after the effective date
774 of this act shall, within 1 year after incorporation, establish
775 a local planning agency, pursuant to s. 163.3174, and prepare
776 and adopt a comprehensive plan of the type and in the manner set
777 out in this act within 3 years after the date of such
778 incorporation. A county comprehensive plan shall be deemed
779 controlling until the municipality adopts a comprehensive plan
780 in accord with the provisions of this act. ~~If, upon the~~
781 ~~expiration of the 3-year time limit, the municipality has not~~
782 ~~adopted a comprehensive plan, the regional planning agency shall~~
783 ~~prepare and adopt a comprehensive plan for such municipality.~~

784 (4)~~(5)~~ Any comprehensive plan, or element or portion
 785 thereof, adopted pursuant to ~~the provisions of this act, which~~
 786 but for its adoption after the deadlines established pursuant to
 787 previous versions of this act would have been valid, shall be
 788 valid.

789 ~~(6) When a regional planning agency is required to prepare~~
 790 ~~or amend a comprehensive plan, or element or portion thereof,~~
 791 ~~pursuant to subsections (3) and (4), the regional planning~~
 792 ~~agency and the local government may agree to a method of~~
 793 ~~compensating the regional planning agency for any verifiable,~~
 794 ~~direct costs incurred. If an agreement is not reached within 6~~
 795 ~~months after the date the regional planning agency assumes~~
 796 ~~planning responsibilities for the local government pursuant to~~
 797 ~~subsections (3) and (4) or by the time the plan or element, or~~
 798 ~~portion thereof, is completed, whichever is earlier, the~~
 799 ~~regional planning agency shall file invoices for verifiable,~~
 800 ~~direct costs involved with the governing body. Upon the failure~~
 801 ~~of the local government to pay such invoices within 90 days, the~~
 802 ~~regional planning agency may, upon filing proper vouchers with~~
 803 ~~the Chief Financial Officer, request payment by the Chief~~
 804 ~~Financial Officer from unencumbered revenue or other tax sharing~~
 805 ~~funds due such local government from the state for work actually~~
 806 ~~performed, and the Chief Financial Officer shall pay such~~
 807 ~~vouchers; however, the amount of such payment shall not exceed~~
 808 ~~50 percent of such funds due such local government in any one~~
 809 ~~year.~~

810 ~~(7) A local government that is being requested to pay~~
 811 ~~costs may seek an administrative hearing pursuant to ss. 120.569~~

812 and ~~120.57~~ to challenge the amount of costs and to determine if
 813 the statutory prerequisites for payment have been complied with.
 814 Final agency action shall be taken by the state land planning
 815 agency. Payment shall be withheld as to disputed amounts until
 816 proceedings under this subsection have been completed.

817 (5)~~(8)~~ Nothing in this act shall limit or modify the
 818 rights of any person to complete any development that has been
 819 authorized as a development of regional impact pursuant to
 820 chapter 380 or who has been issued a final local development
 821 order and development has commenced and is continuing in good
 822 faith.

823 (6)~~(9)~~ The Reedy Creek Improvement District shall exercise
 824 the authority of this part as it applies to municipalities,
 825 consistent with the legislative act under which it was
 826 established, for the total area under its jurisdiction.

827 (7)~~(10)~~ Nothing in this part shall supersede any provision
 828 of ss. 341.8201-341.842.

829 ~~(11) Each local government is encouraged to articulate a
 830 vision of the future physical appearance and qualities of its
 831 community as a component of its local comprehensive plan. The
 832 vision should be developed through a collaborative planning
 833 process with meaningful public participation and shall be
 834 adopted by the governing body of the jurisdiction. Neighboring
 835 communities, especially those sharing natural resources or
 836 physical or economic infrastructure, are encouraged to create
 837 collective visions for greater than local areas. Such collective
 838 visions shall apply in each city or county only to the extent
 839 that each local government chooses to make them applicable. The~~

840 ~~state land planning agency shall serve as a clearinghouse for~~
 841 ~~creating a community vision of the future and may utilize the~~
 842 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
 843 ~~grants to help pay the costs of local visioning programs. When a~~
 844 ~~local vision of the future has been created, a local government~~
 845 ~~should review its comprehensive plan, land development~~
 846 ~~regulations, and capital improvement program to ensure that~~
 847 ~~these instruments will help to move the community toward its~~
 848 ~~vision in a manner consistent with this act and with the state~~
 849 ~~comprehensive plan. A local or regional vision must be~~
 850 ~~consistent with the state vision, when adopted, and be~~
 851 ~~internally consistent with the local or regional plan of which~~
 852 ~~it is a component. The state land planning agency shall not~~
 853 ~~adopt minimum criteria for evaluating or judging the form or~~
 854 ~~content of a local or regional vision.~~

855 (8) ~~(12)~~ An initiative or referendum process in regard to
 856 any development order or in regard to any local comprehensive
 857 plan amendment or map amendment ~~that affects five or fewer~~
 858 ~~parcels of land~~ is prohibited.

859 (9) ~~(13)~~ Each local government shall address in its
 860 comprehensive plan, as enumerated in this chapter, the water
 861 supply sources necessary to meet and achieve the existing and
 862 projected water use demand for the established planning period,
 863 considering the applicable plan developed pursuant to s.
 864 373.709.

865 (10) ~~(14)~~ (a) If a local government grants a development
 866 order pursuant to its adopted land development regulations and
 867 the order is not the subject of a pending appeal and the

868 | timeframe for filing an appeal has expired, the development
 869 | order may not be invalidated by a subsequent judicial
 870 | determination that such land development regulations, or any
 871 | portion thereof that is relevant to the development order, are
 872 | invalid because of a deficiency in the approval standards.

873 | (b) This subsection does not preclude or affect the timely
 874 | institution of any other remedy available at law or equity,
 875 | including a common law writ of certiorari proceeding pursuant to
 876 | Rule 9.190, Florida Rules of Appellate Procedure, or an original
 877 | proceeding pursuant to s. 163.3215, as applicable.

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

880 | Section 8. Section 163.3168, Florida Statutes, is created
 881 | to read:

882 | 163.3168 Planning innovations and technical assistance.-

883 | (1) The Legislature recognizes the need for innovative
 884 | planning and development strategies to promote a diverse economy
 885 | and vibrant rural and urban communities, while protecting
 886 | environmentally sensitive areas. The Legislature further
 887 | recognizes the substantial advantages of innovative approaches
 888 | to development directed to meet the needs of urban, rural, and
 889 | suburban areas.

890 | (2) Local governments are encouraged to apply innovative
 891 | planning tools, including, but not limited to, visioning, sector
 892 | planning, and rural land stewardship area designations to
 893 | address future new development areas, urban service area
 894 | designations, urban growth boundaries, and mixed-use, high-
 895 | density development in urban areas.

896 (3) The state land planning agency shall help communities
 897 find creative solutions to fostering vibrant, healthy
 898 communities, while protecting the functions of important state
 899 resources and facilities. The state land planning agency and all
 900 other appropriate state and regional agencies may use various
 901 means to provide direct and indirect technical assistance within
 902 available resources. If plan amendments may adversely impact
 903 important state resources or facilities, upon request by the
 904 local government, the state land planning agency shall
 905 coordinate multi-agency assistance, if needed, in developing an
 906 amendment to minimize impacts on such resources or facilities.

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

909 163.3171 Areas of authority under this act.—

910 ~~(4) The state land planning agency and a Local governments~~
 911 ~~may government shall have the power to enter into agreements~~
 912 ~~with each other and to agree together to enter into agreements~~
 913 ~~with a landowner, developer, or governmental agency as may be~~
 914 ~~necessary or desirable to effectuate the provisions and purposes~~
 915 ~~of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,~~
 916 ~~and 163.3248. It is the Legislature's intent that joint~~
 917 ~~agreements entered into under the authority of this section be~~
 918 ~~liberally, broadly, and flexibly construed to facilitate~~
 919 ~~intergovernmental cooperation between cities and counties and to~~
 920 ~~encourage planning in advance of jurisdictional changes. Joint~~
 921 ~~agreements, executed before or after the effective date of this~~
 922 ~~act, include, but are not limited to, agreements that~~
 923 ~~contemplate municipal adoption of plans or plan amendments for~~

924 lands in advance of annexation of such lands into the
 925 municipality, and may permit municipalities and counties to
 926 exercise nonexclusive extrajurisdictional authority within
 927 incorporated and unincorporated areas. The state land planning
 928 agency may not interpret, invalidate, or declare inoperative
 929 such joint agreements, and the validity of joint agreements may
 930 not be a basis for finding plans or plan amendments not in
 931 compliance pursuant to chapter law.

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

934 163.3174 Local planning agency.—

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

939 Notwithstanding any special act to the contrary, all local
 940 planning agencies or equivalent agencies that first review
 941 rezoning and comprehensive plan amendments in each municipality
 942 and county shall include a representative of the school district
 943 appointed by the school board as a nonvoting member of the local
 944 planning agency or equivalent agency to attend those meetings at
 945 which the agency considers comprehensive plan amendments and
 946 rezonings that would, if approved, increase residential density
 947 on the property that is the subject of the application. However,
 948 this subsection does not prevent the governing body of the local
 949 government from granting voting status to the school board
 950 member. The governing body may designate itself as the local
 951 planning agency pursuant to this subsection with the addition of

952 a nonvoting school board representative. ~~The governing body~~
953 ~~shall notify the state land planning agency of the establishment~~
954 ~~of its local planning agency.~~ All local planning agencies shall
955 provide opportunities for involvement by applicable community
956 college boards, which may be accomplished by formal
957 representation, membership on technical advisory committees, or
958 other appropriate means. The local planning agency shall prepare
959 the comprehensive plan or plan amendment after hearings to be
960 held after public notice and shall make recommendations to the
961 governing body regarding the adoption or amendment of the plan.
962 The agency may be a local planning commission, the planning
963 department of the local government, or other instrumentality,
964 including a countywide planning entity established by special
965 act or a council of local government officials created pursuant
966 to s. 163.02, provided the composition of the council is fairly
967 representative of all the governing bodies in the county or
968 planning area; however:

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

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

978 Section 11. Subsections (5), (6), and (9) of section
979 163.3175, Florida Statutes, are amended to read:

980 163.3175 Legislative findings on compatibility of
981 development with military installations; exchange of information
982 between local governments and military installations.—

983 (5) The commanding officer or his or her designee may
984 provide comments to the affected local government on the impact
985 such proposed changes may have on the mission of the military
986 installation. Such comments may include:

987 (a) If the installation has an airfield, whether such
988 proposed changes will be incompatible with the safety and noise
989 standards contained in the Air Installation Compatible Use Zone
990 (AICUZ) adopted by the military installation for that airfield;

991 (b) Whether such changes are incompatible with the
992 Installation Environmental Noise Management Program (IENMP) of
993 the United States Army;

994 (c) Whether such changes are incompatible with the
995 findings of a Joint Land Use Study (JLUS) for the area if one
996 has been completed; and

997 (d) Whether the military installation's mission will be
998 adversely affected by the proposed actions of the county or
999 affected local government.

1000

1001 The commanding officer's comments, underlying studies, and
1002 reports are not binding on the local government.

1003 (6) The affected local government shall take into
1004 consideration any comments provided by the commanding officer or
1005 his or her designee pursuant to subsection (4) and must also be
1006 sensitive to private property rights and not be unduly
1007 restrictive on those rights. The affected local government shall

1008 forward a copy of any comments regarding comprehensive plan
 1009 amendments to the state land planning agency.

1010 (9) If a local government, as required under s.
 1011 163.3177(6)(a), does not adopt criteria and address
 1012 compatibility of lands adjacent to or closely proximate to
 1013 existing military installations in its future land use plan
 1014 element by June 30, 2012, the local government, the military
 1015 installation, the state land planning agency, and other parties
 1016 as identified by the regional planning council, including, but
 1017 not limited to, private landowner representatives, shall enter
 1018 into mediation conducted pursuant to s. 186.509. If the local
 1019 government comprehensive plan does not contain criteria
 1020 addressing compatibility by December 31, 2013, the agency may
 1021 notify the Administration Commission. The Administration
 1022 Commission may impose sanctions pursuant to s. 163.3184(8)~~(11)~~.
 1023 Any local government that amended its comprehensive plan to
 1024 address military installation compatibility requirements after
 1025 2004 and was found to be in compliance is deemed to be in
 1026 compliance with this subsection until the local government
 1027 conducts its evaluation and appraisal review pursuant to s.
 1028 163.3191 and determines that amendments are necessary to meet
 1029 updated general law requirements.

1030 Section 12. Section 163.3177, Florida Statutes, is amended
 1031 to read:

1032 163.3177 Required and optional elements of comprehensive
 1033 plan; studies and surveys.-

1034 (1) The comprehensive plan shall provide the ~~consist of~~
 1035 ~~materials in such descriptive form, written or graphic, as may~~

1036 ~~be appropriate to the prescription of principles, guidelines,~~
 1037 ~~and standards, and strategies~~ for the orderly and balanced
 1038 future economic, social, physical, environmental, and fiscal
 1039 development of the area that reflects community commitments to
 1040 implement the plan and its elements. These principles and
 1041 strategies shall guide future decisions in a consistent manner
 1042 and shall contain programs and activities to ensure
 1043 comprehensive plans are implemented. The sections of the
 1044 comprehensive plan containing the principles and strategies,
 1045 generally provided as goals, objectives, and policies, shall
 1046 describe how the local government's programs, activities, and
 1047 land development regulations will be initiated, modified, or
 1048 continued to implement the comprehensive plan in a consistent
 1049 manner. It is not the intent of this part to require the
 1050 inclusion of implementing regulations in the comprehensive plan
 1051 but rather to require identification of those programs,
 1052 activities, and land development regulations that will be part
 1053 of the strategy for implementing the comprehensive plan and the
 1054 principles that describe how the programs, activities, and land
 1055 development regulations will be carried out. The plan shall
 1056 establish meaningful and predictable standards for the use and
 1057 development of land and provide meaningful guidelines for the
 1058 content of more detailed land development and use regulations.

1059 (a) The comprehensive plan shall consist of elements as
 1060 described in this section, and may include optional elements.

1061 (b) A local government may include, as part of its adopted
 1062 plan, documents adopted by reference but not incorporated
 1063 verbatim into the plan. The adoption by reference must identify

1064 the title and author of the document and indicate clearly what
 1065 provisions and edition of the document is being adopted.

1066 (c) The format of these principles and guidelines is at
 1067 the discretion of the local government, but typically is
 1068 expressed in goals, objectives, policies, and strategies.

1069 (d) The comprehensive plan shall identify procedures for
 1070 monitoring, evaluating, and appraising implementation of the
 1071 plan.

1072 (e) When a federal, state, or regional agency has
 1073 implemented a regulatory program, a local government is not
 1074 required to duplicate or exceed that regulatory program in its
 1075 local comprehensive plan.

1076 (f) All mandatory and optional elements of the
 1077 comprehensive plan and plan amendments shall be based upon
 1078 relevant and appropriate data and an analysis by the local
 1079 government that may include, but not be limited to, surveys,
 1080 studies, community goals and vision, and other data available at
 1081 the time of adoption of the comprehensive plan or plan
 1082 amendment. To be based on data means to react to it in an
 1083 appropriate way and to the extent necessary indicated by the
 1084 data available on that particular subject at the time of
 1085 adoption of the plan or plan amendment at issue.

1086 1. Surveys, studies, and data utilized in the preparation
 1087 of the comprehensive plan may not be deemed a part of the
 1088 comprehensive plan unless adopted as a part of it. Copies of
 1089 such studies, surveys, data, and supporting documents for
 1090 proposed plans and plan amendments shall be made available for
 1091 public inspection, and copies of such plans shall be made

1092 available to the public upon payment of reasonable charges for
 1093 reproduction. Support data or summaries are not subject to the
 1094 compliance review process, but the comprehensive plan must be
 1095 clearly based on appropriate data. Support data or summaries may
 1096 be used to aid in the determination of compliance and
 1097 consistency.

1098 2. Data must be taken from professionally accepted
 1099 sources. The application of a methodology utilized in data
 1100 collection or whether a particular methodology is professionally
 1101 accepted may be evaluated. However, the evaluation may not
 1102 include whether one accepted methodology is better than another.
 1103 Original data collection by local governments is not required.
 1104 However, local governments may use original data so long as
 1105 methodologies are professionally accepted.

1106 3. The comprehensive plan shall be based upon resident and
 1107 seasonal population estimates and projections, which shall
 1108 either be those provided by the University of Florida's Bureau
 1109 of Economic and Business Research or generated by the local
 1110 government based upon a professionally acceptable methodology.
 1111 The plan must be based on at least the minimum amount of land
 1112 required to accommodate the medium projections of the University
 1113 of Florida's Bureau of Economic and Business Research for at
 1114 least a 10-year planning period unless otherwise limited under
 1115 s. 380.05, including related rules of the Administration
 1116 Commission.

1117 (2) Coordination of the several elements of the local
 1118 comprehensive plan shall be a major objective of the planning
 1119 process. The several elements of the comprehensive plan shall be

1120 consistent. Where data is relevant to several elements,
1121 consistent data shall be used, including population estimates
1122 and projections unless alternative data can be justified for a
1123 plan amendment through new supporting data and analysis. Each
1124 map depicting future conditions must reflect the principles,
1125 guidelines, and standards within all elements and each such map
1126 must be contained within the comprehensive plan, ~~and the~~
1127 ~~comprehensive plan shall be financially feasible. Financial~~
1128 ~~feasibility shall be determined using professionally accepted~~
1129 ~~methodologies and applies to the 5-year planning period, except~~
1130 ~~in the case of a long-term transportation or school concurrency~~
1131 ~~management system, in which case a 10-year or 15-year period~~
1132 ~~applies.~~

1133 (3) (a) The comprehensive plan shall contain a capital
1134 improvements element designed to consider the need for and the
1135 location of public facilities in order to encourage the
1136 efficient use of such facilities and set forth:

1137 1. A component that outlines principles for construction,
1138 extension, or increase in capacity of public facilities, as well
1139 as a component that outlines principles for correcting existing
1140 public facility deficiencies, which are necessary to implement
1141 the comprehensive plan. The components shall cover at least a 5-
1142 year period.

1143 2. Estimated public facility costs, including a
1144 delineation of when facilities will be needed, the general
1145 location of the facilities, and projected revenue sources to
1146 fund the facilities.

1147 3. Standards to ensure the availability of public

1148 facilities and the adequacy of those facilities to meet
 1149 established ~~including~~ acceptable levels of service.

1150 ~~4. Standards for the management of debt.~~

1151 ~~4.5.~~ A schedule of capital improvements which includes any
 1152 publicly funded projects of federal, state, or local government,
 1153 and which may include privately funded projects for which the
 1154 local government has no fiscal responsibility. Projects,
 1155 necessary to ensure that any adopted level-of-service standards
 1156 are achieved and maintained for the 5-year period must be
 1157 identified as either funded or unfunded and given a level of
 1158 priority for funding. ~~For capital improvements that will be~~
 1159 ~~funded by the developer, financial feasibility shall be~~
 1160 ~~demonstrated by being guaranteed in an enforceable development~~
 1161 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
 1162 ~~or other enforceable agreement. These development agreements and~~
 1163 ~~interlocal agreements shall be reflected in the schedule of~~
 1164 ~~capital improvements if the capital improvement is necessary to~~
 1165 ~~serve development within the 5-year schedule. If the local~~
 1166 ~~government uses planned revenue sources that require referenda~~
 1167 ~~or other actions to secure the revenue source, the plan must, in~~
 1168 ~~the event the referenda are not passed or actions do not secure~~
 1169 ~~the planned revenue source, identify other existing revenue~~
 1170 ~~sources that will be used to fund the capital projects or~~
 1171 ~~otherwise amend the plan to ensure financial feasibility.~~

1172 ~~5.6.~~ The schedule must include transportation improvements
 1173 included in the applicable metropolitan planning organization's
 1174 transportation improvement program adopted pursuant to s.
 1175 339.175(8) to the extent that such improvements are relied upon

1176 to ensure concurrency and financial feasibility. The schedule
 1177 must ~~also~~ be coordinated with the applicable metropolitan
 1178 planning organization's long-range transportation plan adopted
 1179 pursuant to s. 339.175(7).

1180 (b)~~1~~. The capital improvements element must be reviewed by
 1181 the local government on an annual basis. Modifications and
 1182 ~~modified as necessary in accordance with s. 163.3187 or s.~~
 1183 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~
 1184 5-year capital improvement schedule of capital improvements.
 1185 ~~Corrections and modifications concerning costs; revenue sources;~~
 1186 ~~or acceptance of facilities pursuant to dedications which are~~
 1187 ~~consistent with the plan may be accomplished by ordinance and~~
 1188 may shall not be deemed to be amendments to the local
 1189 comprehensive plan. ~~A copy of the ordinance shall be transmitted~~
 1190 ~~to the state land planning agency. An amendment to the~~
 1191 ~~comprehensive plan is required to update the schedule on an~~
 1192 ~~annual basis or to eliminate, defer, or delay the construction~~
 1193 ~~for any facility listed in the 5-year schedule. All public~~
 1194 ~~facilities must be consistent with the capital improvements~~
 1195 ~~element. The annual update to the capital improvements element~~
 1196 ~~of the comprehensive plan need not comply with the financial~~
 1197 ~~feasibility requirement until December 1, 2011. Thereafter, a~~
 1198 ~~local government may not amend its future land use map, except~~
 1199 ~~for plan amendments to meet new requirements under this part and~~
 1200 ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~
 1201 ~~December 1, 2011, and every year thereafter, unless and until~~
 1202 ~~the local government has adopted the annual update and it has~~
 1203 ~~been transmitted to the state land planning agency.~~

1204 ~~2. Capital improvements element amendments adopted after~~
 1205 ~~the effective date of this act shall require only a single~~
 1206 ~~public hearing before the governing board which shall be an~~
 1207 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
 1208 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1209 ~~(c) If the local government does not adopt the required~~
 1210 ~~annual update to the schedule of capital improvements, the state~~
 1211 ~~land planning agency must notify the Administration Commission.~~
 1212 ~~A local government that has a demonstrated lack of commitment to~~
 1213 ~~meeting its obligations identified in the capital improvements~~
 1214 ~~element may be subject to sanctions by the Administration~~
 1215 ~~Commission pursuant to s. 163.3184(11).~~

1216 ~~(d) If a local government adopts a long-term concurrency~~
 1217 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
 1218 ~~a long-term capital improvements schedule covering up to a 10-~~
 1219 ~~year or 15-year period, and must update the long-term schedule~~
 1220 ~~annually. The long-term schedule of capital improvements must be~~
 1221 ~~financially feasible.~~

1222 ~~(e) At the discretion of the local government and~~
 1223 ~~notwithstanding the requirements of this subsection, a~~
 1224 ~~comprehensive plan, as revised by an amendment to the plan's~~
 1225 ~~future land use map, shall be deemed to be financially feasible~~
 1226 ~~and to have achieved and maintained level of service standards~~
 1227 ~~as required by this section with respect to transportation~~
 1228 ~~facilities if the amendment to the future land use map is~~
 1229 ~~supported by a:~~

1230 ~~1. Condition in a development order for a development of~~
 1231 ~~regional impact or binding agreement that addresses~~

1232 ~~proportionate share mitigation consistent with s. 163.3180(12);~~
 1233 ~~or~~

1234 ~~2. Binding agreement addressing proportionate fair-share~~
 1235 ~~mitigation consistent with s. 163.3180(16) (f) and the property~~
 1236 ~~subject to the amendment to the future land use map is located~~
 1237 ~~within an area designated in a comprehensive plan for urban~~
 1238 ~~infill, urban redevelopment, downtown revitalization, urban~~
 1239 ~~infill and redevelopment, or an urban service area. The binding~~
 1240 ~~agreement must be based on the maximum amount of development~~
 1241 ~~identified by the future land use map amendment or as may be~~
 1242 ~~otherwise restricted through a special area plan policy or map~~
 1243 ~~notation in the comprehensive plan.~~

1244 ~~(f) A local government's comprehensive plan and plan~~
 1245 ~~amendments for land uses within all transportation concurrency~~
 1246 ~~exception areas that are designated and maintained in accordance~~
 1247 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
 1248 ~~achieve and maintain level of service standards for~~
 1249 ~~transportation.~~

1250 (4) (a) Coordination of the local comprehensive plan with
 1251 the comprehensive plans of adjacent municipalities, the county,
 1252 adjacent counties, or the region; with the appropriate water
 1253 management district's regional water supply plans approved
 1254 pursuant to s. 373.709; and with adopted rules pertaining to
 1255 designated areas of critical state concern; ~~and with the state~~
 1256 ~~comprehensive plan~~ shall be a major objective of the local
 1257 comprehensive planning process. To that end, in the preparation
 1258 of a comprehensive plan or element thereof, and in the
 1259 comprehensive plan or element as adopted, the governing body

1260 shall include a specific policy statement indicating the
 1261 relationship of the proposed development of the area to the
 1262 comprehensive plans of adjacent municipalities, the county,
 1263 adjacent counties, or the region ~~and to the state comprehensive~~
 1264 ~~plan~~, as the case may require and as such adopted plans or plans
 1265 in preparation may exist.

1266 (b) When all or a portion of the land in a local
 1267 government jurisdiction is or becomes part of a designated area
 1268 of critical state concern, the local government shall clearly
 1269 identify those portions of the local comprehensive plan that
 1270 shall be applicable to the critical area and shall indicate the
 1271 relationship of the proposed development of the area to the
 1272 rules for the area of critical state concern.

1273 (5) (a) Each local government comprehensive plan must
 1274 include at least two planning periods, one covering at least the
 1275 first 5-year period occurring after the plan's adoption and one
 1276 covering at least a 10-year period. Additional planning periods
 1277 for specific components, elements, land use amendments, or
 1278 projects shall be permissible and accepted as part of the
 1279 planning process.

1280 (b) The comprehensive plan and its elements shall contain
 1281 guidelines or policies ~~policy recommendations~~ for the
 1282 implementation of the plan and its elements.

1283 (6) In addition to the requirements of subsections (1)-(5)
 1284 ~~and (12)~~, the comprehensive plan shall include the following
 1285 elements:

1286 (a) A future land use plan element designating proposed
 1287 future general distribution, location, and extent of the uses of

1288 land for residential uses, commercial uses, industry,
 1289 agriculture, recreation, conservation, education, ~~public~~
 1290 ~~buildings and grounds, other~~ public facilities, and other
 1291 categories of the public and private uses of land. The
 1292 approximate acreage and the general range of density or
 1293 intensity of use shall be provided for the gross land area
 1294 included in each existing land use category. The element shall
 1295 establish the long-term end toward which land use programs and
 1296 activities are ultimately directed. Counties are encouraged to
 1297 ~~designate rural land stewardship areas, pursuant to paragraph~~
 1298 ~~(11) (d), as overlays on the future land use map.~~

1299 1. Each future land use category must be defined in terms
 1300 of uses included, and must include standards to be followed in
 1301 the control and distribution of population densities and
 1302 building and structure intensities. The proposed distribution,
 1303 location, and extent of the various categories of land use shall
 1304 be shown on a land use map or map series which shall be
 1305 supplemented by goals, policies, and measurable objectives.

1306 2. The future land use plan and plan amendments shall be
 1307 based upon surveys, studies, and data regarding the area, as
 1308 applicable, including:

1309 a. The amount of land required to accommodate anticipated
 1310 growth.†

1311 b. The projected residential and seasonal population of
 1312 the area.†

1313 c. The character of undeveloped land.†

1314 d. The availability of water supplies, public facilities,
 1315 and services.†

1316 e. The need for redevelopment, including the renewal of
 1317 blighted areas and the elimination of nonconforming uses which
 1318 are inconsistent with the character of the community.~~;~~

1319 f. The compatibility of uses on lands adjacent to or
 1320 closely proximate to military installations.~~;~~

1321 g. The compatibility of uses on lands adjacent to an
 1322 airport as defined in s. 330.35 and consistent with s. 333.02.~~;~~

1323 h. The discouragement of urban sprawl.~~;~~ ~~energy-efficient~~
 1324 ~~land use patterns accounting for existing and future electric~~
 1325 ~~power generation and transmission systems; greenhouse gas~~
 1326 ~~reduction strategies; and, in rural communities,~~

1327 i. The need for job creation, capital investment, and
 1328 economic development that will strengthen and diversify the
 1329 community's economy.

1330 j. The need to modify land uses and development patterns
 1331 within antiquated subdivisions. ~~The future land use plan may~~
 1332 ~~designate areas for future planned development use involving~~
 1333 ~~combinations of types of uses for which special regulations may~~
 1334 ~~be necessary to ensure development in accord with the principles~~
 1335 ~~and standards of the comprehensive plan and this act.~~

1336 3. The future land use plan element shall include criteria
 1337 to be used to:

1338 a. Achieve the compatibility of lands adjacent or closely
 1339 proximate to military installations, considering factors
 1340 identified in s. 163.3175(5).~~;~~ ~~and~~

1341 b. Achieve the compatibility of lands adjacent to an
 1342 airport as defined in s. 330.35 and consistent with s. 333.02.

1343 c. Encourage preservation of recreational and commercial

1344 working waterfronts for water dependent uses in coastal
 1345 communities.

1346 d. Encourage the location of schools proximate to urban
 1347 residential areas to the extent possible.

1348 e. Coordinate future land uses with the topography and
 1349 soil conditions, and the availability of facilities and
 1350 services.

1351 f. Ensure the protection of natural and historic
 1352 resources.

1353 g. Provide for the compatibility of adjacent land uses.

1354 h. Provide guidelines for the implementation of mixed use
 1355 development including the types of uses allowed, the percentage
 1356 distribution among the mix of uses, or other standards, and the
 1357 density and intensity of each use.

1358 4. In addition, for rural communities, The amount of land
 1359 designated for future planned uses ~~industrial use~~ shall provide
 1360 a balance of uses that foster vibrant, viable communities and
 1361 economic development opportunities and address outdated
 1362 development patterns, such as antiquated subdivisions. The
 1363 amount of land designated for future land uses should allow the
 1364 operation of real estate markets to provide adequate choices for
 1365 permanent and seasonal residents and business and ~~be based upon~~
 1366 surveys and studies that reflect the need for job creation,
 1367 capital investment, and the necessity to strengthen and
 1368 diversify the local economies, and may not be limited solely by
 1369 the projected population of the rural community. The element
 1370 shall accommodate at least the minimum amount of land required
 1371 to accommodate the medium projections of the University of

1372 Florida's Bureau of Economic and Business Research for at least
 1373 a 10-year planning period unless otherwise limited under s.
 1374 380.05, including related rules of the Administration
 1375 Commission.

1376 5. The future land use plan of a county may ~~also~~ designate
 1377 areas for possible future municipal incorporation.

1378 6. The land use maps or map series shall generally
 1379 identify and depict historic district boundaries and shall
 1380 designate historically significant properties meriting
 1381 protection. ~~For coastal counties, the future land use element~~
 1382 ~~must include, without limitation, regulatory incentives and~~
 1383 ~~criteria that encourage the preservation of recreational and~~
 1384 ~~commercial working waterfronts as defined in s. 342.07.~~

1385 7. The future land use element must clearly identify the
 1386 land use categories in which public schools are an allowable
 1387 use. When delineating the land use categories in which public
 1388 schools are an allowable use, a local government shall include
 1389 in the categories sufficient land proximate to residential
 1390 development to meet the projected needs for schools in
 1391 coordination with public school boards and may establish
 1392 differing criteria for schools of different type or size. Each
 1393 local government shall include lands contiguous to existing
 1394 school sites, to the maximum extent possible, within the land
 1395 use categories in which public schools are an allowable use. ~~The~~
 1396 ~~failure by a local government to comply with these school siting~~
 1397 ~~requirements will result in the prohibition of the local~~
 1398 ~~government's ability to amend the local comprehensive plan,~~
 1399 ~~except for plan amendments described in s. 163.3187(1)(b), until~~

1400 ~~the school siting requirements are met. Amendments proposed by a~~
 1401 ~~local government for purposes of identifying the land use~~
 1402 ~~categories in which public schools are an allowable use are~~
 1403 ~~exempt from the limitation on the frequency of plan amendments~~
 1404 ~~contained in s. 163.3187. The future land use element shall~~
 1405 ~~include criteria that encourage the location of schools~~
 1406 ~~proximate to urban residential areas to the extent possible and~~
 1407 ~~shall require that the local government seek to collocate public~~
 1408 ~~facilities, such as parks, libraries, and community centers,~~
 1409 ~~with schools to the extent possible and to encourage the use of~~
 1410 ~~elementary schools as focal points for neighborhoods. For~~
 1411 ~~schools serving predominantly rural counties, defined as a~~
 1412 ~~county with a population of 100,000 or fewer, an agricultural~~
 1413 ~~land use category is eligible for the location of public school~~
 1414 ~~facilities if the local comprehensive plan contains school~~
 1415 ~~siting criteria and the location is consistent with such~~
 1416 ~~criteria.~~

1417 8. Future land use map amendments shall be based upon the
 1418 following analyses:

1419 a. An analysis of the availability of facilities and
 1420 services.

1421 b. An analysis of the suitability of the plan amendment
 1422 for its proposed use considering the character of the
 1423 undeveloped land, soils, topography, natural resources, and
 1424 historic resources on site.

1425 c. An analysis of the minimum amount of land needed as
 1426 determined by the local government.

1427 9. The future land use element and any amendment to the

1428 future land use element shall discourage the proliferation of
1429 urban sprawl.

1430 a. The primary indicators that a plan or plan amendment
1431 does not discourage the proliferation of urban sprawl are listed
1432 below. The evaluation of the presence of these indicators shall
1433 consist of an analysis of the plan or plan amendment within the
1434 context of features and characteristics unique to each locality
1435 in order to determine whether the plan or plan amendment:

1436 (I) Promotes, allows, or designates for development
1437 substantial areas of the jurisdiction to develop as low-
1438 intensity, low-density, or single-use development or uses.

1439 (II) Promotes, allows, or designates significant amounts
1440 of urban development to occur in rural areas at substantial
1441 distances from existing urban areas while not using undeveloped
1442 lands that are available and suitable for development.

1443 (III) Promotes, allows, or designates urban development in
1444 radial, strip, isolated, or ribbon patterns generally emanating
1445 from existing urban developments.

1446 (IV) Fails to adequately protect and conserve natural
1447 resources, such as wetlands, floodplains, native vegetation,
1448 environmentally sensitive areas, natural groundwater aquifer
1449 recharge areas, lakes, rivers, shorelines, beaches, bays,
1450 estuarine systems, and other significant natural systems.

1451 (V) Fails to adequately protect adjacent agricultural
1452 areas and activities, including silviculture, active
1453 agricultural and silvicultural activities, passive agricultural
1454 activities, and dormant, unique, and prime farmlands and soils.

1455 (VI) Fails to maximize use of existing public facilities

1456 and services.

1457 (VII) Fails to maximize use of future public facilities

1458 and services.

1459 (VIII) Allows for land use patterns or timing which

1460 disproportionately increase the cost in time, money, and energy

1461 of providing and maintaining facilities and services, including

1462 roads, potable water, sanitary sewer, stormwater management, law

1463 enforcement, education, health care, fire and emergency

1464 response, and general government.

1465 (IX) Fails to provide a clear separation between rural and

1466 urban uses.

1467 (X) Discourages or inhibits infill development or the

1468 redevelopment of existing neighborhoods and communities.

1469 (XI) Fails to encourage a functional mix of uses.

1470 (XII) Results in poor accessibility among linked or

1471 related land uses.

1472 (XIII) Results in the loss of significant amounts of

1473 functional open space.

1474 b. The future land use element or plan amendment shall be

1475 determined to discourage the proliferation of urban sprawl if it

1476 incorporates a development pattern or urban form that achieves

1477 four or more of the following:

1478 (I) Directs or locates economic growth and associated land

1479 development to geographic areas of the community in a manner

1480 that does not have an adverse impact on and protects natural

1481 resources and ecosystems.

1482 (II) Promotes the efficient and cost-effective provision

1483 or extension of public infrastructure and services.

1484 (III) Promotes walkable and connected communities and
 1485 provides for compact development and a mix of uses at densities
 1486 and intensities that will support a range of housing choices and
 1487 a multimodal transportation system, including pedestrian,
 1488 bicycle, and transit, if available.

1489 (IV) Promotes conservation of water and energy.

1490 (V) Preserves agricultural areas and activities, including
 1491 silviculture, and dormant, unique, and prime farmlands and
 1492 soils.

1493 (VI) Preserves open space and natural lands and provides
 1494 for public open space and recreation needs.

1495 (VII) Creates a balance of land uses based upon demands of
 1496 residential population for the nonresidential needs of an area.

1497 (VIII) Provides uses, densities, and intensities of use
 1498 and urban form that would remediate an existing or planned
 1499 development pattern in the vicinity that constitutes sprawl or
 1500 if it provides for an innovative development pattern such as
 1501 transit-oriented developments or new towns as defined in s.
 1502 163.3164.

1503 10. The future land use element shall include a future
 1504 land use map or map series.

1505 a. The proposed distribution, extent, and location of the
 1506 following uses shall be shown on the future land use map or map
 1507 series:

1508 (I) Residential.

1509 (II) Commercial.

1510 (III) Industrial.

1511 (IV) Agricultural.

1512 (V) Recreational.
 1513 (VI) Conservation.
 1514 (VII) Educational.
 1515 (VIII) Public.
 1516 b. The following areas shall also be shown on the future
 1517 land use map or map series, if applicable:
 1518 (I) Historic district boundaries and designated
 1519 historically significant properties.
 1520 (II) Transportation concurrency management area boundaries
 1521 or transportation concurrency exception area boundaries.
 1522 (III) Multimodal transportation district boundaries.
 1523 (IV) Mixed use categories.
 1524 c. The following natural resources or conditions shall be
 1525 shown on the future land use map or map series, if applicable:
 1526 (I) Existing and planned public potable waterwells, cones
 1527 of influence, and wellhead protection areas.
 1528 (II) Beaches and shores, including estuarine systems.
 1529 (III) Rivers, bays, lakes, floodplains, and harbors.
 1530 (IV) Wetlands.
 1531 (V) Minerals and soils.
 1532 (VI) Coastal high hazard areas.
 1533 11. Local governments required to update or amend their
 1534 comprehensive plan to include criteria and address compatibility
 1535 of lands adjacent or closely proximate to existing military
 1536 installations, or lands adjacent to an airport as defined in s.
 1537 330.35 and consistent with s. 333.02, in their future land use
 1538 plan element shall transmit the update or amendment to the state
 1539 land planning agency by June 30, 2012.

1540 (b) A transportation element addressing mobility issues in
 1541 relationship to the size and character of the local government.
 1542 The purpose of the transportation element shall be to plan for a
 1543 multimodal transportation system that places emphasis on public
 1544 transportation systems, where feasible. The element shall
 1545 provide for a safe, convenient multimodal transportation system,
 1546 coordinated with the future land use map or map series and
 1547 designed to support all elements of the comprehensive plan. A
 1548 local government that has all or part of its jurisdiction
 1549 included within the metropolitan planning area of a metropolitan
 1550 planning organization (M.P.O.) pursuant to s. 339.175 shall
 1551 prepare and adopt a transportation element consistent with this
 1552 subsection. Local governments that are not located within the
 1553 metropolitan planning area of an M.P.O. shall address traffic
 1554 circulation, mass transit, and ports, and aviation and related
 1555 facilities consistent with this subsection, except that local
 1556 governments with a population of 50,000 or less shall only be
 1557 required to address transportation circulation. The element
 1558 shall be coordinated with the plans and programs of any
 1559 applicable metropolitan planning organization, transportation
 1560 authority, Florida Transportation Plan, and Department of
 1561 Transportation's adopted work program.

1562 1. Each local government's transportation element shall
 1563 address

1564 ~~(b) A traffic circulation, including element consisting of~~
 1565 ~~the types, locations, and extent of existing and proposed major~~
 1566 ~~thoroughfares and transportation routes, including bicycle and~~
 1567 ~~pedestrian ways. Transportation corridors, as defined in s.~~

1568 334.03, may be designated in the transportation ~~traffie~~
 1569 ~~circulation~~ element pursuant to s. 337.273. If the
 1570 transportation corridors are designated, the local government
 1571 may adopt a transportation corridor management ordinance. The
 1572 element shall include a map or map series showing the general
 1573 location of the existing and proposed transportation system
 1574 features and shall be coordinated with the future land use map
 1575 or map series. The element shall reflect the data, analysis, and
 1576 associated principles and strategies relating to:

1577 a. The existing transportation system levels of service
 1578 and system needs and the availability of transportation
 1579 facilities and services.

1580 b. The growth trends and travel patterns and interactions
 1581 between land use and transportation.

1582 c. Existing and projected intermodal deficiencies and
 1583 needs.

1584 d. The projected transportation system levels of service
 1585 and system needs based upon the future land use map and the
 1586 projected integrated transportation system.

1587 e. How the local government will correct existing facility
 1588 deficiencies, meet the identified needs of the projected
 1589 transportation system, and advance the purpose of this paragraph
 1590 and the other elements of the comprehensive plan.

1591 2. Local governments within a metropolitan planning area
 1592 designated as an M.P.O. pursuant to s. 339.175 shall also
 1593 address:

1594 a. All alternative modes of travel, such as public
 1595 transportation, pedestrian, and bicycle travel.

1596 b. Aviation, rail, seaport facilities, access to those
 1597 facilities, and intermodal terminals.

1598 c. The capability to evacuate the coastal population
 1599 before an impending natural disaster.

1600 d. Airports, projected airport and aviation development,
 1601 and land use compatibility around airports, which includes areas
 1602 defined in ss. 333.01 and 333.02.

1603 e. An identification of land use densities, building
 1604 intensities, and transportation management programs to promote
 1605 public transportation systems in designated public
 1606 transportation corridors so as to encourage population densities
 1607 sufficient to support such systems.

1608 3. Municipalities having populations greater than 50,000,
 1609 and counties having populations greater than 75,000, shall
 1610 include mass-transit provisions showing proposed methods for the
 1611 moving of people, rights-of-way, terminals, and related
 1612 facilities and shall address:

1613 a. The provision of efficient public transit services
 1614 based upon existing and proposed major trip generators and
 1615 attractors, safe and convenient public transit terminals, land
 1616 uses, and accommodation of the special needs of the
 1617 transportation disadvantaged.

1618 b. Plans for port, aviation, and related facilities
 1619 coordinated with the general circulation and transportation
 1620 element.

1621 c. Plans for the circulation of recreational traffic,
 1622 including bicycle facilities, exercise trails, riding
 1623 facilities, and such other matters as may be related to the

1624 improvement and safety of movement of all types of recreational
 1625 traffic.
 1626 4. At the option of a local government, an airport master
 1627 plan, and any subsequent amendments to the airport master plan,
 1628 prepared by a licensed publicly owned and operated airport under
 1629 s. 333.06 may be incorporated into the local government
 1630 comprehensive plan by the local government having jurisdiction
 1631 under this act for the area in which the airport or projected
 1632 airport development is located by the adoption of a
 1633 comprehensive plan amendment. In the amendment to the local
 1634 comprehensive plan that integrates the airport master plan, the
 1635 comprehensive plan amendment shall address land use
 1636 compatibility consistent with chapter 333 regarding airport
 1637 zoning; the provision of regional transportation facilities for
 1638 the efficient use and operation of the transportation system and
 1639 airport; consistency with the local government transportation
 1640 circulation element and applicable M.P.O. long-range
 1641 transportation plans; the execution of any necessary interlocal
 1642 agreements for the purposes of the provision of public
 1643 facilities and services to maintain the adopted level-of-service
 1644 standards for facilities subject to concurrency; and may address
 1645 airport-related or aviation-related development. Development or
 1646 expansion of an airport consistent with the adopted airport
 1647 master plan that has been incorporated into the local
 1648 comprehensive plan in compliance with this part, and airport-
 1649 related or aviation-related development that has been addressed
 1650 in the comprehensive plan amendment that incorporates the
 1651 airport master plan, do not constitute a development of regional

1652 impact. Notwithstanding any other general law, an airport that
 1653 has received a development-of-regional-impact development order
 1654 pursuant to s. 380.06, but which is no longer required to
 1655 undergo development-of-regional-impact review pursuant to this
 1656 subsection, may rescind its development-of-regional-impact order
 1657 upon written notification to the applicable local government.
 1658 Upon receipt by the local government, the development-of-
 1659 regional-impact development order shall be deemed rescinded. The
 1660 ~~traffic circulation element shall incorporate transportation~~
 1661 ~~strategies to address reduction in greenhouse gas emissions from~~
 1662 ~~the transportation sector.~~

1663 (c) A general sanitary sewer, solid waste, drainage,
 1664 potable water, and natural groundwater aquifer recharge element
 1665 correlated to principles and guidelines for future land use,
 1666 indicating ways to provide for future potable water, drainage,
 1667 sanitary sewer, solid waste, and aquifer recharge protection
 1668 requirements for the area. The element may be a detailed
 1669 engineering plan including a topographic map depicting areas of
 1670 prime groundwater recharge.

1671 1. Each local government shall address in the data and
 1672 analyses required by this section those facilities that provide
 1673 service within the local government's jurisdiction. Local
 1674 governments that provide facilities to serve areas within other
 1675 local government jurisdictions shall also address those
 1676 facilities in the data and analyses required by this section,
 1677 using data from the comprehensive plan for those areas for the
 1678 purpose of projecting facility needs as required in this
 1679 subsection. For shared facilities, each local government shall

1680 indicate the proportional capacity of the systems allocated to
1681 serve its jurisdiction.

1682 2. The element shall describe the problems and needs and
1683 the general facilities that will be required for solution of the
1684 problems and needs, including correcting existing facility
1685 deficiencies. The element shall address coordinating the
1686 extension of, or increase in the capacity of, facilities to meet
1687 future needs while maximizing the use of existing facilities and
1688 discouraging urban sprawl; conservation of potable water
1689 resources; and protecting the functions of natural groundwater
1690 recharge areas and natural drainage features. ~~The element shall~~
1691 ~~also include a topographic map depicting any areas adopted by a~~
1692 ~~regional water management district as prime groundwater recharge~~
1693 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~
1694 ~~be given special consideration when the local government is~~
1695 ~~engaged in zoning or considering future land use for said~~
1696 ~~designated areas. For areas served by septic tanks, soil surveys~~
1697 ~~shall be provided which indicate the suitability of soils for~~
1698 ~~septic tanks.~~

1699 3. Within 18 months after the governing board approves an
1700 updated regional water supply plan, the element must incorporate
1701 the alternative water supply project or projects selected by the
1702 local government from those identified in the regional water
1703 supply plan pursuant to s. 373.709(2)(a) or proposed by the
1704 local government under s. 373.709(8)(b). If a local government
1705 is located within two water management districts, the local
1706 government shall adopt its comprehensive plan amendment within
1707 18 months after the later updated regional water supply plan.

1708 The element must identify such alternative water supply projects
1709 and traditional water supply projects and conservation and reuse
1710 necessary to meet the water needs identified in s. 373.709(2)(a)
1711 within the local government's jurisdiction and include a work
1712 plan, covering at least a 10-year planning period, for building
1713 public, private, and regional water supply facilities, including
1714 development of alternative water supplies, which are identified
1715 in the element as necessary to serve existing and new
1716 development. The work plan shall be updated, at a minimum, every
1717 5 years within 18 months after the governing board of a water
1718 management district approves an updated regional water supply
1719 plan. ~~Amendments to incorporate the work plan do not count~~
1720 ~~toward the limitation on the frequency of adoption of amendments~~
1721 ~~to the comprehensive plan.~~ Local governments, public and private
1722 utilities, regional water supply authorities, special districts,
1723 and water management districts are encouraged to cooperatively
1724 plan for the development of multijurisdictional water supply
1725 facilities that are sufficient to meet projected demands for
1726 established planning periods, including the development of
1727 alternative water sources to supplement traditional sources of
1728 groundwater and surface water supplies.

1729 (d) A conservation element for the conservation, use, and
1730 protection of natural resources in the area, including air,
1731 water, water recharge areas, wetlands, waterwells, estuarine
1732 marshes, soils, beaches, shores, flood plains, rivers, bays,
1733 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1734 minerals, and other natural and environmental resources,
1735 including factors that affect energy conservation.

1736 1. The following natural resources, where present within
1737 the local government's boundaries, shall be identified and
1738 analyzed and existing recreational or conservation uses, known
1739 pollution problems, including hazardous wastes, and the
1740 potential for conservation, recreation, use, or protection shall
1741 also be identified:

1742 a. Rivers, bays, lakes, wetlands including estuarine
1743 marshes, groundwaters, and springs, including information on
1744 quality of the resource available.

1745 b. Floodplains.

1746 c. Known sources of commercially valuable minerals.

1747 d. Areas known to have experienced soil erosion problems.

1748 e. Areas that are the location of recreationally and
1749 commercially important fish or shellfish, wildlife, marine
1750 habitats, and vegetative communities, including forests,
1751 indicating known dominant species present and species listed by
1752 federal, state, or local government agencies as endangered,
1753 threatened, or species of special concern.

1754 2. The element must contain principles, guidelines, and
1755 standards for conservation that provide long-term goals and
1756 which:

1757 a. Protects air quality.

1758 b. Conserves, appropriately uses, and protects the quality
1759 and quantity of current and projected water sources and waters
1760 that flow into estuarine waters or oceanic waters and protect
1761 from activities and land uses known to affect adversely the
1762 quality and quantity of identified water sources, including
1763 natural groundwater recharge areas, wellhead protection areas,

1764 and surface waters used as a source of public water supply.
1765 c. Provides for the emergency conservation of water
1766 sources in accordance with the plans of the regional water
1767 management district.
1768 d. Conserves, appropriately uses, and protects minerals,
1769 soils, and native vegetative communities, including forests,
1770 from destruction by development activities.
1771 e. Conserves, appropriately uses, and protects fisheries,
1772 wildlife, wildlife habitat, and marine habitat and restricts
1773 activities known to adversely affect the survival of endangered
1774 and threatened wildlife.
1775 f. Protects existing natural reservations identified in
1776 the recreation and open space element.
1777 g. Maintains cooperation with adjacent local governments
1778 to conserve, appropriately use, or protect unique vegetative
1779 communities located within more than one local jurisdiction.
1780 h. Designates environmentally sensitive lands for
1781 protection based on locally determined criteria which further
1782 the goals and objectives of the conservation element.
1783 i. Manages hazardous waste to protect natural resources.
1784 j. Protects and conserves wetlands and the natural
1785 functions of wetlands.
1786 k. Directs future land uses that are incompatible with the
1787 protection and conservation of wetlands and wetland functions
1788 away from wetlands. The type, intensity or density, extent,
1789 distribution, and location of allowable land uses and the types,
1790 values, functions, sizes, conditions, and locations of wetlands
1791 are land use factors that shall be considered when directing

1792 incompatible land uses away from wetlands. Land uses shall be
 1793 distributed in a manner that minimizes the effect and impact on
 1794 wetlands. The protection and conservation of wetlands by the
 1795 direction of incompatible land uses away from wetlands shall
 1796 occur in combination with other principles, guidelines,
 1797 standards, and strategies in the comprehensive plan. Where
 1798 incompatible land uses are allowed to occur, mitigation shall be
 1799 considered as one means to compensate for loss of wetlands
 1800 functions.

1801 ~~3. Local governments shall assess their Current and, as~~
 1802 ~~well as projected, water needs and sources for at least a 10-~~
 1803 ~~year period based on the demands for industrial, agricultural,~~
 1804 ~~and potable water use and the quality and quantity of water~~
 1805 ~~available to meet these demands shall be analyzed. The analysis~~
 1806 ~~shall consider the existing levels of water conservation, use,~~
 1807 ~~and protection and applicable policies of the regional water~~
 1808 ~~management district and further must consider, considering the~~
 1809 ~~appropriate regional water supply plan approved pursuant to s.~~
 1810 ~~373.709, or, in the absence of an approved regional water supply~~
 1811 ~~plan, the district water management plan approved pursuant to s.~~
 1812 ~~373.036(2). This information shall be submitted to the~~
 1813 ~~appropriate agencies. The land use map or map series contained~~
 1814 ~~in the future land use element shall generally identify and~~
 1815 ~~depict the following:~~

- 1816 ~~1. Existing and planned waterwells and cones of influence~~
- 1817 ~~where applicable.~~
- 1818 ~~2. Beaches and shores, including estuarine systems.~~
- 1819 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~

- 1820 4. ~~Wetlands.~~
- 1821 5. ~~Minerals and soils.~~
- 1822 6. ~~Energy conservation.~~

1823

1824 ~~The land uses identified on such maps shall be consistent with~~
 1825 ~~applicable state law and rules.~~

1826 (e) A recreation and open space element indicating a
 1827 comprehensive system of public and private sites for recreation,
 1828 including, but not limited to, natural reservations, parks and
 1829 playgrounds, parkways, beaches and public access to beaches,
 1830 open spaces, waterways, and other recreational facilities.

1831 (f)1. A housing element consisting of ~~standards, plans,~~
 1832 ~~and principles,~~ guidelines, standards, and strategies to be
 1833 followed in:

- 1834 a. The provision of housing for all current and
 1835 anticipated future residents of the jurisdiction.
- 1836 b. The elimination of substandard dwelling conditions.
- 1837 c. The structural and aesthetic improvement of existing
 1838 housing.
- 1839 d. The provision of adequate sites for future housing,
 1840 including affordable workforce housing as defined in s.
 1841 380.0651(3) (h) ~~(j)~~, housing for low-income, very low-income, and
 1842 moderate-income families, mobile homes, and group home
 1843 facilities and foster care facilities, with supporting
 1844 infrastructure and public facilities.
- 1845 e. Provision for relocation housing and identification of
 1846 historically significant and other housing for purposes of
 1847 conservation, rehabilitation, or replacement.

- 1848 f. The formulation of housing implementation programs.
- 1849 g. The creation or preservation of affordable housing to
1850 minimize the need for additional local services and avoid the
1851 concentration of affordable housing units only in specific areas
1852 of the jurisdiction.
- 1853 ~~h. Energy efficiency in the design and construction of new~~
1854 ~~housing.~~
- 1855 ~~i. Use of renewable energy resources.~~
- 1856 ~~j. Each county in which the gap between the buying power~~
1857 ~~of a family of four and the median county home sale price~~
1858 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~
1859 ~~Corporation, and which is not designated as an area of critical~~
1860 ~~state concern shall adopt a plan for ensuring affordable~~
1861 ~~workforce housing. At a minimum, the plan shall identify~~
1862 ~~adequate sites for such housing. For purposes of this sub-~~
1863 ~~subparagraph, the term "workforce housing" means housing that is~~
1864 ~~affordable to natural persons or families whose total household~~
1865 ~~income does not exceed 140 percent of the area median income,~~
1866 ~~adjusted for household size.~~
- 1867 ~~k. As a precondition to receiving any state affordable~~
1868 ~~housing funding or allocation for any project or program within~~
1869 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
1870 ~~j., a county must, by July 1 of each year, provide certification~~
1871 ~~that the county has complied with the requirements of sub-~~
1872 ~~subparagraph j.~~
- 1873 2. The principles, guidelines, standards, and strategies
1874 goals, objectives, and policies of the housing element must be
1875 based on the data and analysis prepared on housing needs,

1876 including an inventory taken from the latest decennial United
 1877 States Census or more recent estimates, which shall include the
 1878 number and distribution of dwelling units by type, tenure, age,
 1879 rent, value, monthly cost of owner-occupied units, and rent or
 1880 cost to income ratio, and shall show the number of dwelling
 1881 units that are substandard. The inventory shall also include the
 1882 methodology used to estimate the condition of housing, a
 1883 projection of the anticipated number of households by size,
 1884 income range, and age of residents derived from the population
 1885 projections, and the minimum housing need of the current and
 1886 anticipated future residents of the jurisdiction ~~the affordable~~
 1887 ~~housing needs assessment.~~

1888 3. The housing element must express principles,
 1889 guidelines, standards, and strategies that reflect, as needed,
 1890 the creation and preservation of affordable housing for all
 1891 current and anticipated future residents of the jurisdiction,
 1892 elimination of substandard housing conditions, adequate sites,
 1893 and distribution of housing for a range of incomes and types,
 1894 including mobile and manufactured homes. The element must
 1895 provide for specific programs and actions to partner with
 1896 private and nonprofit sectors to address housing needs in the
 1897 jurisdiction, streamline the permitting process, and minimize
 1898 costs and delays for affordable housing, establish standards to
 1899 address the quality of housing, stabilization of neighborhoods,
 1900 and identification and improvement of historically significant
 1901 housing.

1902 4. State and federal housing plans prepared on behalf of
 1903 the local government must be consistent with the goals,

1904 objectives, and policies of the housing element. Local
 1905 governments are encouraged to use job training, job creation,
 1906 and economic solutions to address a portion of their affordable
 1907 housing concerns.

1908 ~~2. To assist local governments in housing data collection~~
 1909 ~~and analysis and assure uniform and consistent information~~
 1910 ~~regarding the state's housing needs, the state land planning~~
 1911 ~~agency shall conduct an affordable housing needs assessment for~~
 1912 ~~all local jurisdictions on a schedule that coordinates the~~
 1913 ~~implementation of the needs assessment with the evaluation and~~
 1914 ~~appraisal reports required by s. 163.3191. Each local government~~
 1915 ~~shall utilize the data and analysis from the needs assessment as~~
 1916 ~~one basis for the housing element of its local comprehensive~~
 1917 ~~plan. The agency shall allow a local government the option to~~
 1918 ~~perform its own needs assessment, if it uses the methodology~~
 1919 ~~established by the agency by rule.~~

1920 (g)~~1~~. For those units of local government identified in s.
 1921 380.24, a coastal management element, appropriately related to
 1922 the particular requirements of paragraphs (d) and (e) and
 1923 meeting the requirements of s. 163.3178(2) and (3). The coastal
 1924 management element shall set forth the principles, guidelines,
 1925 standards, and strategies ~~policies~~ that shall guide the local
 1926 government's decisions and program implementation with respect
 1927 to the following objectives:

1928 1.a. Maintain, restore, and enhance ~~Maintenance,~~
 1929 ~~restoration, and enhancement~~ of the overall quality of the
 1930 coastal zone environment, including, but not limited to, its
 1931 amenities and aesthetic values.

1932 ~~2.b.~~ Preserve the continued existence of viable
 1933 populations of all species of wildlife and marine life.

1934 ~~3.e.~~ Protect the orderly and balanced utilization and
 1935 preservation, consistent with sound conservation principles, of
 1936 all living and nonliving coastal zone resources.

1937 ~~4.d.~~ Avoid ~~Avoidance~~ of irreversible and irretrievable
 1938 loss of coastal zone resources.

1939 ~~5.e.~~ Use ecological planning principles and assumptions ~~to~~
 1940 ~~be used~~ in the determination of the suitability ~~and extent~~ of
 1941 permitted development.

1942 ~~f.~~ ~~Proposed management and regulatory techniques.~~

1943 ~~6.g.~~ Limit ~~Limitation~~ of public expenditures that
 1944 subsidize development in ~~high-hazard~~ coastal high-hazard areas.

1945 ~~7.h.~~ Protect ~~Protection~~ of human life against the effects
 1946 of natural disasters.

1947 ~~8.i.~~ Direct the orderly development, maintenance, and use
 1948 of ports identified in s. 403.021(9) to facilitate deepwater
 1949 commercial navigation and other related activities.

1950 ~~9.j.~~ Preserve historic and archaeological resources, which
 1951 include the ~~Preservation, including~~ sensitive adaptive use of
 1952 these ~~historic and archaeological~~ resources.

1953 ~~2.~~ ~~As part of this element, a local government that has a~~
 1954 ~~coastal management element in its comprehensive plan is~~
 1955 ~~encouraged to adopt recreational surface water use policies that~~
 1956 ~~include applicable criteria for and consider such factors as~~
 1957 ~~natural resources, manatee protection needs, protection of~~
 1958 ~~working waterfronts and public access to the water, and~~
 1959 ~~recreation and economic demands. Criteria for manatee protection~~

1960 ~~in the recreational surface water use policies should reflect~~
 1961 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
 1962 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
 1963 ~~the local government elects to adopt recreational surface water~~
 1964 ~~use policies by comprehensive plan amendment, such comprehensive~~
 1965 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
 1966 ~~Local governments that wish to adopt recreational surface water~~
 1967 ~~use policies may be eligible for assistance with the development~~
 1968 ~~of such policies through the Florida Coastal Management Program.~~
 1969 ~~The Office of Program Policy Analysis and Government~~
 1970 ~~Accountability shall submit a report on the adoption of~~
 1971 ~~recreational surface water use policies under this subparagraph~~
 1972 ~~to the President of the Senate, the Speaker of the House of~~
 1973 ~~Representatives, and the majority and minority leaders of the~~
 1974 ~~Senate and the House of Representatives no later than December~~
 1975 ~~1, 2010.~~

1976 (h)1. An intergovernmental coordination element showing
 1977 relationships and stating principles and guidelines to be used
 1978 in coordinating the adopted comprehensive plan with the plans of
 1979 school boards, regional water supply authorities, and other
 1980 units of local government providing services but not having
 1981 regulatory authority over the use of land, with the
 1982 comprehensive plans of adjacent municipalities, the county,
 1983 adjacent counties, or the region, with the state comprehensive
 1984 plan and with the applicable regional water supply plan approved
 1985 pursuant to s. 373.709, as the case may require and as such
 1986 adopted plans or plans in preparation may exist. This element of
 1987 the local comprehensive plan must demonstrate consideration of

1988 | the particular effects of the local plan, when adopted, upon the
 1989 | development of adjacent municipalities, the county, adjacent
 1990 | counties, or the region, or upon the state comprehensive plan,
 1991 | as the case may require.

1992 | a. The intergovernmental coordination element must provide
 1993 | procedures for identifying and implementing joint planning
 1994 | areas, especially for the purpose of annexation, municipal
 1995 | incorporation, and joint infrastructure service areas.

1996 | ~~b. The intergovernmental coordination element must provide~~
 1997 | ~~for recognition of campus master plans prepared pursuant to s.~~
 1998 | ~~1013.30 and airport master plans under paragraph (k).~~

1999 | ~~e.~~ The intergovernmental coordination element shall
 2000 | provide for a dispute resolution process, as established
 2001 | pursuant to s. 186.509, for bringing intergovernmental disputes
 2002 | to closure in a timely manner.

2003 | ~~c.d.~~ The intergovernmental coordination element shall
 2004 | provide for interlocal agreements as established pursuant to s.
 2005 | 333.03(1)(b).

2006 | 2. The intergovernmental coordination element shall also
 2007 | state principles and guidelines to be used in coordinating the
 2008 | adopted comprehensive plan with the plans of school boards and
 2009 | other units of local government providing facilities and
 2010 | services but not having regulatory authority over the use of
 2011 | land. In addition, the intergovernmental coordination element
 2012 | must describe joint processes for collaborative planning and
 2013 | decisionmaking on population projections and public school
 2014 | siting, the location and extension of public facilities subject
 2015 | to concurrency, and siting facilities with countywide

2016 significance, including locally unwanted land uses whose nature
 2017 and identity are established in an agreement.

2018 3. Within 1 year after adopting their intergovernmental
 2019 coordination elements, each county, all the municipalities
 2020 within that county, the district school board, and any unit of
 2021 local government service providers in that county shall
 2022 establish by interlocal or other formal agreement executed by
 2023 all affected entities, the joint processes described in this
 2024 subparagraph consistent with their adopted intergovernmental
 2025 coordination elements. The element must:

2026 a. Ensure that the local government addresses through
 2027 coordination mechanisms the impacts of development proposed in
 2028 the local comprehensive plan upon development in adjacent
 2029 municipalities, the county, adjacent counties, the region, and
 2030 the state. The area of concern for municipalities shall include
 2031 adjacent municipalities, the county, and counties adjacent to
 2032 the municipality. The area of concern for counties shall include
 2033 all municipalities within the county, adjacent counties, and
 2034 adjacent municipalities.

2035 b. Ensure coordination in establishing level of service
 2036 standards for public facilities with any state, regional, or
 2037 local entity having operational and maintenance responsibility
 2038 for such facilities.

2039 ~~3. To foster coordination between special districts and~~
 2040 ~~local general-purpose governments as local general-purpose~~
 2041 ~~governments implement local comprehensive plans, each~~
 2042 ~~independent special district must submit a public facilities~~
 2043 ~~report to the appropriate local government as required by s.~~

2044 ~~189.415.~~

2045 ~~4. Local governments shall execute an interlocal agreement~~

2046 ~~with the district school board, the county, and nonexempt~~

2047 ~~municipalities pursuant to s. 163.31777. The local government~~

2048 ~~shall amend the intergovernmental coordination element to ensure~~

2049 ~~that coordination between the local government and school board~~

2050 ~~is pursuant to the agreement and shall state the obligations of~~

2051 ~~the local government under the agreement. Plan amendments that~~

2052 ~~comply with this subparagraph are exempt from the provisions of~~

2053 ~~s. 163.3187(1).~~

2054 ~~5. By January 1, 2004, any county having a population~~

2055 ~~greater than 100,000, and the municipalities and special~~

2056 ~~districts within that county, shall submit a report to the~~

2057 ~~Department of Community Affairs which identifies:~~

2058 ~~a. All existing or proposed interlocal service delivery~~

2059 ~~agreements relating to education; sanitary sewer; public safety;~~

2060 ~~solid waste; drainage; potable water; parks and recreation; and~~

2061 ~~transportation facilities.~~

2062 ~~b. Any deficits or duplication in the provision of~~

2063 ~~services within its jurisdiction, whether capital or~~

2064 ~~operational. Upon request, the Department of Community Affairs~~

2065 ~~shall provide technical assistance to the local governments in~~

2066 ~~identifying deficits or duplication.~~

2067 ~~6. Within 6 months after submission of the report, the~~

2068 ~~Department of Community Affairs shall, through the appropriate~~

2069 ~~regional planning council, coordinate a meeting of all local~~

2070 ~~governments within the regional planning area to discuss the~~

2071 ~~reports and potential strategies to remedy any identified~~

2072 ~~deficiencies or duplications.~~

2073 ~~7. Each local government shall update its~~
 2074 ~~intergovernmental coordination element based upon the findings~~
 2075 ~~in the report submitted pursuant to subparagraph 5. The report~~
 2076 ~~may be used as supporting data and analysis for the~~
 2077 ~~intergovernmental coordination element.~~

2078 ~~(i) The optional elements of the comprehensive plan in~~
 2079 ~~paragraphs (7) (a) and (b) are required elements for those~~
 2080 ~~municipalities having populations greater than 50,000, and those~~
 2081 ~~counties having populations greater than 75,000, as determined~~
 2082 ~~under s. 186.901.~~

2083 ~~(j) For each unit of local government within an urbanized~~
 2084 ~~area designated for purposes of s. 339.175, a transportation~~
 2085 ~~element, which must be prepared and adopted in lieu of the~~
 2086 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
 2087 ~~and (d) and which shall address the following issues:~~

2088 ~~1. Traffic circulation, including major thoroughfares and~~
 2089 ~~other routes, including bicycle and pedestrian ways.~~

2090 ~~2. All alternative modes of travel, such as public~~
 2091 ~~transportation, pedestrian, and bicycle travel.~~

2092 ~~3. Parking facilities.~~

2093 ~~4. Aviation, rail, seaport facilities, access to those~~
 2094 ~~facilities, and intermodal terminals.~~

2095 ~~5. The availability of facilities and services to serve~~
 2096 ~~existing land uses and the compatibility between future land use~~
 2097 ~~and transportation elements.~~

2098 ~~6. The capability to evacuate the coastal population prior~~
 2099 ~~to an impending natural disaster.~~

2100 ~~7. Airports, projected airport and aviation development,~~
 2101 ~~and land use compatibility around airports, which includes areas~~
 2102 ~~defined in ss. 333.01 and 333.02.~~

2103 ~~8. An identification of land use densities, building~~
 2104 ~~intensities, and transportation management programs to promote~~
 2105 ~~public transportation systems in designated public~~
 2106 ~~transportation corridors so as to encourage population densities~~
 2107 ~~sufficient to support such systems.~~

2108 ~~9. May include transportation corridors, as defined in s.~~
 2109 ~~334.03, intended for future transportation facilities designated~~
 2110 ~~pursuant to s. 337.273. If transportation corridors are~~
 2111 ~~designated, the local government may adopt a transportation~~
 2112 ~~corridor management ordinance.~~

2113 ~~10. The incorporation of transportation strategies to~~
 2114 ~~address reduction in greenhouse gas emissions from the~~
 2115 ~~transportation sector.~~

2116 ~~(k) An airport master plan, and any subsequent amendments~~
 2117 ~~to the airport master plan, prepared by a licensed publicly~~
 2118 ~~owned and operated airport under s. 333.06 may be incorporated~~
 2119 ~~into the local government comprehensive plan by the local~~
 2120 ~~government having jurisdiction under this act for the area in~~
 2121 ~~which the airport or projected airport development is located by~~
 2122 ~~the adoption of a comprehensive plan amendment. In the amendment~~
 2123 ~~to the local comprehensive plan that integrates the airport~~
 2124 ~~master plan, the comprehensive plan amendment shall address land~~
 2125 ~~use compatibility consistent with chapter 333 regarding airport~~
 2126 ~~zoning; the provision of regional transportation facilities for~~
 2127 ~~the efficient use and operation of the transportation system and~~

2128 ~~airport; consistency with the local government transportation~~
2129 ~~circulation element and applicable metropolitan planning~~
2130 ~~organization long-range transportation plans; and the execution~~
2131 ~~of any necessary interlocal agreements for the purposes of the~~
2132 ~~provision of public facilities and services to maintain the~~
2133 ~~adopted level of service standards for facilities subject to~~
2134 ~~concurrency; and may address airport-related or aviation-related~~
2135 ~~development. Development or expansion of an airport consistent~~
2136 ~~with the adopted airport master plan that has been incorporated~~
2137 ~~into the local comprehensive plan in compliance with this part,~~
2138 ~~and airport-related or aviation-related development that has~~
2139 ~~been addressed in the comprehensive plan amendment that~~
2140 ~~incorporates the airport master plan, shall not be a development~~
2141 ~~of regional impact. Notwithstanding any other general law, an~~
2142 ~~airport that has received a development of regional impact~~
2143 ~~development order pursuant to s. 380.06, but which is no longer~~
2144 ~~required to undergo development of regional impact review~~
2145 ~~pursuant to this subsection, may abandon its development of~~
2146 ~~regional impact order upon written notification to the~~
2147 ~~applicable local government. Upon receipt by the local~~
2148 ~~government, the development of regional impact development order~~
2149 ~~is void.~~

2150 ~~(7) The comprehensive plan may include the following~~
2151 ~~additional elements, or portions or phases thereof:~~

2152 ~~(a) As a part of the circulation element of paragraph~~
2153 ~~(6) (b) or as a separate element, a mass transit element showing~~
2154 ~~proposed methods for the moving of people, rights-of-way,~~
2155 ~~terminals, related facilities, and fiscal considerations for the~~

2156 ~~accomplishment of the element.~~

2157 ~~(b) As a part of the circulation element of paragraph~~
 2158 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
 2159 ~~related facilities coordinated with the general circulation and~~
 2160 ~~transportation element.~~

2161 ~~(c) As a part of the circulation element of paragraph~~
 2162 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
 2163 ~~applicable, a plan element for the circulation of recreational~~
 2164 ~~traffic, including bicycle facilities, exercise trails, riding~~
 2165 ~~facilities, and such other matters as may be related to the~~
 2166 ~~improvement and safety of movement of all types of recreational~~
 2167 ~~traffic.~~

2168 ~~(d) As a part of the circulation element of paragraph~~
 2169 ~~(6) (b) or as a separate element, a plan element for the~~
 2170 ~~development of offstreet parking facilities for motor vehicles~~
 2171 ~~and the fiscal considerations for the accomplishment of the~~
 2172 ~~element.~~

2173 ~~(e) A public buildings and related facilities element~~
 2174 ~~showing locations and arrangements of civic and community~~
 2175 ~~centers, public schools, hospitals, libraries, police and fire~~
 2176 ~~stations, and other public buildings. This plan element should~~
 2177 ~~show particularly how it is proposed to effect coordination with~~
 2178 ~~governmental units, such as school boards or hospital~~
 2179 ~~authorities, having public development and service~~
 2180 ~~responsibilities, capabilities, and potential but not having~~
 2181 ~~land development regulatory authority. This element may include~~
 2182 ~~plans for architecture and landscape treatment of their grounds.~~

2183 ~~(f) A recommended community design element which may~~

2184 ~~consist of design recommendations for land subdivision,~~
2185 ~~neighborhood development and redevelopment, design of open space~~
2186 ~~locations, and similar matters to the end that such~~
2187 ~~recommendations may be available as aids and guides to~~
2188 ~~developers in the future planning and development of land in the~~
2189 ~~area.~~

2190 ~~(g) A general area redevelopment element consisting of~~
2191 ~~plans and programs for the redevelopment of slums and blighted~~
2192 ~~locations in the area and for community redevelopment, including~~
2193 ~~housing sites, business and industrial sites, public buildings~~
2194 ~~sites, recreational facilities, and other purposes authorized by~~
2195 ~~law.~~

2196 ~~(h) A safety element for the protection of residents and~~
2197 ~~property of the area from fire, hurricane, or manmade or natural~~
2198 ~~catastrophe, including such necessary features for protection as~~
2199 ~~evacuation routes and their control in an emergency, water~~
2200 ~~supply requirements, minimum road widths, clearances around and~~
2201 ~~elevations of structures, and similar matters.~~

2202 ~~(i) An historical and scenic preservation element setting~~
2203 ~~out plans and programs for those structures or lands in the area~~
2204 ~~having historical, archaeological, architectural, scenic, or~~
2205 ~~similar significance.~~

2206 ~~(j) An economic element setting forth principles and~~
2207 ~~guidelines for the commercial and industrial development, if~~
2208 ~~any, and the employment and personnel utilization within the~~
2209 ~~area. The element may detail the type of commercial and~~
2210 ~~industrial development sought, correlated to the present and~~
2211 ~~projected employment needs of the area and to other elements of~~

2212 ~~the plans, and may set forth methods by which a balanced and~~
 2213 ~~stable economic base will be pursued.~~

2214 ~~(k) Such other elements as may be peculiar to, and~~
 2215 ~~necessary for, the area concerned and as are added to the~~
 2216 ~~comprehensive plan by the governing body upon the recommendation~~
 2217 ~~of the local planning agency.~~

2218 ~~(l) Local governments that are not required to prepare~~
 2219 ~~coastal management elements under s. 163.3178 are encouraged to~~
 2220 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
 2221 ~~plans should, at a minimum, establish long-term policies~~
 2222 ~~regarding redevelopment, infrastructure, densities,~~
 2223 ~~nonconforming uses, and future land use patterns. Grants to~~
 2224 ~~assist local governments in the preparation of these hazard~~
 2225 ~~mitigation/postdisaster redevelopment plans shall be available~~
 2226 ~~through the Emergency Management Preparedness and Assistance~~
 2227 ~~Account in the Grants and Donations Trust Fund administered by~~
 2228 ~~the department, if such account is created by law. The plans~~
 2229 ~~must be in compliance with the requirements of this act and~~
 2230 ~~chapter 252.~~

2231 ~~(8) All elements of the comprehensive plan, whether~~
 2232 ~~mandatory or optional, shall be based upon data appropriate to~~
 2233 ~~the element involved. Surveys and studies utilized in the~~
 2234 ~~preparation of the comprehensive plan shall not be deemed a part~~
 2235 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
 2236 ~~of such studies, surveys, and supporting documents shall be made~~
 2237 ~~available to public inspection, and copies of such plans shall~~
 2238 ~~be made available to the public upon payment of reasonable~~
 2239 ~~charges for reproduction.~~

2240 ~~(9) The state land planning agency shall, by February 15,~~
 2241 ~~1986, adopt by rule minimum criteria for the review and~~
 2242 ~~determination of compliance of the local government~~
 2243 ~~comprehensive plan elements required by this act. Such rules~~
 2244 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
 2245 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
 2246 ~~become effective only after they have been submitted to the~~
 2247 ~~President of the Senate and the Speaker of the House of~~
 2248 ~~Representatives for review by the Legislature no later than 30~~
 2249 ~~days prior to the next regular session of the Legislature. In~~
 2250 ~~its review the Legislature may reject, modify, or take no action~~
 2251 ~~relative to the rules. The agency shall conform the rules to the~~
 2252 ~~changes made by the Legislature, or, if no action was taken, the~~
 2253 ~~agency rules shall become effective. The rule shall include~~
 2254 ~~criteria for determining whether:~~

2255 ~~(a) Proposed elements are in compliance with the~~
 2256 ~~requirements of part II, as amended by this act.~~

2257 ~~(b) Other elements of the comprehensive plan are related~~
 2258 ~~to and consistent with each other.~~

2259 ~~(c) The local government comprehensive plan elements are~~
 2260 ~~consistent with the state comprehensive plan and the appropriate~~
 2261 ~~regional policy plan pursuant to s. 186.508.~~

2262 ~~(d) Certain bays, estuaries, and harbors that fall under~~
 2263 ~~the jurisdiction of more than one local government are managed~~
 2264 ~~in a consistent and coordinated manner in the case of local~~
 2265 ~~governments required to include a coastal management element in~~
 2266 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2267 ~~(e) Proposed elements identify the mechanisms and~~

2268 ~~procedures for monitoring, evaluating, and appraising~~
 2269 ~~implementation of the plan. Specific measurable objectives are~~
 2270 ~~included to provide a basis for evaluating effectiveness as~~
 2271 ~~required by s. 163.3191.~~

2272 ~~(f) Proposed elements contain policies to guide future~~
 2273 ~~decisions in a consistent manner.~~

2274 ~~(g) Proposed elements contain programs and activities to~~
 2275 ~~ensure that comprehensive plans are implemented.~~

2276 ~~(h) Proposed elements identify the need for and the~~
 2277 ~~processes and procedures to ensure coordination of all~~
 2278 ~~development activities and services with other units of local~~
 2279 ~~government, regional planning agencies, water management~~
 2280 ~~districts, and state and federal agencies as appropriate.~~

2281
 2282 ~~The state land planning agency may adopt procedural rules that~~
 2283 ~~are consistent with this section and chapter 120 for the review~~
 2284 ~~of local government comprehensive plan elements required under~~
 2285 ~~this section. The state land planning agency shall provide model~~
 2286 ~~plans and ordinances and, upon request, other assistance to~~
 2287 ~~local governments in the adoption and implementation of their~~
 2288 ~~revised local government comprehensive plans. The review and~~
 2289 ~~comment provisions applicable prior to October 1, 1985, shall~~
 2290 ~~continue in effect until the criteria for review and~~
 2291 ~~determination are adopted pursuant to this subsection and the~~
 2292 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2293 ~~(10) The Legislature recognizes the importance and~~
 2294 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
 2295 ~~Minimum Criteria for Review of Local Government Comprehensive~~

2296 ~~Plans and Determination of Compliance of the Department of~~
2297 ~~Community Affairs that will be used to determine compliance of~~
2298 ~~local comprehensive plans. The Legislature reserved unto itself~~
2299 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
2300 ~~and to reject, modify, or take no action relative to this rule.~~
2301 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
2302 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
2303 ~~expresses the following legislative intent:~~

2304 ~~(a) The Legislature finds that in order for the department~~
2305 ~~to review local comprehensive plans, it is necessary to define~~
2306 ~~the term "consistency." Therefore, for the purpose of~~
2307 ~~determining whether local comprehensive plans are consistent~~
2308 ~~with the state comprehensive plan and the appropriate regional~~
2309 ~~policy plan, a local plan shall be consistent with such plans if~~
2310 ~~the local plan is "compatible with" and "furthers" such plans.~~
2311 ~~The term "compatible with" means that the local plan is not in~~
2312 ~~conflict with the state comprehensive plan or appropriate~~
2313 ~~regional policy plan. The term "furthers" means to take action~~
2314 ~~in the direction of realizing goals or policies of the state or~~
2315 ~~regional plan. For the purposes of determining consistency of~~
2316 ~~the local plan with the state comprehensive plan or the~~
2317 ~~appropriate regional policy plan, the state or regional plan~~
2318 ~~shall be construed as a whole and no specific goal and policy~~
2319 ~~shall be construed or applied in isolation from the other goals~~
2320 ~~and policies in the plans.~~

2321 ~~(b) Each local government shall review all the state~~
2322 ~~comprehensive plan goals and policies and shall address in its~~
2323 ~~comprehensive plan the goals and policies which are relevant to~~

2324 ~~the circumstances or conditions in its jurisdiction. The~~
 2325 ~~decision regarding which particular state comprehensive plan~~
 2326 ~~goals and policies will be furthered by the expenditure of a~~
 2327 ~~local government's financial resources in any given year is a~~
 2328 ~~decision which rests solely within the discretion of the local~~
 2329 ~~government. Intergovernmental coordination, as set forth in~~
 2330 ~~paragraph (6) (h), shall be utilized to the extent required to~~
 2331 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
 2332 ~~Code.~~

2333 ~~(c) The Legislature declares that if any portion of~~
 2334 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~
 2335 ~~conflict with this part, the appropriate statutory provision~~
 2336 ~~shall prevail.~~

2337 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
 2338 ~~mandate the creation, limitation, or elimination of regulatory~~
 2339 ~~authority, nor does it authorize the adoption or require the~~
 2340 ~~repeal of any rules, criteria, or standards of any local,~~
 2341 ~~regional, or state agency.~~

2342 ~~(e) It is the Legislature's intent that support data or~~
 2343 ~~summaries thereof shall not be subject to the compliance review~~
 2344 ~~process, but the Legislature intends that goals and policies be~~
 2345 ~~clearly based on appropriate data. The department may utilize~~
 2346 ~~support data or summaries thereof to aid in its determination of~~
 2347 ~~compliance and consistency. The Legislature intends that the~~
 2348 ~~department may evaluate the application of a methodology~~
 2349 ~~utilized in data collection or whether a particular methodology~~
 2350 ~~is professionally accepted. However, the department shall not~~
 2351 ~~evaluate whether one accepted methodology is better than~~

2352 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
 2353 ~~construed to require original data collection by local~~
 2354 ~~governments; however, Local governments are not to be~~
 2355 ~~discouraged from utilizing original data so long as~~
 2356 ~~methodologies are professionally accepted.~~

2357 ~~(f) The Legislature recognizes that under this section,~~
 2358 ~~local governments are charged with setting levels of service for~~
 2359 ~~public facilities in their comprehensive plans in accordance~~
 2360 ~~with which development orders and permits will be issued~~
 2361 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~
 2362 ~~the authority of state, regional, or local agencies as otherwise~~
 2363 ~~provided by law.~~

2364 ~~(g) Definitions contained in chapter 9J-5, Florida~~
 2365 ~~Administrative Code, are not intended to modify or amend the~~
 2366 ~~definitions utilized for purposes of other programs or rules or~~
 2367 ~~to establish or limit regulatory authority. Local governments~~
 2368 ~~may establish alternative definitions in local comprehensive~~
 2369 ~~plans, as long as such definitions accomplish the intent of this~~
 2370 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2371 ~~(h) It is the intent of the Legislature that public~~
 2372 ~~facilities and services needed to support development shall be~~
 2373 ~~available concurrent with the impacts of such development in~~
 2374 ~~accordance with s. 163.3180. In meeting this intent, public~~
 2375 ~~facility and service availability shall be deemed sufficient if~~
 2376 ~~the public facilities and services for a development are phased,~~
 2377 ~~or the development is phased, so that the public facilities and~~
 2378 ~~those related services which are deemed necessary by the local~~
 2379 ~~government to operate the facilities necessitated by that~~

2380 ~~development are available concurrent with the impacts of the~~
 2381 ~~development. The public facilities and services, unless already~~
 2382 ~~available, are to be consistent with the capital improvements~~
 2383 ~~element of the local comprehensive plan as required by paragraph~~
 2384 ~~(3) (a) or guaranteed in an enforceable development agreement.~~
 2385 ~~This shall include development agreements pursuant to this~~
 2386 ~~chapter or in an agreement or a development order issued~~
 2387 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
 2388 ~~require a local government to address services in its capital~~
 2389 ~~improvements plan or to limit a local government's ability to~~
 2390 ~~address any service in its capital improvements plan that it~~
 2391 ~~deems necessary.~~

2392 ~~(i) The department shall take into account the factors~~
 2393 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
 2394 ~~it provides assistance to local governments and applies the rule~~
 2395 ~~in specific situations with regard to the detail of the data and~~
 2396 ~~analysis required.~~

2397 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
 2398 ~~effective pursuant to subsection (9). The Legislature hereby~~
 2399 ~~directs the department to adopt amendments as necessary which~~
 2400 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
 2401 ~~requirements of this legislative intent by October 1, 1986.~~

2402 ~~(k) In order for local governments to prepare and adopt~~
 2403 ~~comprehensive plans with knowledge of the rules that are applied~~
 2404 ~~to determine consistency of the plans with this part, there~~
 2405 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
 2406 ~~Florida Administrative Code, at the close of the 1986~~
 2407 ~~legislative session. Therefore, the Legislature declares that~~

2408 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
2409 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
2410 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
2411 ~~Florida Administrative Code, as amended, is subject to rule~~
2412 ~~challenges under s. 120.56(3), as nothing herein indicates~~
2413 ~~approval or disapproval of any portion of chapter 9J-5 not~~
2414 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
2415 ~~Florida Administrative Code, exclusive of the amendments adopted~~
2416 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
2417 ~~to the full chapter 120 process. All amendments shall have~~
2418 ~~effective dates as provided in chapter 120 and submission to the~~
2419 ~~President of the Senate and Speaker of the House of~~
2420 ~~Representatives shall not be required.~~

2421 ~~(1) The state land planning agency shall consider land use~~
2422 ~~compatibility issues in the vicinity of all airports in~~
2423 ~~coordination with the Department of Transportation and adjacent~~
2424 ~~to or in close proximity to all military installations in~~
2425 ~~coordination with the Department of Defense.~~

2426 ~~(11)(a) The Legislature recognizes the need for innovative~~
2427 ~~planning and development strategies which will address the~~
2428 ~~anticipated demands of continued urbanization of Florida's~~
2429 ~~coastal and other environmentally sensitive areas, and which~~
2430 ~~will accommodate the development of less populated regions of~~
2431 ~~the state which seek economic development and which have~~
2432 ~~suitable land and water resources to accommodate growth in an~~
2433 ~~environmentally acceptable manner. The Legislature further~~
2434 ~~recognizes the substantial advantages of innovative approaches~~
2435 ~~to development which may better serve to protect environmentally~~

2436 ~~sensitive areas, maintain the economic viability of agricultural~~
 2437 ~~and other predominantly rural land uses, and provide for the~~
 2438 ~~cost-efficient delivery of public facilities and services.~~

2439 ~~(b) It is the intent of the Legislature that the local~~
 2440 ~~government comprehensive plans and plan amendments adopted~~
 2441 ~~pursuant to the provisions of this part provide for a planning~~
 2442 ~~process which allows for land use efficiencies within existing~~
 2443 ~~urban areas and which also allows for the conversion of rural~~
 2444 ~~lands to other uses, where appropriate and consistent with the~~
 2445 ~~other provisions of this part and the affected local~~
 2446 ~~comprehensive plans, through the application of innovative and~~
 2447 ~~flexible planning and development strategies and creative land~~
 2448 ~~use planning techniques, which may include, but not be limited~~
 2449 ~~to, urban villages, new towns, satellite communities, area-based~~
 2450 ~~allocations, clustering and open space provisions, mixed-use~~
 2451 ~~development, and sector planning.~~

2452 ~~(c) It is the further intent of the Legislature that local~~
 2453 ~~government comprehensive plans and implementing land development~~
 2454 ~~regulations shall provide strategies which maximize the use of~~
 2455 ~~existing facilities and services through redevelopment, urban~~
 2456 ~~infill development, and other strategies for urban~~
 2457 ~~revitalization.~~

2458 ~~(d)1. The department, in cooperation with the Department~~
 2459 ~~of Agriculture and Consumer Services, the Department of~~
 2460 ~~Environmental Protection, water management districts, and~~
 2461 ~~regional planning councils, shall provide assistance to local~~
 2462 ~~governments in the implementation of this paragraph and rule 9J-~~
 2463 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~

2464 ~~those provisions shall include a process by which the department~~
 2465 ~~may authorize local governments to designate all or portions of~~
 2466 ~~lands classified in the future land use element as predominantly~~
 2467 ~~agricultural, rural, open, open rural, or a substantively~~
 2468 ~~equivalent land use, as a rural land stewardship area within~~
 2469 ~~which planning and economic incentives are applied to encourage~~
 2470 ~~the implementation of innovative and flexible planning and~~
 2471 ~~development strategies and creative land use planning~~
 2472 ~~techniques, including those contained herein and in rule 9J-~~
 2473 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
 2474 ~~include, but is not limited to:~~

2475 ~~a. Assistance from the Department of Environmental~~
 2476 ~~Protection and water management districts in creating the~~
 2477 ~~geographic information systems land cover database and aerial~~
 2478 ~~photogrammetry needed to prepare for a rural land stewardship~~
 2479 ~~area;~~

2480 ~~b. Support for local government implementation of rural~~
 2481 ~~land stewardship concepts by providing information and~~
 2482 ~~assistance to local governments regarding land acquisition~~
 2483 ~~programs that may be used by the local government or landowners~~
 2484 ~~to leverage the protection of greater acreage and maximize the~~
 2485 ~~effectiveness of rural land stewardship areas; and~~

2486 ~~e. Expansion of the role of the Department of Community~~
 2487 ~~Affairs as a resource agency to facilitate establishment of~~
 2488 ~~rural land stewardship areas in smaller rural counties that do~~
 2489 ~~not have the staff or planning budgets to create a rural land~~
 2490 ~~stewardship area.~~

2491 ~~2. The department shall encourage participation by local~~

2492 ~~governments of different sizes and rural characteristics in~~
2493 ~~establishing and implementing rural land stewardship areas. It~~
2494 ~~is the intent of the Legislature that rural land stewardship~~
2495 ~~areas be used to further the following broad principles of rural~~
2496 ~~sustainability: restoration and maintenance of the economic~~
2497 ~~value of rural land; control of urban sprawl; identification and~~
2498 ~~protection of ecosystems, habitats, and natural resources;~~
2499 ~~promotion of rural economic activity; maintenance of the~~
2500 ~~viability of Florida's agricultural economy; and protection of~~
2501 ~~the character of rural areas of Florida. Rural land stewardship~~
2502 ~~areas may be multicounty in order to encourage coordinated~~
2503 ~~regional stewardship planning.~~

2504 ~~3. A local government, in conjunction with a regional~~
2505 ~~planning council, a stakeholder organization of private land~~
2506 ~~owners, or another local government, shall notify the department~~
2507 ~~in writing of its intent to designate a rural land stewardship~~
2508 ~~area. The written notification shall describe the basis for the~~
2509 ~~designation, including the extent to which the rural land~~
2510 ~~stewardship area enhances rural land values, controls urban~~
2511 ~~sprawl, provides necessary open space for agriculture and~~
2512 ~~protection of the natural environment, promotes rural economic~~
2513 ~~activity, and maintains rural character and the economic~~
2514 ~~viability of agriculture.~~

2515 ~~4. A rural land stewardship area shall be not less than~~
2516 ~~10,000 acres and shall be located outside of municipalities and~~
2517 ~~established urban growth boundaries, and shall be designated by~~
2518 ~~plan amendment. The plan amendment designating a rural land~~
2519 ~~stewardship area shall be subject to review by the Department of~~

2520 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
 2521 ~~the following:~~

2522 ~~a. Criteria for the designation of receiving areas within~~
 2523 ~~rural land stewardship areas in which innovative planning and~~
 2524 ~~development strategies may be applied. Criteria shall at a~~
 2525 ~~minimum provide for the following: adequacy of suitable land to~~
 2526 ~~accommodate development so as to avoid conflict with~~
 2527 ~~environmentally sensitive areas, resources, and habitats;~~
 2528 ~~compatibility between and transition from higher density uses to~~
 2529 ~~lower intensity rural uses; the establishment of receiving area~~
 2530 ~~service boundaries which provide for a separation between~~
 2531 ~~receiving areas and other land uses within the rural land~~
 2532 ~~stewardship area through limitations on the extension of~~
 2533 ~~services; and connection of receiving areas with the rest of the~~
 2534 ~~rural land stewardship area using rural design and rural road~~
 2535 ~~corridors.~~

2536 ~~b. Goals, objectives, and policies setting forth the~~
 2537 ~~innovative planning and development strategies to be applied~~
 2538 ~~within rural land stewardship areas pursuant to the provisions~~
 2539 ~~of this section.~~

2540 ~~c. A process for the implementation of innovative planning~~
 2541 ~~and development strategies within the rural land stewardship~~
 2542 ~~area, including those described in this subsection and rule 9J-~~
 2543 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
 2544 ~~functional mix of land uses, including adequate available~~
 2545 ~~workforce housing, including low, very-low and moderate income~~
 2546 ~~housing for the development anticipated in the receiving area~~
 2547 ~~and which are applied through the adoption by the local~~

2548 ~~government of zoning and land development regulations applicable~~
 2549 ~~to the rural land stewardship area.~~

2550 ~~d. A process which encourages visioning pursuant to s.~~
 2551 ~~163.3167(11) to ensure that innovative planning and development~~
 2552 ~~strategies comply with the provisions of this section.~~

2553 ~~e. The control of sprawl through the use of innovative~~
 2554 ~~strategies and creative land use techniques consistent with the~~
 2555 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
 2556 ~~Administrative Code.~~

2557 ~~5. A receiving area shall be designated by the adoption of~~
 2558 ~~a land development regulation. Prior to the designation of a~~
 2559 ~~receiving area, the local government shall provide the~~
 2560 ~~Department of Community Affairs a period of 30 days in which to~~
 2561 ~~review a proposed receiving area for consistency with the rural~~
 2562 ~~land stewardship area plan amendment and to provide comments to~~
 2563 ~~the local government. At the time of designation of a~~
 2564 ~~stewardship receiving area, a listed species survey will be~~
 2565 ~~performed. If listed species occur on the receiving area site,~~
 2566 ~~the developer shall coordinate with each appropriate local,~~
 2567 ~~state, or federal agency to determine if adequate provisions~~
 2568 ~~have been made to protect those species in accordance with~~
 2569 ~~applicable regulations. In determining the adequacy of~~
 2570 ~~provisions for the protection of listed species and their~~
 2571 ~~habitats, the rural land stewardship area shall be considered as~~
 2572 ~~a whole, and the impacts to areas to be developed as receiving~~
 2573 ~~areas shall be considered together with the environmental~~
 2574 ~~benefits of areas protected as sending areas in fulfilling this~~
 2575 ~~criteria.~~

2576 ~~6. Upon the adoption of a plan amendment creating a rural~~
 2577 ~~land stewardship area, the local government shall, by ordinance,~~
 2578 ~~establish the methodology for the creation, conveyance, and use~~
 2579 ~~of transferable rural land use credits, otherwise referred to as~~
 2580 ~~stewardship credits, the application of which shall not~~
 2581 ~~constitute a right to develop land, nor increase density of~~
 2582 ~~land, except as provided by this section. The total amount of~~
 2583 ~~transferable rural land use credits within the rural land~~
 2584 ~~stewardship area must enable the realization of the long-term~~
 2585 ~~vision and goals for the 25-year or greater projected population~~
 2586 ~~of the rural land stewardship area, which may take into~~
 2587 ~~consideration the anticipated effect of the proposed receiving~~
 2588 ~~areas. Transferable rural land use credits are subject to the~~
 2589 ~~following limitations:~~

2590 ~~a. Transferable rural land use credits may only exist~~
 2591 ~~within a rural land stewardship area.~~

2592 ~~b. Transferable rural land use credits may only be used on~~
 2593 ~~lands designated as receiving areas and then solely for the~~
 2594 ~~purpose of implementing innovative planning and development~~
 2595 ~~strategies and creative land use planning techniques adopted by~~
 2596 ~~the local government pursuant to this section.~~

2597 ~~c. Transferable rural land use credits assigned to a~~
 2598 ~~parcel of land within a rural land stewardship area shall cease~~
 2599 ~~to exist if the parcel of land is removed from the rural land~~
 2600 ~~stewardship area by plan amendment.~~

2601 ~~d. Neither the creation of the rural land stewardship area~~
 2602 ~~by plan amendment nor the assignment of transferable rural land~~
 2603 ~~use credits by the local government shall operate to displace~~

2604 ~~the underlying density of land uses assigned to a parcel of land~~
 2605 ~~within the rural land stewardship area; however, if transferable~~
 2606 ~~rural land use credits are transferred from a parcel for use~~
 2607 ~~within a designated receiving area, the underlying density~~
 2608 ~~assigned to the parcel of land shall cease to exist.~~

2609 ~~e. The underlying density on each parcel of land located~~
 2610 ~~within a rural land stewardship area shall not be increased or~~
 2611 ~~decreased by the local government, except as a result of the~~
 2612 ~~conveyance or use of transferable rural land use credits, as~~
 2613 ~~long as the parcel remains within the rural land stewardship~~
 2614 ~~area.~~

2615 ~~f. Transferable rural land use credits shall cease to~~
 2616 ~~exist on a parcel of land where the underlying density assigned~~
 2617 ~~to the parcel of land is utilized.~~

2618 ~~g. An increase in the density of use on a parcel of land~~
 2619 ~~located within a designated receiving area may occur only~~
 2620 ~~through the assignment or use of transferable rural land use~~
 2621 ~~credits and shall not require a plan amendment.~~

2622 ~~h. A change in the density of land use on parcels located~~
 2623 ~~within receiving areas shall be specified in a development order~~
 2624 ~~which reflects the total number of transferable rural land use~~
 2625 ~~credits assigned to the parcel of land and the infrastructure~~
 2626 ~~and support services necessary to provide for a functional mix~~
 2627 ~~of land uses corresponding to the plan of development.~~

2628 ~~i. Land within a rural land stewardship area may be~~
 2629 ~~removed from the rural land stewardship area through a plan~~
 2630 ~~amendment.~~

2631 ~~j. Transferable rural land use credits may be assigned at~~

2632 ~~different ratios of credits per acre according to the natural~~
 2633 ~~resource or other beneficial use characteristics of the land and~~
 2634 ~~according to the land use remaining following the transfer of~~
 2635 ~~credits, with the highest number of credits per acre assigned to~~
 2636 ~~the most environmentally valuable land or, in locations where~~
 2637 ~~the retention of open space and agricultural land is a priority,~~
 2638 ~~to such lands.~~

2639 ~~k. The use or conveyance of transferable rural land use~~
 2640 ~~credits must be recorded in the public records of the county in~~
 2641 ~~which the property is located as a covenant or restrictive~~
 2642 ~~easement running with the land in favor of the county and either~~
 2643 ~~the Department of Environmental Protection, Department of~~
 2644 ~~Agriculture and Consumer Services, a water management district,~~
 2645 ~~or a recognized statewide land trust.~~

2646 ~~7. Owners of land within rural land stewardship areas~~
 2647 ~~should be provided incentives to enter into rural land~~
 2648 ~~stewardship agreements, pursuant to existing law and rules~~
 2649 ~~adopted thereto, with state agencies, water management~~
 2650 ~~districts, and local governments to achieve mutually agreed upon~~
 2651 ~~conservation objectives. Such incentives may include, but not be~~
 2652 ~~limited to, the following:~~

2653 ~~a. Opportunity to accumulate transferable mitigation~~
 2654 ~~credits.~~

2655 ~~b. Extended permit agreements.~~

2656 ~~e. Opportunities for recreational leases and ecotourism.~~

2657 ~~d. Payment for specified land management services on~~
 2658 ~~publicly owned land, or property under covenant or restricted~~
 2659 ~~easement in favor of a public entity.~~

2660 ~~e. Option agreements for sale to public entities or~~
 2661 ~~private land conservation entities, in either fee or easement,~~
 2662 ~~upon achievement of conservation objectives.~~

2663 ~~8. The department shall report to the Legislature on an~~
 2664 ~~annual basis on the results of implementation of rural land~~
 2665 ~~stewardship areas authorized by the department, including~~
 2666 ~~successes and failures in achieving the intent of the~~
 2667 ~~Legislature as expressed in this paragraph.~~

2668 ~~(c) The Legislature finds that mixed-use, high-density~~
 2669 ~~development is appropriate for urban infill and redevelopment~~
 2670 ~~areas. Mixed-use projects accommodate a variety of uses,~~
 2671 ~~including residential and commercial, and usually at higher~~
 2672 ~~densities that promote pedestrian-friendly, sustainable~~
 2673 ~~communities. The Legislature recognizes that mixed-use, high-~~
 2674 ~~density development improves the quality of life for residents~~
 2675 ~~and businesses in urban areas. The Legislature finds that mixed-~~
 2676 ~~use, high-density redevelopment and infill benefits residents by~~
 2677 ~~creating a livable community with alternative modes of~~
 2678 ~~transportation. Furthermore, the Legislature finds that local~~
 2679 ~~zoning ordinances often discourage mixed-use, high-density~~
 2680 ~~development in areas that are appropriate for urban infill and~~
 2681 ~~redevelopment. The Legislature intends to discourage single-use~~
 2682 ~~zoning in urban areas which often leads to lower-density, land-~~
 2683 ~~intensive development outside an urban service area. Therefore,~~
 2684 ~~the Department of Community Affairs shall provide technical~~
 2685 ~~assistance to local governments in order to encourage mixed-use,~~
 2686 ~~high-density urban infill and redevelopment projects.~~

2687 ~~(f) The Legislature finds that a program for the transfer~~

2688 ~~of development rights is a useful tool to preserve historic~~
 2689 ~~buildings and create public open spaces in urban areas. A~~
 2690 ~~program for the transfer of development rights allows the~~
 2691 ~~transfer of density credits from historic properties and public~~
 2692 ~~open spaces to areas designated for high-density development.~~
 2693 ~~The Legislature recognizes that high-density development is~~
 2694 ~~integral to the success of many urban infill and redevelopment~~
 2695 ~~projects. The Legislature intends to encourage high-density~~
 2696 ~~urban infill and redevelopment while preserving historic~~
 2697 ~~structures and open spaces. Therefore, the Department of~~
 2698 ~~Community Affairs shall provide technical assistance to local~~
 2699 ~~governments in order to promote the transfer of development~~
 2700 ~~rights within urban areas for high-density infill and~~
 2701 ~~redevelopment projects.~~

2702 ~~(g) The implementation of this subsection shall be subject~~
 2703 ~~to the provisions of this chapter, chapters 186 and 187, and~~
 2704 ~~applicable agency rules.~~

2705 ~~(h) The department may adopt rules necessary to implement~~
 2706 ~~the provisions of this subsection.~~

2707 ~~(12) A public school facilities element adopted to~~
 2708 ~~implement a school concurrency program shall meet the~~
 2709 ~~requirements of this subsection. Each county and each~~
 2710 ~~municipality within the county, unless exempt or subject to a~~
 2711 ~~waiver, must adopt a public school facilities element that is~~
 2712 ~~consistent with those adopted by the other local governments~~
 2713 ~~within the county and enter the interlocal agreement pursuant to~~
 2714 ~~s. 163.31777.~~

2715 ~~(a) The state land planning agency may provide a waiver to~~

2716 ~~a county and to the municipalities within the county if the~~
2717 ~~capacity rate for all schools within the school district is no~~
2718 ~~greater than 100 percent and the projected 5-year capital outlay~~
2719 ~~full-time equivalent student growth rate is less than 10~~
2720 ~~percent. The state land planning agency may allow for a~~
2721 ~~projected 5-year capital outlay full-time equivalent student~~
2722 ~~growth rate to exceed 10 percent when the projected 10-year~~
2723 ~~capital outlay full-time equivalent student enrollment is less~~
2724 ~~than 2,000 students and the capacity rate for all schools within~~
2725 ~~the school district in the tenth year will not exceed the 100-~~
2726 ~~percent limitation. The state land planning agency may allow for~~
2727 ~~a single school to exceed the 100-percent limitation if it can~~
2728 ~~be demonstrated that the capacity rate for that single school is~~
2729 ~~not greater than 105 percent. In making this determination, the~~
2730 ~~state land planning agency shall consider the following~~
2731 ~~criteria:~~

2732 ~~1. Whether the exceedance is due to temporary~~
2733 ~~circumstances;~~

2734 ~~2. Whether the projected 5-year capital outlay full-time~~
2735 ~~equivalent student growth rate for the school district is~~
2736 ~~approaching the 10-percent threshold;~~

2737 ~~3. Whether one or more additional schools within the~~
2738 ~~school district are at or approaching the 100-percent threshold;~~
2739 ~~and~~

2740 ~~4. The adequacy of the data and analysis submitted to~~
2741 ~~support the waiver request.~~

2742 ~~(b) A municipality in a nonexempt county is exempt if the~~
2743 ~~municipality meets all of the following criteria for having no~~

2744 ~~significant impact on school attendance:~~

2745 ~~1. The municipality has issued development orders for~~
 2746 ~~fewer than 50 residential dwelling units during the preceding 5~~
 2747 ~~years, or the municipality has generated fewer than 25~~
 2748 ~~additional public school students during the preceding 5 years.~~

2749 ~~2. The municipality has not annexed new land during the~~
 2750 ~~preceding 5 years in land use categories that permit residential~~
 2751 ~~uses that will affect school attendance rates.~~

2752 ~~3. The municipality has no public schools located within~~
 2753 ~~its boundaries.~~

2754 ~~(c) A public school facilities element shall be based upon~~
 2755 ~~data and analyses that address, among other items, how level of~~
 2756 ~~service standards will be achieved and maintained. Such data and~~
 2757 ~~analyses must include, at a minimum, such items as: the~~
 2758 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
 2759 ~~year school district facilities work program adopted pursuant to~~
 2760 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
 2761 ~~1013.31 and an existing educational and ancillary plant map or~~
 2762 ~~map series; information on existing development and development~~
 2763 ~~anticipated for the next 5 years and the long-term planning~~
 2764 ~~period; an analysis of problems and opportunities for existing~~
 2765 ~~schools and schools anticipated in the future; an analysis of~~
 2766 ~~opportunities to collocate future schools with other public~~
 2767 ~~facilities such as parks, libraries, and community centers; an~~
 2768 ~~analysis of the need for supporting public facilities for~~
 2769 ~~existing and future schools; an analysis of opportunities to~~
 2770 ~~locate schools to serve as community focal points; projected~~
 2771 ~~future population and associated demographics, including~~

2772 ~~development patterns year by year for the upcoming 5-year and~~
 2773 ~~long-term planning periods; and anticipated educational and~~
 2774 ~~ancillary plants with land area requirements.~~

2775 ~~(d) The element shall contain one or more goals which~~
 2776 ~~establish the long-term end toward which public school programs~~
 2777 ~~and activities are ultimately directed.~~

2778 ~~(e) The element shall contain one or more objectives for~~
 2779 ~~each goal, setting specific, measurable, intermediate ends that~~
 2780 ~~are achievable and mark progress toward the goal.~~

2781 ~~(f) The element shall contain one or more policies for~~
 2782 ~~each objective which establish the way in which programs and~~
 2783 ~~activities will be conducted to achieve an identified goal.~~

2784 ~~(g) The objectives and policies shall address items such~~
 2785 ~~as:~~

- 2786 ~~1. The procedure for an annual update process;~~
- 2787 ~~2. The procedure for school site selection;~~
- 2788 ~~3. The procedure for school permitting;~~
- 2789 ~~4. Provision for infrastructure necessary to support~~
 2790 ~~proposed schools, including potable water, wastewater, drainage,~~
 2791 ~~solid waste, transportation, and means by which to assure safe~~
 2792 ~~access to schools, including sidewalks, bicycle paths, turn~~
 2793 ~~lanes, and signalization;~~
- 2794 ~~5. Provision for colocation of other public facilities,~~
 2795 ~~such as parks, libraries, and community centers, in proximity to~~
 2796 ~~public schools;~~
- 2797 ~~6. Provision for location of schools proximate to~~
 2798 ~~residential areas and to complement patterns of development,~~
 2799 ~~including the location of future school sites so they serve as~~

2800 ~~community focal points;~~

2801 ~~7. Measures to ensure compatibility of school sites and~~
2802 ~~surrounding land uses;~~

2803 ~~8. Coordination with adjacent local governments and the~~
2804 ~~school district on emergency preparedness issues, including the~~
2805 ~~use of public schools to serve as emergency shelters; and~~

2806 ~~9. Coordination with the future land use element.~~

2807 ~~(h) The element shall include one or more future~~
2808 ~~conditions maps which depict the anticipated location of~~
2809 ~~educational and ancillary plants, including the general location~~
2810 ~~of improvements to existing schools or new schools anticipated~~
2811 ~~over the 5-year or long-term planning period. The maps will of~~
2812 ~~necessity be general for the long-term planning period and more~~
2813 ~~specific for the 5-year period. Maps indicating general~~
2814 ~~locations of future schools or school improvements may not~~
2815 ~~prescribe a land use on a particular parcel of land.~~

2816 ~~(i) The state land planning agency shall establish a~~
2817 ~~phased schedule for adoption of the public school facilities~~
2818 ~~element and the required updates to the public schools~~
2819 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~
2820 ~~shall provide for each county and local government within the~~
2821 ~~county to adopt the element and update to the agreement no later~~
2822 ~~than December 1, 2008. Plan amendments to adopt a public school~~
2823 ~~facilities element are exempt from the provisions of s.~~
2824 ~~163.3187(1).~~

2825 ~~(j) The state land planning agency may issue a notice to~~
2826 ~~the school board and the local government to show cause why~~
2827 ~~sanctions should not be enforced for failure to enter into an~~

2828 ~~approved interlocal agreement as required by s. 163.31777 or for~~
 2829 ~~failure to implement provisions relating to public school~~
 2830 ~~concurrency. If the state land planning agency finds that~~
 2831 ~~insufficient cause exists for the school board's or local~~
 2832 ~~government's failure to enter into an approved interlocal~~
 2833 ~~agreement as required by s. 163.31777 or for the school board's~~
 2834 ~~or local government's failure to implement the provisions~~
 2835 ~~relating to public school concurrency, the state land planning~~
 2836 ~~agency shall submit its finding to the Administration Commission~~
 2837 ~~which may impose on the local government any of the sanctions~~
 2838 ~~set forth in s. 163.3184(11) (a) and (b) and may impose on the~~
 2839 ~~district school board any of the sanctions set forth in s.~~
 2840 ~~1008.32(4).~~

2841 ~~(13) Local governments are encouraged to develop a~~
 2842 ~~community vision that provides for sustainable growth,~~
 2843 ~~recognizes its fiscal constraints, and protects its natural~~
 2844 ~~resources. At the request of a local government, the applicable~~
 2845 ~~regional planning council shall provide assistance in the~~
 2846 ~~development of a community vision.~~

2847 ~~(a) As part of the process of developing a community~~
 2848 ~~vision under this section, the local government must hold two~~
 2849 ~~public meetings with at least one of those meetings before the~~
 2850 ~~local planning agency. Before those public meetings, the local~~
 2851 ~~government must hold at least one public workshop with~~
 2852 ~~stakeholder groups such as neighborhood associations, community~~
 2853 ~~organizations, businesses, private property owners, housing and~~
 2854 ~~development interests, and environmental organizations.~~

2855 ~~(b) The local government must, at a minimum, discuss five~~

2856 ~~of the following topics as part of the workshops and public~~
 2857 ~~meetings required under paragraph (a):~~

- 2858 ~~1. Future growth in the area using population forecasts~~
 2859 ~~from the Bureau of Economic and Business Research;~~
- 2860 ~~2. Priorities for economic development;~~
- 2861 ~~3. Preservation of open space, environmentally sensitive~~
 2862 ~~lands, and agricultural lands;~~
- 2863 ~~4. Appropriate areas and standards for mixed-use~~
 2864 ~~development;~~
- 2865 ~~5. Appropriate areas and standards for high-density~~
 2866 ~~commercial and residential development;~~
- 2867 ~~6. Appropriate areas and standards for economic~~
 2868 ~~development opportunities and employment centers;~~
- 2869 ~~7. Provisions for adequate workforce housing;~~
- 2870 ~~8. An efficient, interconnected multimodal transportation~~
 2871 ~~system; and~~
- 2872 ~~9. Opportunities to create land use patterns that~~
 2873 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2874 ~~(c) As part of the workshops and public meetings, the~~
 2875 ~~local government must discuss strategies for addressing the~~
 2876 ~~topics discussed under paragraph (b), including:~~

- 2877 ~~1. Strategies to preserve open space and environmentally~~
 2878 ~~sensitive lands, and to encourage a healthy agricultural~~
 2879 ~~economy, including innovative planning and development~~
 2880 ~~strategies, such as the transfer of development rights;~~
- 2881 ~~2. Incentives for mixed-use development, including~~
 2882 ~~increased height and intensity standards for buildings that~~
 2883 ~~provide residential use in combination with office or commercial~~

2884 ~~space;~~
 2885 ~~3. Incentives for workforce housing;~~
 2886 ~~4. Designation of an urban service boundary pursuant to~~
 2887 ~~subsection (2); and~~
 2888 ~~5. Strategies to provide mobility within the community and~~
 2889 ~~to protect the Strategic Intermodal System, including the~~
 2890 ~~development of a transportation corridor management plan under~~
 2891 ~~s. 337.273.~~
 2892 ~~(d) The community vision must reflect the community's~~
 2893 ~~shared concept for growth and development of the community,~~
 2894 ~~including visual representations depicting the desired land use~~
 2895 ~~patterns and character of the community during a 10-year~~
 2896 ~~planning timeframe. The community vision must also take into~~
 2897 ~~consideration economic viability of the vision and private~~
 2898 ~~property interests.~~
 2899 ~~(e) After the workshops and public meetings required under~~
 2900 ~~paragraph (a) are held, the local government may amend its~~
 2901 ~~comprehensive plan to include the community vision as a~~
 2902 ~~component in the plan. This plan amendment must be transmitted~~
 2903 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
 2904 ~~163.3189 at public hearings of the governing body other than~~
 2905 ~~those identified in paragraph (a).~~
 2906 ~~(f) Amendments submitted under this subsection are exempt~~
 2907 ~~from the limitation on the frequency of plan amendments in s.~~
 2908 ~~163.3187.~~
 2909 ~~(g) A local government that has developed a community~~
 2910 ~~vision or completed a visioning process after July 1, 2000, and~~
 2911 ~~before July 1, 2005, which substantially accomplishes the goals~~

2912 ~~set forth in this subsection and the appropriate goals,~~
2913 ~~policies, or objectives have been adopted as part of the~~
2914 ~~comprehensive plan or reflected in subsequently adopted land~~
2915 ~~development regulations and the plan amendment incorporating the~~
2916 ~~community vision as a component has been found in compliance is~~
2917 ~~eligible for the incentives in s. 163.3184(17).~~

2918 ~~(14) Local governments are also encouraged to designate an~~
2919 ~~urban service boundary. This area must be appropriate for~~
2920 ~~compact, contiguous urban development within a 10-year planning~~
2921 ~~timeframe. The urban service area boundary must be identified on~~
2922 ~~the future land use map or map series. The local government~~
2923 ~~shall demonstrate that the land included within the urban~~
2924 ~~service boundary is served or is planned to be served with~~
2925 ~~adequate public facilities and services based on the local~~
2926 ~~government's adopted level of service standards by adopting a~~
2927 ~~10-year facilities plan in the capital improvements element~~
2928 ~~which is financially feasible. The local government shall~~
2929 ~~demonstrate that the amount of land within the urban service~~
2930 ~~boundary does not exceed the amount of land needed to~~
2931 ~~accommodate the projected population growth at densities~~
2932 ~~consistent with the adopted comprehensive plan within the 10-~~
2933 ~~year planning timeframe.~~

2934 ~~(a) As part of the process of establishing an urban~~
2935 ~~service boundary, the local government must hold two public~~
2936 ~~meetings with at least one of those meetings before the local~~
2937 ~~planning agency. Before those public meetings, the local~~
2938 ~~government must hold at least one public workshop with~~
2939 ~~stakeholder groups such as neighborhood associations, community~~

2940 ~~organizations, businesses, private property owners, housing and~~
2941 ~~development interests, and environmental organizations.~~

2942 ~~(b)1. After the workshops and public meetings required~~
2943 ~~under paragraph (a) are held, the local government may amend its~~
2944 ~~comprehensive plan to include the urban service boundary. This~~
2945 ~~plan amendment must be transmitted and adopted pursuant to the~~
2946 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
2947 ~~governing body other than those required under paragraph (a).~~

2948 ~~2. This subsection does not prohibit new development~~
2949 ~~outside an urban service boundary. However, a local government~~
2950 ~~that establishes an urban service boundary under this subsection~~
2951 ~~is encouraged to require a full-cost accounting analysis for any~~
2952 ~~new development outside the boundary and to consider the results~~
2953 ~~of that analysis when adopting a plan amendment for property~~
2954 ~~outside the established urban service boundary.~~

2955 ~~(c) Amendments submitted under this subsection are exempt~~
2956 ~~from the limitation on the frequency of plan amendments in s.~~
2957 ~~163.3187.~~

2958 ~~(d) A local government that has adopted an urban service~~
2959 ~~boundary before July 1, 2005, which substantially accomplishes~~
2960 ~~the goals set forth in this subsection is not required to comply~~
2961 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
2962 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2963 ~~order to satisfy the provisions of this paragraph, the local~~
2964 ~~government must secure a determination from the state land~~
2965 ~~planning agency that the urban service boundary adopted before~~
2966 ~~July 1, 2005, substantially complies with the criteria of this~~
2967 ~~subsection, based on data and analysis submitted by the local~~

2968 ~~government to support this determination. The determination by~~
2969 ~~the state land planning agency is not subject to administrative~~
2970 ~~challenge.~~

2971 (7) ~~(15)~~ (a) The Legislature finds that:

2972 1. There are a number of rural agricultural industrial
2973 centers in the state that process, produce, or aid in the
2974 production or distribution of a variety of agriculturally based
2975 products, including, but not limited to, fruits, vegetables,
2976 timber, and other crops, and juices, paper, and building
2977 materials. Rural agricultural industrial centers have a
2978 significant amount of existing associated infrastructure that is
2979 used for processing, producing, or distributing agricultural
2980 products.

2981 2. Such rural agricultural industrial centers are often
2982 located within or near communities in which the economy is
2983 largely dependent upon agriculture and agriculturally based
2984 products. The centers significantly enhance the economy of such
2985 communities. However, these agriculturally based communities are
2986 often socioeconomically challenged and designated as rural areas
2987 of critical economic concern. If such rural agricultural
2988 industrial centers are lost and not replaced with other job-
2989 creating enterprises, the agriculturally based communities will
2990 lose a substantial amount of their economies.

2991 3. The state has a compelling interest in preserving the
2992 viability of agriculture and protecting rural agricultural
2993 communities and the state from the economic upheaval that would
2994 result from short-term or long-term adverse changes in the
2995 agricultural economy. To protect these communities and promote

2996 | viable agriculture for the long term, it is essential to
2997 | encourage and permit diversification of existing rural
2998 | agricultural industrial centers by providing for jobs that are
2999 | not solely dependent upon, but are compatible with and
3000 | complement, existing agricultural industrial operations and to
3001 | encourage the creation and expansion of industries that use
3002 | agricultural products in innovative ways. However, the expansion
3003 | and diversification of these existing centers must be
3004 | accomplished in a manner that does not promote urban sprawl into
3005 | surrounding agricultural and rural areas.

3006 | (b) As used in this subsection, the term "rural
3007 | agricultural industrial center" means a developed parcel of land
3008 | in an unincorporated area on which there exists an operating
3009 | agricultural industrial facility or facilities that employ at
3010 | least 200 full-time employees in the aggregate and process and
3011 | prepare for transport a farm product, as defined in s. 163.3162,
3012 | or any biomass material that could be used, directly or
3013 | indirectly, for the production of fuel, renewable energy,
3014 | bioenergy, or alternative fuel as defined by law. The center may
3015 | also include land contiguous to the facility site which is not
3016 | used for the cultivation of crops, but on which other existing
3017 | activities essential to the operation of such facility or
3018 | facilities are located or conducted. The parcel of land must be
3019 | located within, or within 10 miles of, a rural area of critical
3020 | economic concern.

3021 | (c)1. A landowner whose land is located within a rural
3022 | agricultural industrial center may apply for an amendment to the
3023 | local government comprehensive plan for the purpose of

3024 designating and expanding the existing agricultural industrial
 3025 uses of facilities located within the center or expanding the
 3026 existing center to include industrial uses or facilities that
 3027 are not dependent upon but are compatible with agriculture and
 3028 the existing uses and facilities. A local government
 3029 comprehensive plan amendment under this paragraph must:

3030 a. Not increase the physical area of the existing rural
 3031 agricultural industrial center by more than 50 percent or 320
 3032 acres, whichever is greater.

3033 b. Propose a project that would, upon completion, create
 3034 at least 50 new full-time jobs.

3035 c. Demonstrate that sufficient infrastructure capacity
 3036 exists or will be provided to support the expanded center at the
 3037 level-of-service standards adopted in the local government
 3038 comprehensive plan.

3039 d. Contain goals, objectives, and policies that will
 3040 ensure that any adverse environmental impacts of the expanded
 3041 center will be adequately addressed and mitigation implemented
 3042 or demonstrate that the local government comprehensive plan
 3043 contains such provisions.

3044 2. Within 6 months after receiving an application as
 3045 provided in this paragraph, the local government shall transmit
 3046 the application to the state land planning agency for review
 3047 pursuant to this chapter together with any needed amendments to
 3048 the applicable sections of its comprehensive plan to include
 3049 goals, objectives, and policies that provide for the expansion
 3050 of rural agricultural industrial centers and discourage urban
 3051 sprawl in the surrounding areas. Such goals, objectives, and

3052 policies must promote and be consistent with the findings in
 3053 this subsection. An amendment that meets the requirements of
 3054 this subsection is presumed not to be urban sprawl as defined in
 3055 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~
 3056 ~~Administrative Code~~. This presumption may be rebutted by a
 3057 preponderance of the evidence.

3058 (d) This subsection does not apply to an optional sector
 3059 plan adopted pursuant to s. 163.3245, a rural land stewardship
 3060 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
 3061 comprehensive plan amendment that includes an inland port
 3062 terminal or affiliated port development.

3063 (e) Nothing in this subsection shall be construed to
 3064 confer the status of rural area of critical economic concern, or
 3065 any of the rights or benefits derived from such status, on any
 3066 land area not otherwise designated as such pursuant to s.
 3067 288.0656(7).

3068 Section 13. Section 163.31777, Florida Statutes, is
 3069 amended to read:

3070 163.31777 Public schools interlocal agreement.—

3071 (1)~~(a)~~ The county and municipalities located within the
 3072 geographic area of a school district shall enter into an
 3073 interlocal agreement with the district school board which
 3074 jointly establishes the specific ways in which the plans and
 3075 processes of the district school board and the local governments
 3076 are to be coordinated. ~~The interlocal agreements shall be~~
 3077 ~~submitted to the state land planning agency and the Office of~~
 3078 ~~Educational Facilities in accordance with a schedule published~~
 3079 ~~by the state land planning agency.~~

3080 ~~(b) The schedule must establish staggered due dates for~~
 3081 ~~submission of interlocal agreements that are executed by both~~
 3082 ~~the local government and the district school board, commencing~~
 3083 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
 3084 ~~set the same date for all governmental entities within a school~~
 3085 ~~district. However, if the county where the school district is~~
 3086 ~~located contains more than 20 municipalities, the state land~~
 3087 ~~planning agency may establish staggered due dates for the~~
 3088 ~~submission of interlocal agreements by these municipalities. The~~
 3089 ~~schedule must begin with those areas where both the number of~~
 3090 ~~districtwide capital-outlay full-time-equivalent students equals~~
 3091 ~~80 percent or more of the current year's school capacity and the~~
 3092 ~~projected 5-year student growth is 1,000 or greater, or where~~
 3093 ~~the projected 5-year student growth rate is 10 percent or~~
 3094 ~~greater.~~

3095 ~~(c) If the student population has declined over the 5-year~~
 3096 ~~period preceding the due date for submittal of an interlocal~~
 3097 ~~agreement by the local government and the district school board,~~
 3098 ~~the local government and the district school board may petition~~
 3099 ~~the state land planning agency for a waiver of one or more~~
 3100 ~~requirements of subsection (2). The waiver must be granted if~~
 3101 ~~the procedures called for in subsection (2) are unnecessary~~
 3102 ~~because of the school district's declining school age~~
 3103 ~~population, considering the district's 5-year facilities work~~
 3104 ~~program prepared pursuant to s. 1013.35. The state land planning~~
 3105 ~~agency may modify or revoke the waiver upon a finding that the~~
 3106 ~~conditions upon which the waiver was granted no longer exist.~~
 3107 ~~The district school board and local governments must submit an~~

3108 ~~interlocal agreement within 1 year after notification by the~~
3109 ~~state land planning agency that the conditions for a waiver no~~
3110 ~~longer exist.~~

3111 ~~(d) Interlocal agreements between local governments and~~
3112 ~~district school boards adopted pursuant to s. 163.3177 before~~
3113 ~~the effective date of this section must be updated and executed~~
3114 ~~pursuant to the requirements of this section, if necessary.~~
3115 ~~Amendments to interlocal agreements adopted pursuant to this~~
3116 ~~section must be submitted to the state land planning agency~~
3117 ~~within 30 days after execution by the parties for review~~
3118 ~~consistent with this section. Local governments and the district~~
3119 ~~school board in each school district are encouraged to adopt a~~
3120 ~~single interlocal agreement to which all join as parties. The~~
3121 ~~state land planning agency shall assemble and make available~~
3122 ~~model interlocal agreements meeting the requirements of this~~
3123 ~~section and notify local governments and, jointly with the~~
3124 ~~Department of Education, the district school boards of the~~
3125 ~~requirements of this section, the dates for compliance, and the~~
3126 ~~sanctions for noncompliance. The state land planning agency~~
3127 ~~shall be available to informally review proposed interlocal~~
3128 ~~agreements. If the state land planning agency has not received a~~
3129 ~~proposed interlocal agreement for informal review, the state~~
3130 ~~land planning agency shall, at least 60 days before the deadline~~
3131 ~~for submission of the executed agreement, renotify the local~~
3132 ~~government and the district school board of the upcoming~~
3133 ~~deadline and the potential for sanctions.~~

3134 (2) At a minimum, the interlocal agreement must address
3135 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~

3136 ~~for exempt local governments as provided in s. 163.3177(12), and~~
3137 ~~must address~~ the following issues:

3138 (a) A process by which each local government and the
3139 district school board agree and base their plans on consistent
3140 projections of the amount, type, and distribution of population
3141 growth and student enrollment. The geographic distribution of
3142 jurisdiction-wide growth forecasts is a major objective of the
3143 process.

3144 (b) A process to coordinate and share information relating
3145 to existing and planned public school facilities, including
3146 school renovations and closures, and local government plans for
3147 development and redevelopment.

3148 (c) Participation by affected local governments with the
3149 district school board in the process of evaluating potential
3150 school closures, significant renovations to existing schools,
3151 and new school site selection before land acquisition. Local
3152 governments shall advise the district school board as to the
3153 consistency of the proposed closure, renovation, or new site
3154 with the local comprehensive plan, including appropriate
3155 circumstances and criteria under which a district school board
3156 may request an amendment to the comprehensive plan for school
3157 siting.

3158 (d) A process for determining the need for and timing of
3159 onsite and offsite improvements to support new, proposed
3160 expansion, or redevelopment of existing schools. The process
3161 must address identification of the party or parties responsible
3162 for the improvements.

3163 (e) A process for the school board to inform the local

3164 government regarding the effect of comprehensive plan amendments
 3165 on school capacity. The capacity reporting must be consistent
 3166 with laws and rules relating to measurement of school facility
 3167 capacity and must also identify how the district school board
 3168 will meet the public school demand based on the facilities work
 3169 program adopted pursuant to s. 1013.35.

3170 (f) Participation of the local governments in the
 3171 preparation of the annual update to the district school board's
 3172 5-year district facilities work program and educational plant
 3173 survey prepared pursuant to s. 1013.35.

3174 (g) A process for determining where and how joint use of
 3175 either school board or local government facilities can be shared
 3176 for mutual benefit and efficiency.

3177 (h) A procedure for the resolution of disputes between the
 3178 district school board and local governments, which may include
 3179 the dispute resolution processes contained in chapters 164 and
 3180 186.

3181 (i) An oversight process, including an opportunity for
 3182 public participation, for the implementation of the interlocal
 3183 agreement.

3184 ~~(3) (a) The Office of Educational Facilities shall submit~~
 3185 ~~any comments or concerns regarding the executed interlocal~~
 3186 ~~agreement to the state land planning agency within 30 days after~~
 3187 ~~receipt of the executed interlocal agreement. The state land~~
 3188 ~~planning agency shall review the executed interlocal agreement~~
 3189 ~~to determine whether it is consistent with the requirements of~~
 3190 ~~subsection (2), the adopted local government comprehensive plan,~~
 3191 ~~and other requirements of law. Within 60 days after receipt of~~

3192 ~~an executed interlocal agreement, the state land planning agency~~
3193 ~~shall publish a notice of intent in the Florida Administrative~~
3194 ~~Weekly and shall post a copy of the notice on the agency's~~
3195 ~~Internet site. The notice of intent must state whether the~~
3196 ~~interlocal agreement is consistent or inconsistent with the~~
3197 ~~requirements of subsection (2) and this subsection, as~~
3198 ~~appropriate.~~

3199 ~~(b) The state land planning agency's notice is subject to~~
3200 ~~challenge under chapter 120; however, an affected person, as~~
3201 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~
3202 ~~administrative proceeding, and this proceeding is the sole means~~
3203 ~~available to challenge the consistency of an interlocal~~
3204 ~~agreement required by this section with the criteria contained~~
3205 ~~in subsection (2) and this subsection. In order to have~~
3206 ~~standing, each person must have submitted oral or written~~
3207 ~~comments, recommendations, or objections to the local government~~
3208 ~~or the school board before the adoption of the interlocal~~
3209 ~~agreement by the school board and local government. The district~~
3210 ~~school board and local governments are parties to any such~~
3211 ~~proceeding. In this proceeding, when the state land planning~~
3212 ~~agency finds the interlocal agreement to be consistent with the~~
3213 ~~criteria in subsection (2) and this subsection, the interlocal~~
3214 ~~agreement shall be determined to be consistent with subsection~~
3215 ~~(2) and this subsection if the local government's and school~~
3216 ~~board's determination of consistency is fairly debatable. When~~
3217 ~~the state planning agency finds the interlocal agreement to be~~
3218 ~~inconsistent with the requirements of subsection (2) and this~~
3219 ~~subsection, the local government's and school board's~~

3220 ~~determination of consistency shall be sustained unless it is~~
 3221 ~~shown by a preponderance of the evidence that the interlocal~~
 3222 ~~agreement is inconsistent.~~

3223 ~~(c) If the state land planning agency enters a final order~~
 3224 ~~that finds that the interlocal agreement is inconsistent with~~
 3225 ~~the requirements of subsection (2) or this subsection, it shall~~
 3226 ~~forward it to the Administration Commission, which may impose~~
 3227 ~~sanctions against the local government pursuant to s.~~
 3228 ~~163.3184(11) and may impose sanctions against the district~~
 3229 ~~school board by directing the Department of Education to~~
 3230 ~~withhold from the district school board an equivalent amount of~~
 3231 ~~funds for school construction available pursuant to ss. 1013.65,~~
 3232 ~~1013.68, 1013.70, and 1013.72.~~

3233 ~~(4) If an executed interlocal agreement is not timely~~
 3234 ~~submitted to the state land planning agency for review, the~~
 3235 ~~state land planning agency shall, within 15 working days after~~
 3236 ~~the deadline for submittal, issue to the local government and~~
 3237 ~~the district school board a Notice to Show Cause why sanctions~~
 3238 ~~should not be imposed for failure to submit an executed~~
 3239 ~~interlocal agreement by the deadline established by the agency.~~
 3240 ~~The agency shall forward the notice and the responses to the~~
 3241 ~~Administration Commission, which may enter a final order citing~~
 3242 ~~the failure to comply and imposing sanctions against the local~~
 3243 ~~government and district school board by directing the~~
 3244 ~~appropriate agencies to withhold at least 5 percent of state~~
 3245 ~~funds pursuant to s. 163.3184(11) and by directing the~~
 3246 ~~Department of Education to withhold from the district school~~
 3247 ~~board at least 5 percent of funds for school construction~~

3248 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
 3249 ~~1013.72.~~

3250 ~~(5) Any local government transmitting a public school~~
 3251 ~~element to implement school concurrency pursuant to the~~
 3252 ~~requirements of s. 163.3180 before the effective date of this~~
 3253 ~~section is not required to amend the element or any interlocal~~
 3254 ~~agreement to conform with the provisions of this section if the~~
 3255 ~~element is adopted prior to or within 1 year after the effective~~
 3256 ~~date of this section and remains in effect until the county~~
 3257 ~~conducts its evaluation and appraisal report and identifies~~
 3258 ~~changes necessary to more fully conform to the provisions of~~
 3259 ~~this section.~~

3260 ~~(6) Except as provided in subsection (7), municipalities~~
 3261 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 3262 ~~from the requirements of subsections (1), (2), and (3).~~

3263 ~~(7) At the time of the evaluation and appraisal report,~~
 3264 ~~each exempt municipality shall assess the extent to which it~~
 3265 ~~continues to meet the criteria for exemption under s.~~
 3266 ~~163.3177(12). If the municipality continues to meet these~~
 3267 ~~criteria, the municipality shall continue to be exempt from the~~
 3268 ~~interlocal agreement requirement. Each municipality exempt under~~
 3269 ~~s. 163.3177(12) must comply with the provisions of this section~~
 3270 ~~within 1 year after the district school board proposes, in its~~
 3271 ~~5-year district facilities work program, a new school within the~~
 3272 ~~municipality's jurisdiction.~~

3273 Section 14. Subsection (9) of section 163.3178, Florida
 3274 Statutes, is amended to read:

3275 163.3178 Coastal management.—

3276 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
 3277 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
 3278 ~~process provided in this section.~~ A proposed comprehensive plan
 3279 amendment shall be found in compliance with state coastal high-
 3280 hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
 3281 ~~Florida Administrative Code, if:~~

3282 1. The adopted level of service for out-of-county
 3283 hurricane evacuation is maintained for a category 5 storm event
 3284 as measured on the Saffir-Simpson scale; or

3285 2. A 12-hour evacuation time to shelter is maintained for
 3286 a category 5 storm event as measured on the Saffir-Simpson scale
 3287 and shelter space reasonably expected to accommodate the
 3288 residents of the development contemplated by a proposed
 3289 comprehensive plan amendment is available; or

3290 3. Appropriate mitigation is provided that will satisfy
 3291 ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate
 3292 mitigation shall include, without limitation, payment of money,
 3293 contribution of land, and construction of hurricane shelters and
 3294 transportation facilities. Required mitigation may ~~shall~~ not
 3295 exceed the amount required for a developer to accommodate
 3296 impacts reasonably attributable to development. A local
 3297 government and a developer shall enter into a binding agreement
 3298 to memorialize the mitigation plan.

3299 (b) For those local governments that have not established
 3300 a level of service for out-of-county hurricane evacuation by
 3301 July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and~~
 3302 ~~7., Florida Administrative Code,~~ by following the process in
 3303 paragraph (a), the level of service shall be no greater than 16

3304 hours for a category 5 storm event as measured on the Saffir-
 3305 Simpson scale.

3306 (c) This subsection shall become effective immediately and
 3307 shall apply to all local governments. No later than July 1,
 3308 2008, local governments shall amend their future land use map
 3309 and coastal management element to include the new definition of
 3310 coastal high-hazard area and to depict the coastal high-hazard
 3311 area on the future land use map.

3312 Section 15. Section 163.3180, Florida Statutes, is amended
 3313 to read:

3314 163.3180 Concurrency.—

3315 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
 3316 water, ~~parks and recreation, schools, and transportation~~
 3317 ~~facilities, including mass transit, where applicable,~~ are the
 3318 only public facilities and services subject to the concurrency
 3319 requirement on a statewide basis. Additional public facilities
 3320 and services may not be made subject to concurrency on a
 3321 statewide basis without ~~appropriate study and~~ approval by the
 3322 Legislature; however, any local government may extend the
 3323 concurrency requirement so that it applies to additional public
 3324 facilities within its jurisdiction.

3325 (a) If concurrency is applied to other public facilities,
 3326 the local government comprehensive plan must provide the
 3327 principles, guidelines, standards, and strategies, including
 3328 adopted levels of service, to guide its application. In order
 3329 for a local government to rescind any optional concurrency
 3330 provisions, a comprehensive plan amendment is required. An

3331 amendment rescinding optional concurrency issues is not subject
 3332 to state review.

3333 (b) The local government comprehensive plan must
 3334 demonstrate, for required or optional concurrency requirements,
 3335 that the levels of service adopted can be reasonably met.
 3336 Infrastructure needed to ensure that adopted level-of-service
 3337 standards are achieved and maintained for the 5-year period of
 3338 the capital improvement schedule must be identified pursuant to
 3339 the requirements of s. 163.3177(3). The comprehensive plan must
 3340 include principles, guidelines, standards, and strategies for
 3341 the establishment of a concurrency management system.

3342 ~~(b) Local governments shall use professionally accepted~~
 3343 ~~techniques for measuring level of service for automobiles,~~
 3344 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
 3345 ~~be used to evaluate increased accessibility by multiple modes~~
 3346 ~~and reductions in vehicle miles of travel in an area or zone.~~
 3347 ~~The Department of Transportation shall develop methodologies to~~
 3348 ~~assist local governments in implementing this multimodal level-~~
 3349 ~~of-service analysis. The Department of Community Affairs and the~~
 3350 ~~Department of Transportation shall provide technical assistance~~
 3351 ~~to local governments in applying these methodologies.~~

3352 (2)(a) Consistent with public health and safety, sanitary
 3353 sewer, solid waste, drainage, adequate water supplies, and
 3354 potable water facilities shall be in place and available to
 3355 serve new development no later than the issuance by the local
 3356 government of a certificate of occupancy or its functional
 3357 equivalent. Prior to approval of a building permit or its
 3358 functional equivalent, the local government shall consult with

3359 | the applicable water supplier to determine whether adequate
 3360 | water supplies to serve the new development will be available no
 3361 | later than the anticipated date of issuance by the local
 3362 | government of a certificate of occupancy or its functional
 3363 | equivalent. A local government may meet the concurrency
 3364 | requirement for sanitary sewer through the use of onsite sewage
 3365 | treatment and disposal systems approved by the Department of
 3366 | Health to serve new development.

3367 | ~~(b) Consistent with the public welfare, and except as~~
 3368 | ~~otherwise provided in this section, parks and recreation~~
 3369 | ~~facilities to serve new development shall be in place or under~~
 3370 | ~~actual construction no later than 1 year after issuance by the~~
 3371 | ~~local government of a certificate of occupancy or its functional~~
 3372 | ~~equivalent. However, the acreage for such facilities shall be~~
 3373 | ~~dedicated or be acquired by the local government prior to~~
 3374 | ~~issuance by the local government of a certificate of occupancy~~
 3375 | ~~or its functional equivalent, or funds in the amount of the~~
 3376 | ~~developer's fair share shall be committed no later than the~~
 3377 | ~~local government's approval to commence construction.~~

3378 | ~~(c) Consistent with the public welfare, and except as~~
 3379 | ~~otherwise provided in this section, transportation facilities~~
 3380 | ~~needed to serve new development shall be in place or under~~
 3381 | ~~actual construction within 3 years after the local government~~
 3382 | ~~approves a building permit or its functional equivalent that~~
 3383 | ~~results in traffic generation.~~

3384 | (3) Governmental entities that are not responsible for
 3385 | providing, financing, operating, or regulating public facilities
 3386 | needed to serve development may not establish binding level-of-

3387 service standards on governmental entities that do bear those
 3388 responsibilities. ~~This subsection does not limit the authority~~
 3389 ~~of any agency to recommend or make objections, recommendations,~~
 3390 ~~comments, or determinations during reviews conducted under s.~~
 3391 ~~163.3184.~~

3392 (4) ~~(a)~~ The concurrency requirement as implemented in local
 3393 comprehensive plans applies to state and other public facilities
 3394 and development to the same extent that it applies to all other
 3395 facilities and development, as provided by law.

3396 ~~(b)~~ ~~The concurrency requirement as implemented in local~~
 3397 ~~comprehensive plans does not apply to public transit facilities.~~
 3398 ~~For the purposes of this paragraph, public transit facilities~~
 3399 ~~include transit stations and terminals; transit station parking;~~
 3400 ~~park-and-ride lots; intermodal public transit connection or~~
 3401 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
 3402 ~~airport passenger terminals and concourses, air cargo~~
 3403 ~~facilities, and hangars for the assembly, manufacture,~~
 3404 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
 3405 ~~the terms "terminals" and "transit facilities" do not include~~
 3406 ~~seaports or commercial or residential development constructed in~~
 3407 ~~conjunction with a public transit facility.~~

3408 ~~(c)~~ ~~The concurrency requirement, except as it relates to~~
 3409 ~~transportation facilities and public schools, as implemented in~~
 3410 ~~local government comprehensive plans, may be waived by a local~~
 3411 ~~government for urban infill and redevelopment areas designated~~
 3412 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
 3413 ~~public health or safety as defined by the local government in~~
 3414 ~~its local government comprehensive plan. The waiver shall be~~

3415 ~~adopted as a plan amendment pursuant to the process set forth in~~
3416 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~
3417 ~~exception pursuant to subsection (5) for transportation~~
3418 ~~facilities located within these urban infill and redevelopment~~
3419 ~~areas.~~

3420 (5)(a) If concurrency is applied to transportation
3421 facilities, the local government comprehensive plan must provide
3422 the principles, guidelines, standards, and strategies, including
3423 adopted levels of service to guide its application.

3424 (b) Local governments shall use professionally accepted
3425 studies to evaluate the appropriate levels of service. Local
3426 governments should consider the number of facilities that will
3427 be necessary to meet level-of-service demands when determining
3428 the appropriate levels of service. The schedule of facilities
3429 that are necessary to meet the adopted level of service shall be
3430 reflected in the capital improvement element.

3431 (c) Local governments shall use professionally accepted
3432 techniques for measuring levels of service when evaluating
3433 potential impacts of a proposed development.

3434 (d) The premise of concurrency is that the public
3435 facilities will be provided in order to achieve and maintain the
3436 adopted level of service standard. A comprehensive plan that
3437 imposes transportation concurrency shall contain appropriate
3438 amendments to the capital improvements element of the
3439 comprehensive plan, consistent with the requirements of s.
3440 163.3177(3). The capital improvements element shall identify
3441 facilities necessary to meet adopted levels of service during a
3442 5-year period.

3443 (e) If a local government applies transportation
 3444 concurrency in its jurisdiction, it is encouraged to develop
 3445 policy guidelines and techniques to address potential negative
 3446 impacts on future development:

3447 1. In urban infill and redevelopment, and urban service
 3448 areas.

3449 2. With special part-time demands on the transportation
 3450 system.

3451 3. With de minimis impacts.

3452 4. On community desired types of development, such as
 3453 redevelopment, or job creation projects.

3454 (f) Local governments are encouraged to develop tools and
 3455 techniques to complement the application of transportation
 3456 concurrency such as:

3457 1. Adoption of long-term strategies to facilitate
 3458 development patterns that support multimodal solutions,
 3459 including urban design, and appropriate land use mixes,
 3460 including intensity and density.

3461 2. Adoption of an areawide level of service not dependent
 3462 on any single road segment function.

3463 3. Exempting or discounting impacts of locally desired
 3464 development, such as development in urban areas, redevelopment,
 3465 job creation, and mixed use on the transportation system.

3466 4. Assigning secondary priority to vehicle mobility and
 3467 primary priority to ensuring a safe, comfortable, and attractive
 3468 pedestrian environment, with convenient interconnection to
 3469 transit.

3470 5. Establishing multimodal level of service standards that

3471 rely primarily on nonvehicular modes of transportation where
 3472 existing or planned community design will provide adequate level
 3473 of mobility.

3474 6. Reducing impact fees or local access fees to promote
 3475 development within urban areas, multimodal transportation
 3476 districts, and a balance of mixed use development in certain
 3477 areas or districts, or for affordable or workforce housing.

3478 (g) Local governments are encouraged to coordinate with
 3479 adjacent local governments for the purpose of using common
 3480 methodologies for measuring impacts on transportation
 3481 facilities.

3482 (h) Local governments that implement transportation
 3483 concurrency must:

3484 1. Consult with the Department of Transportation when
 3485 proposed plan amendments affect facilities on the strategic
 3486 intermodal system.

3487 2. Exempt public transit facilities from concurrency. For
 3488 the purposes of this subparagraph, public transit facilities
 3489 include transit stations and terminals; transit station parking;
 3490 park-and-ride lots; intermodal public transit connection or
 3491 transfer facilities; fixed bus, guideway, and rail stations; and
 3492 airport passenger terminals and concourses, air cargo
 3493 facilities, and hangars for the assembly, manufacture,
 3494 maintenance, or storage of aircraft. As used in this
 3495 subparagraph, the terms "terminals" and "transit facilities" do
 3496 not include seaports or commercial or residential development
 3497 constructed in conjunction with a public transit facility.

3498 3. Allow an applicant for a development-of-regional-impact

3499 development order, a rezoning, or other land use development
 3500 permit to satisfy the transportation concurrency requirements of
 3501 the local comprehensive plan, the local government's concurrency
 3502 management system, and s. 380.06, when applicable, if:

3503 a. The applicant enters into a binding agreement to pay
 3504 for or construct its proportionate share of required
 3505 improvements.

3506 b. The proportionate-share contribution or construction is
 3507 sufficient to accomplish one or more mobility improvements that
 3508 will benefit a regionally significant transportation facility.

3509 c.(I) The local government has provided a means by which
 3510 the landowner will be assessed a proportionate share of the cost
 3511 of providing the transportation facilities necessary to serve
 3512 the proposed development. An applicant shall not be held
 3513 responsible for the additional cost of reducing or eliminating
 3514 deficiencies.

3515 (II) When an applicant contributes or constructs its
 3516 proportionate share pursuant to this subparagraph, a local
 3517 government may not require payment or construction of
 3518 transportation facilities whose costs would be greater than a
 3519 development's proportionate share of the improvements necessary
 3520 to mitigate the development's impacts.

3521 (A) The proportionate-share contribution shall be
 3522 calculated based upon the number of trips from the proposed
 3523 development expected to reach roadways during the peak hour from
 3524 the stage or phase being approved, divided by the change in the
 3525 peak hour maximum service volume of roadways resulting from
 3526 construction of an improvement necessary to maintain or achieve

3527 the adopted level of service, multiplied by the construction
3528 cost, at the time of development payment, of the improvement
3529 necessary to maintain or achieve the adopted level of service.

3530 (B) In using the proportionate-share formula provided in
3531 this subparagraph, the applicant, in its traffic analysis, shall
3532 identify those roads or facilities that have a transportation
3533 deficiency in accordance with the transportation deficiency as
3534 defined in sub-subparagraph e. The proportionate-share formula
3535 provided in this subparagraph shall be applied only to those
3536 facilities that are determined to be significantly impacted by
3537 the project traffic under review. If any road is determined to
3538 be transportation deficient without the project traffic under
3539 review, the costs of correcting that deficiency shall be removed
3540 from the project's proportionate-share calculation and the
3541 necessary transportation improvements to correct that deficiency
3542 shall be considered to be in place for purposes of the
3543 proportionate-share calculation. The improvement necessary to
3544 correct the transportation deficiency is the funding
3545 responsibility of the entity that has maintenance responsibility
3546 for the facility. The development's proportionate share shall be
3547 calculated only for the needed transportation improvements that
3548 are greater than the identified deficiency.

3549 (C) When the provisions of this subparagraph have been
3550 satisfied for a particular stage or phase of development, all
3551 transportation impacts from that stage or phase for which
3552 mitigation was required and provided shall be deemed fully
3553 mitigated in any transportation analysis for a subsequent stage
3554 or phase of development. Trips from a previous stage or phase

3555 that did not result in impacts for which mitigation was required
3556 or provided may be cumulatively analyzed with trips from a
3557 subsequent stage or phase to determine whether an impact
3558 requires mitigation for the subsequent stage or phase.

3559 (D) In projecting the number of trips to be generated by
3560 the development under review, any trips assigned to a toll-
3561 financed facility shall be eliminated from the analysis.

3562 (E) The applicant shall receive a credit on a dollar-for-
3563 dollar basis for impact fees, mobility fees, and other
3564 transportation concurrency mitigation requirements paid or
3565 payable in the future for the project. The credit shall be
3566 reduced up to 20 percent by the percentage share that the
3567 project's traffic represents of the added capacity of the
3568 selected improvement, or by the amount specified by local
3569 ordinance, whichever yields the greater credit.

3570 d. This subsection does not require a local government to
3571 approve a development that is not otherwise qualified for
3572 approval pursuant to the applicable local comprehensive plan and
3573 land development regulations.

3574 e. As used in this subsection, the term "transportation
3575 deficiency" means a facility or facilities on which the adopted
3576 level-of-service standard is exceeded by the existing,
3577 committed, and vested trips, plus additional projected
3578 background trips from any source other than the development
3579 project under review, and trips that are forecast by established
3580 traffic standards, including traffic modeling, consistent with
3581 the University of Florida's Bureau of Economic and Business
3582 Research medium population projections. Additional projected

3583 background trips are to be coincident with the particular stage
 3584 or phase of development under review.

3585 ~~(a) The Legislature finds that under limited~~
 3586 ~~circumstances, countervailing planning and public policy goals~~
 3587 ~~may come into conflict with the requirement that adequate public~~
 3588 ~~transportation facilities and services be available concurrent~~
 3589 ~~with the impacts of such development. The Legislature further~~
 3590 ~~finds that the unintended result of the concurrency requirement~~
 3591 ~~for transportation facilities is often the discouragement of~~
 3592 ~~urban infill development and redevelopment. Such unintended~~
 3593 ~~results directly conflict with the goals and policies of the~~
 3594 ~~state comprehensive plan and the intent of this part. The~~
 3595 ~~Legislature also finds that in urban centers transportation~~
 3596 ~~cannot be effectively managed and mobility cannot be improved~~
 3597 ~~solely through the expansion of roadway capacity, that the~~
 3598 ~~expansion of roadway capacity is not always physically or~~
 3599 ~~financially possible, and that a range of transportation~~
 3600 ~~alternatives is essential to satisfy mobility needs, reduce~~
 3601 ~~congestion, and achieve healthy, vibrant centers.~~

3602 ~~(b)1. The following are transportation concurrency~~
 3603 ~~exception areas:~~

3604 ~~a. A municipality that qualifies as a dense urban land~~
 3605 ~~area under s. 163.3164;~~

3606 ~~b. An urban service area under s. 163.3164 that has been~~
 3607 ~~adopted into the local comprehensive plan and is located within~~
 3608 ~~a county that qualifies as a dense urban land area under s.~~
 3609 ~~163.3164; and~~

3610 ~~e. A county, including the municipalities located therein,~~

3611 ~~which has a population of at least 900,000 and qualifies as a~~
 3612 ~~dense urban land area under s. 163.3164, but does not have an~~
 3613 ~~urban service area designated in the local comprehensive plan.~~

3614 ~~2. A municipality that does not qualify as a dense urban~~
 3615 ~~land area pursuant to s. 163.3164 may designate in its local~~
 3616 ~~comprehensive plan the following areas as transportation~~
 3617 ~~concurrency exception areas:~~

- 3618 ~~a. Urban infill as defined in s. 163.3164;~~
- 3619 ~~b. Community redevelopment areas as defined in s. 163.340;~~
- 3620 ~~e. Downtown revitalization areas as defined in s.~~
 3621 ~~163.3164;~~

- 3622 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3623 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
 3624 ~~within a designated urban service boundary under s.~~
 3625 ~~163.3177(14).~~

3626 ~~3. A county that does not qualify as a dense urban land~~
 3627 ~~area pursuant to s. 163.3164 may designate in its local~~
 3628 ~~comprehensive plan the following areas as transportation~~
 3629 ~~concurrency exception areas:~~

- 3630 ~~a. Urban infill as defined in s. 163.3164;~~
- 3631 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
- 3632 ~~e. Urban service areas as defined in s. 163.3164.~~

3633 ~~4. A local government that has a transportation~~
 3634 ~~concurrency exception area designated pursuant to subparagraph~~
 3635 ~~1., subparagraph 2., or subparagraph 3. shall, within 2 years~~
 3636 ~~after the designated area becomes exempt, adopt into its local~~
 3637 ~~comprehensive plan land use and transportation strategies to~~
 3638 ~~support and fund mobility within the exception area, including~~

3639 ~~alternative modes of transportation. Local governments are~~
3640 ~~encouraged to adopt complementary land use and transportation~~
3641 ~~strategies that reflect the region's shared vision for its~~
3642 ~~future. If the state land planning agency finds insufficient~~
3643 ~~cause for the failure to adopt into its comprehensive plan land~~
3644 ~~use and transportation strategies to support and fund mobility~~
3645 ~~within the designated exception area after 2 years, it shall~~
3646 ~~submit the finding to the Administration Commission, which may~~
3647 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~
3648 ~~(b) against the local government.~~

3649 ~~5. Transportation concurrency exception areas designated~~
3650 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
3651 ~~do not apply to designated transportation concurrency districts~~
3652 ~~located within a county that has a population of at least 1.5~~
3653 ~~million, has implemented and uses a transportation-related~~
3654 ~~concurrency assessment to support alternative modes of~~
3655 ~~transportation, including, but not limited to, mass transit, and~~
3656 ~~does not levy transportation impact fees within the concurrency~~
3657 ~~district.~~

3658 ~~6. Transportation concurrency exception areas designated~~
3659 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
3660 ~~not apply in any county that has exempted more than 40 percent~~
3661 ~~of the area inside the urban service area from transportation~~
3662 ~~concurrency for the purpose of urban infill.~~

3663 ~~7. A local government that does not have a transportation~~
3664 ~~concurrency exception area designated pursuant to subparagraph~~
3665 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
3666 ~~from the concurrency requirement for transportation facilities~~

3667 ~~if the proposed development is otherwise consistent with the~~
 3668 ~~adopted local government comprehensive plan and is a project~~
 3669 ~~that promotes public transportation or is located within an area~~
 3670 ~~designated in the comprehensive plan for:~~

- 3671 ~~a. Urban infill development;~~
- 3672 ~~b. Urban redevelopment;~~
- 3673 ~~c. Downtown revitalization;~~
- 3674 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3675 ~~e. An urban service area specifically designated as a~~
 3676 ~~transportation concurrency exception area which includes lands~~
 3677 ~~appropriate for compact, contiguous urban development, which~~
 3678 ~~does not exceed the amount of land needed to accommodate the~~
 3679 ~~projected population growth at densities consistent with the~~
 3680 ~~adopted comprehensive plan within the 10-year planning period,~~
 3681 ~~and which is served or is planned to be served with public~~
 3682 ~~facilities and services as provided by the capital improvements~~
 3683 ~~element.~~

3684 ~~(c) The Legislature also finds that developments located~~
 3685 ~~within urban infill, urban redevelopment, urban service, or~~
 3686 ~~downtown revitalization areas or areas designated as urban~~
 3687 ~~infill and redevelopment areas under s. 163.2517, which pose~~
 3688 ~~only special part-time demands on the transportation system, are~~
 3689 ~~exempt from the concurrency requirement for transportation~~
 3690 ~~facilities. A special part-time demand is one that does not have~~
 3691 ~~more than 200 scheduled events during any calendar year and does~~
 3692 ~~not affect the 100 highest traffic volume hours.~~

3693 ~~(d) Except for transportation concurrency exception areas~~
 3694 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~

3695 ~~or subparagraph (b)3., the following requirements apply:~~
 3696 ~~1. The local government shall both adopt into the~~
 3697 ~~comprehensive plan and implement long-term strategies to support~~
 3698 ~~and fund mobility within the designated exception area,~~
 3699 ~~including alternative modes of transportation. The plan~~
 3700 ~~amendment must also demonstrate how strategies will support the~~
 3701 ~~purpose of the exception and how mobility within the designated~~
 3702 ~~exception area will be provided.~~

3703 ~~2. The strategies must address urban design; appropriate~~
 3704 ~~land use mixes, including intensity and density; and network~~
 3705 ~~connectivity plans needed to promote urban infill,~~
 3706 ~~redevelopment, or downtown revitalization. The comprehensive~~
 3707 ~~plan amendment designating the concurrency exception area must~~
 3708 ~~be accompanied by data and analysis supporting the local~~
 3709 ~~government's determination of the boundaries of the~~
 3710 ~~transportation concurrency exception area.~~

3711 ~~(c) Before designating a concurrency exception area~~
 3712 ~~pursuant to subparagraph (b)7., the state land planning agency~~
 3713 ~~and the Department of Transportation shall be consulted by the~~
 3714 ~~local government to assess the impact that the proposed~~
 3715 ~~exception area is expected to have on the adopted level-of-~~
 3716 ~~service standards established for regional transportation~~
 3717 ~~facilities identified pursuant to s. 186.507, including the~~
 3718 ~~Strategic Intermodal System and roadway facilities funded in~~
 3719 ~~accordance with s. 339.2819. Further, the local government shall~~
 3720 ~~provide a plan for the mitigation of impacts to the Strategic~~
 3721 ~~Intermodal System, including, if appropriate, access management,~~
 3722 ~~parallel reliever roads, transportation demand management, and~~

3723 ~~other measures.~~

3724 ~~(f) The designation of a transportation concurrency~~
3725 ~~exception area does not limit a local government's home rule~~
3726 ~~power to adopt ordinances or impose fees. This subsection does~~
3727 ~~not affect any contract or agreement entered into or development~~
3728 ~~order rendered before the creation of the transportation~~
3729 ~~concurrency exception area except as provided in s.~~

3730 ~~380.06(29)(c).~~

3731 ~~(g) The Office of Program Policy Analysis and Government~~
3732 ~~Accountability shall submit to the President of the Senate and~~
3733 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3734 ~~a report on transportation concurrency exception areas created~~
3735 ~~pursuant to this subsection. At a minimum, the report shall~~
3736 ~~address the methods that local governments have used to~~
3737 ~~implement and fund transportation strategies to achieve the~~
3738 ~~purposes of designated transportation concurrency exception~~
3739 ~~areas, and the effects of the strategies on mobility,~~
3740 ~~congestion, urban design, the density and intensity of land use~~
3741 ~~mixes, and network connectivity plans used to promote urban~~
3742 ~~infill, redevelopment, or downtown revitalization.~~

3743 ~~(6) The Legislature finds that a de minimis impact is~~
3744 ~~consistent with this part. A de minimis impact is an impact that~~
3745 ~~would not affect more than 1 percent of the maximum volume at~~
3746 ~~the adopted level of service of the affected transportation~~
3747 ~~facility as determined by the local government. No impact will~~
3748 ~~be de minimis if the sum of existing roadway volumes and the~~
3749 ~~projected volumes from approved projects on a transportation~~
3750 ~~facility would exceed 110 percent of the maximum volume at the~~

3751 ~~adopted level of service of the affected transportation~~
3752 ~~facility; provided however, that an impact of a single family~~
3753 ~~home on an existing lot will constitute a de minimis impact on~~
3754 ~~all roadways regardless of the level of the deficiency of the~~
3755 ~~roadway. Further, no impact will be de minimis if it would~~
3756 ~~exceed the adopted level of service standard of any affected~~
3757 ~~designated hurricane evacuation routes. Each local government~~
3758 ~~shall maintain sufficient records to ensure that the 110-percent~~
3759 ~~criterion is not exceeded. Each local government shall submit~~
3760 ~~annually, with its updated capital improvements element, a~~
3761 ~~summary of the de minimis records. If the state land planning~~
3762 ~~agency determines that the 110-percent criterion has been~~
3763 ~~exceeded, the state land planning agency shall notify the local~~
3764 ~~government of the exceedance and that no further de minimis~~
3765 ~~exceptions for the applicable roadway may be granted until such~~
3766 ~~time as the volume is reduced below the 110 percent. The local~~
3767 ~~government shall provide proof of this reduction to the state~~
3768 ~~land planning agency before issuing further de minimis~~
3769 ~~exceptions.~~

3770 ~~(7) In order to promote infill development and~~
3771 ~~redevelopment, one or more transportation concurrency management~~
3772 ~~areas may be designated in a local government comprehensive~~
3773 ~~plan. A transportation concurrency management area must be a~~
3774 ~~compact geographic area with an existing network of roads where~~
3775 ~~multiple, viable alternative travel paths or modes are available~~
3776 ~~for common trips. A local government may establish an areawide~~
3777 ~~level of service standard for such a transportation concurrency~~
3778 ~~management area based upon an analysis that provides for a~~

3779 ~~justification for the areawide level of service, how urban~~
3780 ~~infill development or redevelopment will be promoted, and how~~
3781 ~~mobility will be accomplished within the transportation~~
3782 ~~concurrency management area. Prior to the designation of a~~
3783 ~~concurrency management area, the Department of Transportation~~
3784 ~~shall be consulted by the local government to assess the impact~~
3785 ~~that the proposed concurrency management area is expected to~~
3786 ~~have on the adopted level-of-service standards established for~~
3787 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
3788 ~~and roadway facilities funded in accordance with s. 339.2819.~~
3789 ~~Further, the local government shall, in cooperation with the~~
3790 ~~Department of Transportation, develop a plan to mitigate any~~
3791 ~~impacts to the Strategic Intermodal System, including, if~~
3792 ~~appropriate, the development of a long-term concurrency~~
3793 ~~management system pursuant to subsection (9) and s.~~
3794 ~~163.3177(3)(d). Transportation concurrency management areas~~
3795 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3796 ~~provisions of this section by July 1, 2006, or at the time of~~
3797 ~~the comprehensive plan update pursuant to the evaluation and~~
3798 ~~appraisal report, whichever occurs last. The state land planning~~
3799 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
3800 ~~be consistent with this subsection.~~

3801 ~~(8) When assessing the transportation impacts of proposed~~
3802 ~~urban redevelopment within an established existing urban service~~
3803 ~~area, 110 percent of the actual transportation impact caused by~~
3804 ~~the previously existing development must be reserved for the~~
3805 ~~redevelopment, even if the previously existing development has a~~
3806 ~~lesser or nonexistent impact pursuant to the calculations of the~~

3807 ~~local government. Redevelopment requiring less than 110 percent~~
3808 ~~of the previously existing capacity shall not be prohibited due~~
3809 ~~to the reduction of transportation levels of service below the~~
3810 ~~adopted standards. This does not preclude the appropriate~~
3811 ~~assessment of fees or accounting for the impacts within the~~
3812 ~~concurrency management system and capital improvements program~~
3813 ~~of the affected local government. This paragraph does not affect~~
3814 ~~local government requirements for appropriate development~~
3815 ~~permits.~~

3816 ~~(9) (a) Each local government may adopt as a part of its~~
3817 ~~plan, long-term transportation and school concurrency management~~
3818 ~~systems with a planning period of up to 10 years for specially~~
3819 ~~designated districts or areas where significant backlogs exist.~~
3820 ~~The plan may include interim level-of-service standards on~~
3821 ~~certain facilities and shall rely on the local government's~~
3822 ~~schedule of capital improvements for up to 10 years as a basis~~
3823 ~~for issuing development orders that authorize commencement of~~
3824 ~~construction in these designated districts or areas. The~~
3825 ~~concurrency management system must be designed to correct~~
3826 ~~existing deficiencies and set priorities for addressing~~
3827 ~~backlogged facilities. The concurrency management system must be~~
3828 ~~financially feasible and consistent with other portions of the~~
3829 ~~adopted local plan, including the future land use map.~~

3830 ~~(b) If a local government has a transportation or school~~
3831 ~~facility backlog for existing development which cannot be~~
3832 ~~adequately addressed in a 10-year plan, the state land planning~~
3833 ~~agency may allow it to develop a plan and long-term schedule of~~
3834 ~~capital improvements covering up to 15 years for good and~~

3835 ~~sufficient cause, based on a general comparison between that~~
3836 ~~local government and all other similarly situated local~~
3837 ~~jurisdictions, using the following factors:~~

- 3838 ~~1. The extent of the backlog.~~
3839 ~~2. For roads, whether the backlog is on local or state~~
3840 ~~roads.~~
3841 ~~3. The cost of eliminating the backlog.~~
3842 ~~4. The local government's tax and other revenue-raising~~
3843 ~~efforts.~~

3844 ~~(c) The local government may issue approvals to commence~~
3845 ~~construction notwithstanding this section, consistent with and~~
3846 ~~in areas that are subject to a long-term concurrency management~~
3847 ~~system.~~

3848 ~~(d) If the local government adopts a long-term concurrency~~
3849 ~~management system, it must evaluate the system periodically. At~~
3850 ~~a minimum, the local government must assess its progress toward~~
3851 ~~improving levels of service within the long-term concurrency~~
3852 ~~management district or area in the evaluation and appraisal~~
3853 ~~report and determine any changes that are necessary to~~
3854 ~~accelerate progress in meeting acceptable levels of service.~~

3855 ~~(10) Except in transportation concurrency exception areas,~~
3856 ~~with regard to roadway facilities on the Strategic Intermodal~~
3857 ~~System designated in accordance with s. 339.63, local~~
3858 ~~governments shall adopt the level-of-service standard~~
3859 ~~established by the Department of Transportation by rule.~~
3860 ~~However, if the Office of Tourism, Trade, and Economic~~
3861 ~~Development concurs in writing with the local government that~~
3862 ~~the proposed development is for a qualified job creation project~~

3863 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
 3864 ~~after consulting with the Department of Transportation, may~~
 3865 ~~provide for a waiver of transportation concurrency for the~~
 3866 ~~project. For all other roads on the State Highway System, local~~
 3867 ~~governments shall establish an adequate level of service~~
 3868 ~~standard that need not be consistent with any level of service~~
 3869 ~~standard established by the Department of Transportation. In~~
 3870 ~~establishing adequate level of service standards for any~~
 3871 ~~arterial roads, or collector roads as appropriate, which~~
 3872 ~~traverse multiple jurisdictions, local governments shall~~
 3873 ~~consider compatibility with the roadway facility's adopted~~
 3874 ~~level of service standards in adjacent jurisdictions. Each local~~
 3875 ~~government within a county shall use a professionally accepted~~
 3876 ~~methodology for measuring impacts on transportation facilities~~
 3877 ~~for the purposes of implementing its concurrency management~~
 3878 ~~system. Counties are encouraged to coordinate with adjacent~~
 3879 ~~counties, and local governments within a county are encouraged~~
 3880 ~~to coordinate, for the purpose of using common methodologies for~~
 3881 ~~measuring impacts on transportation facilities for the purpose~~
 3882 ~~of implementing their concurrency management systems.~~

3883 ~~(11) In order to limit the liability of local governments,~~
 3884 ~~a local government may allow a landowner to proceed with~~
 3885 ~~development of a specific parcel of land notwithstanding a~~
 3886 ~~failure of the development to satisfy transportation~~
 3887 ~~concurrency, when all the following factors are shown to exist:~~

3888 ~~(a) The local government with jurisdiction over the~~
 3889 ~~property has adopted a local comprehensive plan that is in~~
 3890 ~~compliance.~~

3891 ~~(b) The proposed development would be consistent with the~~
 3892 ~~future land use designation for the specific property and with~~
 3893 ~~pertinent portions of the adopted local plan, as determined by~~
 3894 ~~the local government.~~

3895 ~~(c) The local plan includes a financially feasible capital~~
 3896 ~~improvements element that provides for transportation facilities~~
 3897 ~~adequate to serve the proposed development, and the local~~
 3898 ~~government has not implemented that element.~~

3899 ~~(d) The local government has provided a means by which the~~
 3900 ~~landowner will be assessed a fair share of the cost of providing~~
 3901 ~~the transportation facilities necessary to serve the proposed~~
 3902 ~~development.~~

3903 ~~(e) The landowner has made a binding commitment to the~~
 3904 ~~local government to pay the fair share of the cost of providing~~
 3905 ~~the transportation facilities to serve the proposed development.~~

3906 ~~(12) (a) A development of regional impact may satisfy the~~
 3907 ~~transportation concurrency requirements of the local~~
 3908 ~~comprehensive plan, the local government's concurrency~~
 3909 ~~management system, and s. 380.06 by payment of a proportionate-~~
 3910 ~~share contribution for local and regionally significant traffic~~
 3911 ~~impacts, if:~~

3912 ~~1. The development of regional impact which, based on its~~
 3913 ~~location or mix of land uses, is designed to encourage~~
 3914 ~~pedestrian or other nonautomotive modes of transportation;~~

3915 ~~2. The proportionate share contribution for local and~~
 3916 ~~regionally significant traffic impacts is sufficient to pay for~~
 3917 ~~one or more required mobility improvements that will benefit a~~
 3918 ~~regionally significant transportation facility;~~

3919 ~~3. The owner and developer of the development of regional~~
 3920 ~~impact pays or assures payment of the proportionate share~~
 3921 ~~contribution; and~~

3922 ~~4. If the regionally significant transportation facility~~
 3923 ~~to be constructed or improved is under the maintenance authority~~
 3924 ~~of a governmental entity, as defined by s. 334.03(12), other~~
 3925 ~~than the local government with jurisdiction over the development~~
 3926 ~~of regional impact, the developer is required to enter into a~~
 3927 ~~binding and legally enforceable commitment to transfer funds to~~
 3928 ~~the governmental entity having maintenance authority or to~~
 3929 ~~otherwise assure construction or improvement of the facility.~~

3930
 3931 ~~The proportionate-share contribution may be applied to any~~
 3932 ~~transportation facility to satisfy the provisions of this~~
 3933 ~~subsection and the local comprehensive plan, but, for the~~
 3934 ~~purposes of this subsection, the amount of the proportionate-~~
 3935 ~~share contribution shall be calculated based upon the cumulative~~
 3936 ~~number of trips from the proposed development expected to reach~~
 3937 ~~roadways during the peak hour from the complete buildout of a~~
 3938 ~~stage or phase being approved, divided by the change in the peak~~
 3939 ~~hour maximum service volume of roadways resulting from~~
 3940 ~~construction of an improvement necessary to maintain the adopted~~
 3941 ~~level of service, multiplied by the construction cost, at the~~
 3942 ~~time of developer payment, of the improvement necessary to~~
 3943 ~~maintain the adopted level of service. For purposes of this~~
 3944 ~~subsection, "construction cost" includes all associated costs of~~
 3945 ~~the improvement. Proportionate share mitigation shall be limited~~
 3946 ~~to ensure that a development of regional impact meeting the~~

3947 ~~requirements of this subsection mitigates its impact on the~~
 3948 ~~transportation system but is not responsible for the additional~~
 3949 ~~cost of reducing or eliminating backlogs. This subsection also~~
 3950 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
 3951 ~~and to detailed specific area plans implementing optional sector~~
 3952 ~~plans pursuant to s. 163.3245.~~

3953 ~~(b) As used in this subsection, the term "backlog" means a~~
 3954 ~~facility or facilities on which the adopted level-of-service~~
 3955 ~~standard is exceeded by the existing trips, plus additional~~
 3956 ~~projected background trips from any source other than the~~
 3957 ~~development project under review that are forecast by~~
 3958 ~~established traffic standards, including traffic modeling,~~
 3959 ~~consistent with the University of Florida Bureau of Economic and~~
 3960 ~~Business Research medium population projections. Additional~~
 3961 ~~projected background trips are to be coincident with the~~
 3962 ~~particular stage or phase of development under review.~~

3963 ~~(13) School concurrency shall be established on a~~
 3964 ~~districtwide basis and shall include all public schools in the~~
 3965 ~~district and all portions of the district, whether located in a~~
 3966 ~~municipality or an unincorporated area unless exempt from the~~
 3967 ~~public school facilities element pursuant to s. 163.3177(12).~~

3968 (6) (a) If concurrency is applied to public education
 3969 facilities, The application of school concurrency to development
 3970 shall be based upon the adopted comprehensive plan, as amended.
 3971 all local governments within a county, except as provided in
 3972 paragraph (i) (f), shall include principles, guidelines,
 3973 standards, and strategies, including adopted levels of service,
 3974 in their comprehensive plans and adopt and transmit to the state

3975 ~~land planning agency the necessary plan amendments, along with~~
 3976 ~~the interlocal agreements. If the county and one or more~~
 3977 ~~municipalities have adopted school concurrency into its~~
 3978 ~~comprehensive plan and interlocal agreement that represents at~~
 3979 ~~least 80 percent of the total countywide population, the failure~~
 3980 ~~of one or more municipalities to adopt the concurrency and enter~~
 3981 ~~into the interlocal agreement does not preclude implementation~~
 3982 ~~of school concurrency within jurisdictions of the school~~
 3983 ~~district that have opted to implement concurrency. agreement,~~
 3984 ~~for a compliance review pursuant to s. 163.3184(7) and (8). The~~
 3985 ~~minimum requirements for school concurrency are the following:~~
 3986 ~~(a) Public school facilities element. A local government~~
 3987 ~~shall adopt and transmit to the state land planning agency a~~
 3988 ~~plan or plan amendment which includes a public school facilities~~
 3989 ~~element which is consistent with the requirements of s.~~
 3990 ~~163.3177(12) and which is determined to be in compliance as~~
 3991 ~~defined in s. 163.3184(1)(b). All local government provisions~~
 3992 ~~included in comprehensive plans regarding school concurrency~~
 3993 ~~public school facilities plan elements within a county must be~~
 3994 ~~consistent with each other as well as the requirements of this~~
 3995 ~~part.~~
 3996 ~~(b) Level-of-service standards. The Legislature recognizes~~
 3997 ~~that an essential requirement for a concurrency management~~
 3998 ~~system is the level of service at which a public facility is~~
 3999 ~~expected to operate.~~
 4000 ~~1.~~ Local governments and school boards imposing school
 4001 concurrency shall exercise authority in conjunction with each
 4002 other to establish jointly adequate level-of-service standards.

4003 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
 4004 necessary to implement the adopted local government
 4005 comprehensive plan, based on data and analysis.

4006 (c)2. Public school level-of-service standards shall be
 4007 included and adopted into the capital improvements element of
 4008 the local comprehensive plan and shall apply districtwide to all
 4009 schools of the same type. Types of schools may include
 4010 elementary, middle, and high schools as well as special purpose
 4011 facilities such as magnet schools.

4012 (d)3. Local governments and school boards may ~~shall have~~
 4013 ~~the option to~~ utilize tiered level-of-service standards to allow
 4014 time to achieve an adequate and desirable level of service as
 4015 circumstances warrant.

4016 (e)4. ~~For the purpose of determining whether levels of~~
 4017 ~~service have been achieved, for the first 3 years of school~~
 4018 ~~concurrency implementation,~~ A school district that includes
 4019 relocatable facilities in its inventory of student stations
 4020 shall include the capacity of such relocatable facilities as
 4021 provided in s. 1013.35(2)(b)2.f., provided the relocatable
 4022 facilities were purchased after 1998 and the relocatable
 4023 facilities meet the standards for long-term use pursuant to s.
 4024 1013.20.

4025 ~~(e) Service areas. The Legislature recognizes that an~~
 4026 ~~essential requirement for a concurrency system is a designation~~
 4027 ~~of the area within which the level of service will be measured~~
 4028 ~~when an application for a residential development permit is~~
 4029 ~~reviewed for school concurrency purposes. This delineation is~~
 4030 ~~also important for purposes of determining whether the local~~

4031 ~~government has a financially feasible public school capital~~
 4032 ~~facilities program that will provide schools which will achieve~~
 4033 ~~and maintain the adopted level of service standards.~~

4034 (f)1. In order to balance competing interests, preserve
 4035 the constitutional concept of uniformity, and avoid disruption
 4036 of existing educational and growth management processes, local
 4037 governments are encouraged, if they elect to adopt school
 4038 concurrency, to ~~initially~~ apply school concurrency to
 4039 development ~~only~~ on a districtwide basis so that a concurrency
 4040 determination for a specific development will be based upon the
 4041 availability of school capacity districtwide. ~~To ensure that~~
 4042 ~~development is coordinated with schools having available~~
 4043 ~~capacity, within 5 years after adoption of school concurrency,~~

4044 2. If a local government elects to ~~governments shall~~ apply
 4045 school concurrency on a less than districtwide basis, by such as
 4046 using school attendance zones or concurrency service areas, ~~as~~
 4047 ~~provided in subparagraph 2.~~

4048 a.2. ~~For local governments applying school concurrency on~~
 4049 ~~a less than districtwide basis, such as utilizing school~~
 4050 ~~attendance zones or larger school concurrency service areas,~~
 4051 Local governments and school boards shall have the burden to
 4052 demonstrate that the utilization of school capacity is maximized
 4053 to the greatest extent possible in the comprehensive plan and
 4054 amendment, taking into account transportation costs and court-
 4055 approved desegregation plans, as well as other factors. In
 4056 addition, in order to achieve concurrency within the service
 4057 area boundaries selected by local governments and school boards,
 4058 the service area boundaries, together with the standards for

4059 establishing those boundaries, shall be identified and included
 4060 as supporting data and analysis for the comprehensive plan.

4061 ~~b.3.~~ Where school capacity is available on a districtwide
 4062 basis but school concurrency is applied on a less than
 4063 districtwide basis in the form of concurrency service areas, if
 4064 the adopted level-of-service standard cannot be met in a
 4065 particular service area as applied to an application for a
 4066 development permit and if the needed capacity for the particular
 4067 service area is available in one or more contiguous service
 4068 areas, as adopted by the local government, then the local
 4069 government may not deny an application for site plan or final
 4070 subdivision approval or the functional equivalent for a
 4071 development or phase of a development on the basis of school
 4072 concurrency, and if issued, development impacts shall be
 4073 subtracted from the shifted to contiguous service area's areas
 4074 with schools having available capacity totals. Students from the
 4075 development may not be required to go to the adjacent service
 4076 area unless the school board rezones the area in which the
 4077 development occurs.

4078 ~~(g)(d) Financial feasibility. The Legislature recognizes~~
 4079 ~~that financial feasibility is an important issue because The~~
 4080 ~~premise of concurrency is that the public facilities will be~~
 4081 ~~provided in order to achieve and maintain the adopted level-of-~~
 4082 ~~service standard. This part and chapter 9J-5, Florida~~
 4083 ~~Administrative Code, contain specific standards to determine the~~
 4084 ~~financial feasibility of capital programs. These standards were~~
 4085 ~~adopted to make concurrency more predictable and local~~
 4086 ~~governments more accountable.~~

4087 ~~1.~~ A comprehensive plan that imposes ~~amendment seeking to~~
 4088 ~~impose~~ school concurrency shall contain appropriate amendments
 4089 to the capital improvements element of the comprehensive plan,
 4090 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~
 4091 ~~5.016, Florida Administrative Code.~~ The capital improvements
 4092 element shall identify facilities necessary to meet adopted
 4093 levels of service during a 5-year period consistent with the
 4094 school board's educational ~~set forth a financially feasible~~
 4095 ~~public school capital facilities plan program, established in~~
 4096 ~~conjunction with the school board, that demonstrates that the~~
 4097 ~~adopted level of service standards will be achieved and~~
 4098 ~~maintained.~~

4099 (h)1. In order to limit the liability of local
 4100 governments, a local government may allow a landowner to proceed
 4101 with development of a specific parcel of land notwithstanding a
 4102 failure of the development to satisfy school concurrency, if all
 4103 the following factors are shown to exist:

4104 a. The proposed development would be consistent with the
 4105 future land use designation for the specific property and with
 4106 pertinent portions of the adopted local plan, as determined by
 4107 the local government.

4108 b. The local government's capital improvements element and
 4109 the school board's educational facilities plan provide for
 4110 school facilities adequate to serve the proposed development,
 4111 and the local government or school board has not implemented
 4112 that element or the project includes a plan that demonstrates
 4113 that the capital facilities needed as a result of the project
 4114 can be reasonably provided.

4115 c. The local government and school board have provided a
4116 means by which the landowner will be assessed a proportionate
4117 share of the cost of providing the school facilities necessary
4118 to serve the proposed development.

4119 ~~2. Such amendments shall demonstrate that the public~~
4120 ~~school capital facilities program meets all of the financial~~
4121 ~~feasibility standards of this part and chapter 9J-5, Florida~~
4122 ~~Administrative Code, that apply to capital programs which~~
4123 ~~provide the basis for mandatory concurrency on other public~~
4124 ~~facilities and services.~~

4125 ~~3. When the financial feasibility of a public school~~
4126 ~~capital facilities program is evaluated by the state land~~
4127 ~~planning agency for purposes of a compliance determination, the~~
4128 ~~evaluation shall be based upon the service areas selected by the~~
4129 ~~local governments and school board.~~

4130 2.(e) Availability standard. Consistent with the public
4131 welfare, If a local government applies school concurrency, it
4132 may not deny an application for site plan, final subdivision
4133 approval, or the functional equivalent for a development or
4134 phase of a development authorizing residential development for
4135 failure to achieve and maintain the level-of-service standard
4136 for public school capacity in a local school concurrency
4137 management system where adequate school facilities will be in
4138 place or under actual construction within 3 years after the
4139 issuance of final subdivision or site plan approval, or the
4140 functional equivalent. School concurrency is satisfied if the
4141 developer executes a legally binding commitment to provide
4142 mitigation proportionate to the demand for public school

4143 facilities to be created by actual development of the property,
 4144 including, but not limited to, the options described in sub-
 4145 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share
 4146 mitigation of impacts on public school facilities must be
 4147 established in the comprehensive plan ~~public school facilities~~
 4148 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.

4149 a.1. Appropriate mitigation options include the
 4150 contribution of land; the construction, expansion, or payment
 4151 for land acquisition or construction of a public school
 4152 facility; the construction of a charter school that complies
 4153 with the requirements of s. 1002.33(18); or the creation of
 4154 mitigation banking based on the construction of a public school
 4155 facility in exchange for the right to sell capacity credits.
 4156 Such options must include execution by the applicant and the
 4157 local government of a development agreement that constitutes a
 4158 legally binding commitment to pay proportionate-share mitigation
 4159 for the additional residential units approved by the local
 4160 government in a development order and actually developed on the
 4161 property, taking into account residential density allowed on the
 4162 property prior to the plan amendment that increased the overall
 4163 residential density. The district school board must be a party
 4164 to such an agreement. As a condition of its entry into such a
 4165 development agreement, the local government may require the
 4166 landowner to agree to continuing renewal of the agreement upon
 4167 its expiration.

4168 b.2. If the interlocal agreement ~~education facilities plan~~
 4169 and the local government comprehensive plan ~~public educational~~
 4170 ~~facilities element~~ authorize a contribution of land; the

4171 construction, expansion, or payment for land acquisition; the
 4172 construction or expansion of a public school facility, or a
 4173 portion thereof; or the construction of a charter school that
 4174 complies with the requirements of s. 1002.33(18), as
 4175 proportionate-share mitigation, the local government shall
 4176 credit such a contribution, construction, expansion, or payment
 4177 toward any other impact fee or exaction imposed by local
 4178 ordinance for the same need, on a dollar-for-dollar basis at
 4179 fair market value.

4180 ~~c.3.~~ Any proportionate-share mitigation must be directed
 4181 by the school board toward a school capacity improvement
 4182 identified in the a financially feasible 5-year school board's
 4183 educational facilities district work plan that satisfies the
 4184 demands created by the development in accordance with a binding
 4185 developer's agreement.

4186 ~~4. If a development is precluded from commencing because~~
 4187 ~~there is inadequate classroom capacity to mitigate the impacts~~
 4188 ~~of the development, the development may nevertheless commence if~~
 4189 ~~there are accelerated facilities in an approved capital~~
 4190 ~~improvement element scheduled for construction in year four or~~
 4191 ~~later of such plan which, when built, will mitigate the proposed~~
 4192 ~~development, or if such accelerated facilities will be in the~~
 4193 ~~next annual update of the capital facilities element, the~~
 4194 ~~developer enters into a binding, financially guaranteed~~
 4195 ~~agreement with the school district to construct an accelerated~~
 4196 ~~facility within the first 3 years of an approved capital~~
 4197 ~~improvement plan, and the cost of the school facility is equal~~
 4198 ~~to or greater than the development's proportionate share. When~~

4199 ~~the completed school facility is conveyed to the school~~
 4200 ~~district, the developer shall receive impact fee credits usable~~
 4201 ~~within the zone where the facility is constructed or any~~
 4202 ~~attendance zone contiguous with or adjacent to the zone where~~
 4203 ~~the facility is constructed.~~

4204 3.5. This paragraph does not limit the authority of a
 4205 local government to deny a development permit or its functional
 4206 equivalent pursuant to its home rule regulatory powers, except
 4207 as provided in this part.

4208 ~~(i)(f) Intergovernmental coordination.~~

4209 ~~1. When establishing concurrency requirements for public~~
 4210 ~~schools, a local government shall satisfy the requirements for~~
 4211 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
 4212 ~~and 2., except that~~ A municipality is not required to be a
 4213 signatory to the interlocal agreement required by paragraph (j)
 4214 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for
 4215 imposition of school concurrency, and as a nonsignatory, may
 4216 ~~shall~~ not participate in the adopted local school concurrency
 4217 system, if the municipality meets all of the following criteria
 4218 for having no significant impact on school attendance:

4219 1.a. The municipality has issued development orders for
 4220 fewer than 50 residential dwelling units during the preceding 5
 4221 years, or the municipality has generated fewer than 25
 4222 additional public school students during the preceding 5 years.

4223 2.b. The municipality has not annexed new land during the
 4224 preceding 5 years in land use categories which permit
 4225 residential uses that will affect school attendance rates.

4226 3.e. The municipality has no public schools located within

4227 its boundaries.

4228 4.d. At least 80 percent of the developable land within
 4229 the boundaries of the municipality has been built upon.

4230 ~~2. A municipality which qualifies as having no significant~~
 4231 ~~impact on school attendance pursuant to the criteria of~~
 4232 ~~subparagraph 1. must review and determine at the time of its~~
 4233 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
 4234 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
 4235 ~~If the municipality determines that it no longer meets the~~
 4236 ~~criteria, it must adopt appropriate school concurrency goals,~~
 4237 ~~objectives, and policies in its plan amendments based on the~~
 4238 ~~evaluation and appraisal report, and enter into the existing~~
 4239 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
 4240 ~~163.31777, in order to fully participate in the school~~
 4241 ~~concurrency system. If such a municipality fails to do so, it~~
 4242 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4243 (j)(g) ~~Interlocal agreement for school concurrency.~~ When
 4244 establishing concurrency requirements for public schools, a
 4245 local government must enter into an interlocal agreement that
 4246 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
 4247 163.31777 and the requirements of this subsection. The
 4248 interlocal agreement shall acknowledge both the school board's
 4249 constitutional and statutory obligations to provide a uniform
 4250 system of free public schools on a countywide basis, and the
 4251 land use authority of local governments, including their
 4252 authority to approve or deny comprehensive plan amendments and
 4253 development orders. ~~The interlocal agreement shall be submitted~~
 4254 ~~to the state land planning agency by the local government as a~~

4255 ~~part of the compliance review, along with the other necessary~~
4256 ~~amendments to the comprehensive plan required by this part. In~~
4257 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
4258 ~~163.31777, The interlocal agreement shall meet the following~~
4259 requirements:

4260 1. Establish the mechanisms for coordinating the
4261 development, adoption, and amendment of each local government's
4262 school concurrency related provisions of the comprehensive plan
4263 ~~public school facilities element~~ with each other and the plans
4264 of the school board to ensure a uniform districtwide school
4265 concurrency system.

4266 2. ~~Establish a process for the development of siting~~
4267 ~~criteria which encourages the location of public schools~~
4268 ~~proximate to urban residential areas to the extent possible and~~
4269 ~~seeks to collocate schools with other public facilities such as~~
4270 ~~parks, libraries, and community centers to the extent possible.~~

4271 2.3. Specify uniform, districtwide level-of-service
4272 standards for public schools of the same type and the process
4273 for modifying the adopted level-of-service standards.

4274 4. ~~Establish a process for the preparation, amendment, and~~
4275 ~~joint approval by each local government and the school board of~~
4276 ~~a public school capital facilities program which is financially~~
4277 ~~feasible, and a process and schedule for incorporation of the~~
4278 ~~public school capital facilities program into the local~~
4279 ~~government comprehensive plans on an annual basis.~~

4280 3.5. Define the geographic application of school
4281 concurrency. If school concurrency is to be applied on a less
4282 than districtwide basis in the form of concurrency service

4283 areas, the agreement shall establish criteria and standards for
 4284 the establishment and modification of school concurrency service
 4285 areas. ~~The agreement shall also establish a process and schedule~~
 4286 ~~for the mandatory incorporation of the school concurrency~~
 4287 ~~service areas and the criteria and standards for establishment~~
 4288 ~~of the service areas into the local government comprehensive~~
 4289 ~~plans.~~ The agreement shall ensure maximum utilization of school
 4290 capacity, taking into account transportation costs and court-
 4291 approved desegregation plans, as well as other factors. ~~The~~
 4292 ~~agreement shall also ensure the achievement and maintenance of~~
 4293 ~~the adopted level of service standards for the geographic area~~
 4294 ~~of application throughout the 5 years covered by the public~~
 4295 ~~school capital facilities plan and thereafter by adding a new~~
 4296 ~~fifth year during the annual update.~~

4297 4.6. Establish a uniform districtwide procedure for
 4298 implementing school concurrency which provides for:

4299 a. The evaluation of development applications for
 4300 compliance with school concurrency requirements, including
 4301 information provided by the school board on affected schools,
 4302 impact on levels of service, and programmed improvements for
 4303 affected schools and any options to provide sufficient capacity;

4304 b. An opportunity for the school board to review and
 4305 comment on the effect of comprehensive plan amendments and
 4306 rezonings on the public school facilities plan; and

4307 c. The monitoring and evaluation of the school concurrency
 4308 system.

4309 ~~7. Include provisions relating to amendment of the~~
 4310 ~~agreement.~~

4311 5.8. A process and uniform methodology for determining
 4312 proportionate-share mitigation pursuant to paragraph (h)
 4313 ~~subparagraph (e)1.~~

4314 (k)(h) ~~Local government authority.~~ This subsection does
 4315 not limit the authority of a local government to grant or deny a
 4316 development permit or its functional equivalent prior to the
 4317 implementation of school concurrency.

4318 ~~(14) The state land planning agency shall, by October 1,~~
 4319 ~~1998, adopt by rule minimum criteria for the review and~~
 4320 ~~determination of compliance of a public school facilities~~
 4321 ~~element adopted by a local government for purposes of imposition~~
 4322 ~~of school concurrency.~~

4323 ~~(15) (a) Multimodal transportation districts may be~~
 4324 ~~established under a local government comprehensive plan in areas~~
 4325 ~~delineated on the future land use map for which the local~~
 4326 ~~comprehensive plan assigns secondary priority to vehicle~~
 4327 ~~mobility and primary priority to assuring a safe, comfortable,~~
 4328 ~~and attractive pedestrian environment, with convenient~~
 4329 ~~interconnection to transit. Such districts must incorporate~~
 4330 ~~community design features that will reduce the number of~~
 4331 ~~automobile trips or vehicle miles of travel and will support an~~
 4332 ~~integrated, multimodal transportation system. Prior to the~~
 4333 ~~designation of multimodal transportation districts, the~~
 4334 ~~Department of Transportation shall be consulted by the local~~
 4335 ~~government to assess the impact that the proposed multimodal~~
 4336 ~~district area is expected to have on the adopted level-of-~~
 4337 ~~service standards established for Strategic Intermodal System~~
 4338 ~~facilities, as defined in s. 339.64, and roadway facilities~~

4339 ~~funded in accordance with s. 339.2819. Further, the local~~
4340 ~~government shall, in cooperation with the Department of~~
4341 ~~Transportation, develop a plan to mitigate any impacts to the~~
4342 ~~Strategic Intermodal System, including the development of a~~
4343 ~~long-term concurrency management system pursuant to subsection~~
4344 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
4345 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
4346 ~~provisions of this section by July 1, 2006, or at the time of~~
4347 ~~the comprehensive plan update pursuant to the evaluation and~~
4348 ~~appraisal report, whichever occurs last.~~

4349 ~~(b) Community design elements of such a district include:~~
4350 ~~a complementary mix and range of land uses, including~~
4351 ~~educational, recreational, and cultural uses; interconnected~~
4352 ~~networks of streets designed to encourage walking and bicycling,~~
4353 ~~with traffic-calming where desirable; appropriate densities and~~
4354 ~~intensities of use within walking distance of transit stops;~~
4355 ~~daily activities within walking distance of residences, allowing~~
4356 ~~independence to persons who do not drive; public uses, streets,~~
4357 ~~and squares that are safe, comfortable, and attractive for the~~
4358 ~~pedestrian, with adjoining buildings open to the street and with~~
4359 ~~parking not interfering with pedestrian, transit, automobile,~~
4360 ~~and truck travel modes.~~

4361 ~~(c) Local governments may establish multimodal level-of-~~
4362 ~~service standards that rely primarily on nonvehicular modes of~~
4363 ~~transportation within the district, when justified by an~~
4364 ~~analysis demonstrating that the existing and planned community~~
4365 ~~design will provide an adequate level of mobility within the~~
4366 ~~district based upon professionally accepted multimodal level-of-~~

4367 ~~service methodologies. The analysis must also demonstrate that~~
 4368 ~~the capital improvements required to promote community design~~
 4369 ~~are financially feasible over the development or redevelopment~~
 4370 ~~timeframe for the district and that community design features~~
 4371 ~~within the district provide convenient interconnection for a~~
 4372 ~~multimodal transportation system. Local governments may issue~~
 4373 ~~development permits in reliance upon all planned community~~
 4374 ~~design capital improvements that are financially feasible over~~
 4375 ~~the development or redevelopment timeframe for the district,~~
 4376 ~~without regard to the period of time between development or~~
 4377 ~~redevelopment and the scheduled construction of the capital~~
 4378 ~~improvements. A determination of financial feasibility shall be~~
 4379 ~~based upon currently available funding or funding sources that~~
 4380 ~~could reasonably be expected to become available over the~~
 4381 ~~planning period.~~

4382 ~~(d) Local governments may reduce impact fees or local~~
 4383 ~~access fees for development within multimodal transportation~~
 4384 ~~districts based on the reduction of vehicle trips per household~~
 4385 ~~or vehicle miles of travel expected from the development pattern~~
 4386 ~~planned for the district.~~

4387 ~~(16) It is the intent of the Legislature to provide a~~
 4388 ~~method by which the impacts of development on transportation~~
 4389 ~~facilities can be mitigated by the cooperative efforts of the~~
 4390 ~~public and private sectors. The methodology used to calculate~~
 4391 ~~proportionate fair-share mitigation under this section shall be~~
 4392 ~~as provided for in subsection (12).~~

4393 ~~(a) By December 1, 2006, each local government shall adopt~~
 4394 ~~by ordinance a methodology for assessing proportionate fair-~~

4395 ~~share mitigation options. By December 1, 2005, the Department of~~
4396 ~~Transportation shall develop a model transportation concurrency~~
4397 ~~management ordinance with methodologies for assessing~~
4398 ~~proportionate fair share mitigation options.~~

4399 ~~(b)1. In its transportation concurrency management system,~~
4400 ~~a local government shall, by December 1, 2006, include~~
4401 ~~methodologies that will be applied to calculate proportionate~~
4402 ~~fair share mitigation. A developer may choose to satisfy all~~
4403 ~~transportation concurrency requirements by contributing or~~
4404 ~~paying proportionate fair share mitigation if transportation~~
4405 ~~facilities or facility segments identified as mitigation for~~
4406 ~~traffic impacts are specifically identified for funding in the~~
4407 ~~5-year schedule of capital improvements in the capital~~
4408 ~~improvements element of the local plan or the long-term~~
4409 ~~concurrency management system or if such contributions or~~
4410 ~~payments to such facilities or segments are reflected in the 5-~~
4411 ~~year schedule of capital improvements in the next regularly~~
4412 ~~scheduled update of the capital improvements element. Updates to~~
4413 ~~the 5-year capital improvements element which reflect~~
4414 ~~proportionate fair share contributions may not be found not in~~
4415 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4416 ~~additional contributions, payments or funding sources are~~
4417 ~~reasonably anticipated during a period not to exceed 10 years to~~
4418 ~~fully mitigate impacts on the transportation facilities.~~

4419 ~~2. Proportionate fair share mitigation shall be applied as~~
4420 ~~a credit against impact fees to the extent that all or a portion~~
4421 ~~of the proportionate fair share mitigation is used to address~~
4422 ~~the same capital infrastructure improvements contemplated by the~~

4423 ~~local government's impact fee ordinance.~~

4424 ~~(c) Proportionate fair share mitigation includes, without~~
4425 ~~limitation, separately or collectively, private funds,~~
4426 ~~contributions of land, and construction and contribution of~~
4427 ~~facilities and may include public funds as determined by the~~
4428 ~~local government. Proportionate fair share mitigation may be~~
4429 ~~directed toward one or more specific transportation improvements~~
4430 ~~reasonably related to the mobility demands created by the~~
4431 ~~development and such improvements may address one or more modes~~
4432 ~~of travel. The fair market value of the proportionate fair share~~
4433 ~~mitigation shall not differ based on the form of mitigation. A~~
4434 ~~local government may not require a development to pay more than~~
4435 ~~its proportionate fair-share contribution regardless of the~~
4436 ~~method of mitigation. Proportionate fair-share mitigation shall~~
4437 ~~be limited to ensure that a development meeting the requirements~~
4438 ~~of this section mitigates its impact on the transportation~~
4439 ~~system but is not responsible for the additional cost of~~
4440 ~~reducing or eliminating backlogs.~~

4441 ~~(d) This subsection does not require a local government to~~
4442 ~~approve a development that is not otherwise qualified for~~
4443 ~~approval pursuant to the applicable local comprehensive plan and~~
4444 ~~land development regulations.~~

4445 ~~(e) Mitigation for development impacts to facilities on~~
4446 ~~the Strategic Intermodal System made pursuant to this subsection~~
4447 ~~requires the concurrence of the Department of Transportation.~~

4448 ~~(f) If the funds in an adopted 5-year capital improvements~~
4449 ~~element are insufficient to fully fund construction of a~~
4450 ~~transportation improvement required by the local government's~~

4451 ~~concurrency management system, a local government and a~~
4452 ~~developer may still enter into a binding proportionate share~~
4453 ~~agreement authorizing the developer to construct that amount of~~
4454 ~~development on which the proportionate share is calculated if~~
4455 ~~the proportionate share amount in such agreement is sufficient~~
4456 ~~to pay for one or more improvements which will, in the opinion~~
4457 ~~of the governmental entity or entities maintaining the~~
4458 ~~transportation facilities, significantly benefit the impacted~~
4459 ~~transportation system. The improvements funded by the~~
4460 ~~proportionate share component must be adopted into the 5-year~~
4461 ~~capital improvements schedule of the comprehensive plan at the~~
4462 ~~next annual capital improvements element update. The funding of~~
4463 ~~any improvements that significantly benefit the impacted~~
4464 ~~transportation system satisfies concurrency requirements as a~~
4465 ~~mitigation of the development's impact upon the overall~~
4466 ~~transportation system even if there remains a failure of~~
4467 ~~concurrency on other impacted facilities.~~

4468 ~~(g) Except as provided in subparagraph (b)1., this section~~
4469 ~~may not prohibit the Department of Community Affairs from~~
4470 ~~finding other portions of the capital improvements element~~
4471 ~~amendments not in compliance as provided in this chapter.~~

4472 ~~(h) The provisions of this subsection do not apply to a~~
4473 ~~development of regional impact satisfying the requirements of~~
4474 ~~subsection (12).~~

4475 ~~(i) As used in this subsection, the term "backlog" means a~~
4476 ~~facility or facilities on which the adopted level of service~~
4477 ~~standard is exceeded by the existing trips, plus additional~~
4478 ~~projected background trips from any source other than the~~

4479 ~~development project under review that are forecast by~~
 4480 ~~established traffic standards, including traffic modeling,~~
 4481 ~~consistent with the University of Florida Bureau of Economic and~~
 4482 ~~Business Research medium population projections. Additional~~
 4483 ~~projected background trips are to be coincident with the~~
 4484 ~~particular stage or phase of development under review.~~

4485 ~~(17) A local government and the developer of affordable~~
 4486 ~~workforce housing units developed in accordance with s.~~
 4487 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
 4488 ~~or centers in close proximity to the affordable workforce~~
 4489 ~~housing units. If at least 50 percent of the units are occupied~~
 4490 ~~by an employee or employees of an identified employment center~~
 4491 ~~or centers, all of the affordable workforce housing units are~~
 4492 ~~exempt from transportation concurrency requirements, and the~~
 4493 ~~local government may not reduce any transportation trip-~~
 4494 ~~generation entitlements of an approved development-of-regional-~~
 4495 ~~impact development order. As used in this subsection, the term~~
 4496 ~~"close proximity" means 5 miles from the nearest point of the~~
 4497 ~~development of regional impact to the nearest point of the~~
 4498 ~~employment center, and the term "employment center" means a~~
 4499 ~~place of employment that employs at least 25 or more full-time~~
 4500 ~~employees.~~

4501 Section 16. Section 163.3182, Florida Statutes, is amended
 4502 to read:

4503 163.3182 Transportation deficiencies ~~concurrency~~
 4504 ~~backlogs.~~-

- 4505 (1) DEFINITIONS.—For purposes of this section, the term:
 4506 (a) "Transportation deficiency ~~concurrency backlog~~ area"

4507 means the geographic area within the unincorporated portion of a
4508 county or within the municipal boundary of a municipality
4509 designated in a local government comprehensive plan for which a
4510 transportation development ~~concurrency backlog~~ authority is
4511 created pursuant to this section. A transportation deficiency
4512 ~~concurrency backlog~~ area created within the corporate boundary
4513 of a municipality shall be made pursuant to an interlocal
4514 agreement between a county, a municipality or municipalities,
4515 and any affected taxing authority or authorities.

4516 (b) "Authority" or "transportation development ~~concurrency~~
4517 ~~backlog~~ authority" means the governing body of a county or
4518 municipality within which an authority is created.

4519 (c) "Governing body" means the council, commission, or
4520 other legislative body charged with governing the county or
4521 municipality within which an ~~a transportation concurrency~~
4522 ~~backlog~~ authority is created pursuant to this section.

4523 (d) "Transportation deficiency ~~concurrency backlog~~" means
4524 an identified need ~~deficiency~~ where the existing and projected
4525 extent of traffic volume exceeds the level of service standard
4526 adopted in a local government comprehensive plan for a
4527 transportation facility.

4528 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
4529 means the plan adopted as part of a local government
4530 comprehensive plan by the governing body of a county or
4531 municipality acting as a transportation development ~~concurrency~~
4532 ~~backlog~~ authority.

4533 (f) "Transportation ~~concurrency backlog~~ project" means any
4534 designated transportation project identified for construction

4535 within the jurisdiction of a transportation development
 4536 ~~concurrency backlog~~ authority.

4537 (g) "Debt service millage" means any millage levied
 4538 pursuant to s. 12, Art. VII of the State Constitution.

4539 (h) "Increment revenue" means the amount calculated
 4540 pursuant to subsection (5).

4541 (i) "Taxing authority" means a public body that levies or
 4542 is authorized to levy an ad valorem tax on real property located
 4543 within a transportation deficiency ~~concurrency backlog~~ area,
 4544 except a school district.

4545 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4546 ~~BACKLOG~~ AUTHORITIES.—

4547 (a) A county or municipality may create a transportation
 4548 development ~~concurrency backlog~~ authority if it has an
 4549 identified transportation deficiency ~~concurrency backlog~~.

4550 (b) Acting as the transportation development ~~concurrency~~
 4551 ~~backlog~~ authority within the authority's jurisdictional
 4552 boundary, the governing body of a county or municipality shall
 4553 adopt and implement a plan to eliminate all identified
 4554 transportation deficiencies ~~concurrency backlogs~~ within the
 4555 authority's jurisdiction using funds provided pursuant to
 4556 subsection (5) and as otherwise provided pursuant to this
 4557 section.

4558 (c) The Legislature finds and declares that there exist in
 4559 many counties and municipalities areas that have significant
 4560 transportation deficiencies and inadequate transportation
 4561 facilities; that many insufficiencies and inadequacies severely
 4562 limit or prohibit the satisfaction of transportation level of

4563 service ~~concurrency~~ standards; that the transportation
 4564 insufficiencies and inadequacies affect the health, safety, and
 4565 welfare of the residents of these counties and municipalities;
 4566 that the transportation insufficiencies and inadequacies
 4567 adversely affect economic development and growth of the tax base
 4568 for the areas in which these insufficiencies and inadequacies
 4569 exist; and that the elimination of transportation deficiencies
 4570 and inadequacies and the satisfaction of transportation
 4571 concurrency standards are paramount public purposes for the
 4572 state and its counties and municipalities.

4573 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4574 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~
 4575 ~~backlog~~ authority created pursuant to this section has the
 4576 powers necessary or convenient to carry out the purposes of this
 4577 section, including the following powers in addition to others
 4578 granted in this section:

4579 (a) To make and execute contracts and other instruments
 4580 necessary or convenient to the exercise of its powers under this
 4581 section.

4582 (b) To undertake and carry out transportation ~~concurrency~~
 4583 ~~backlog~~ projects for transportation facilities designed to
 4584 relieve transportation deficiencies ~~that have a concurrency~~
 4585 ~~backlog~~ within the authority's jurisdiction. Transportation
 4586 ~~Concurrency backlog~~ projects may include transportation
 4587 facilities that provide for alternative modes of travel
 4588 including sidewalks, bikeways, and mass transit which are
 4589 related to a deficient ~~backlogged~~ transportation facility.

4590 (c) To invest any transportation ~~concurrency backlog~~ funds

4591 held in reserve, sinking funds, or any such funds not required
 4592 for immediate disbursement in property or securities in which
 4593 savings banks may legally invest funds subject to the control of
 4594 the authority and to redeem such bonds as have been issued
 4595 pursuant to this section at the redemption price established
 4596 therein, or to purchase such bonds at less than redemption
 4597 price. All such bonds redeemed or purchased shall be canceled.

4598 (d) To borrow money, including, but not limited to,
 4599 issuing debt obligations such as, but not limited to, bonds,
 4600 notes, certificates, and similar debt instruments; to apply for
 4601 and accept advances, loans, grants, contributions, and any other
 4602 forms of financial assistance from the Federal Government or the
 4603 state, county, or any other public body or from any sources,
 4604 public or private, for the purposes of this part; to give such
 4605 security as may be required; to enter into and carry out
 4606 contracts or agreements; and to include in any contracts for
 4607 financial assistance with the Federal Government for or with
 4608 respect to a transportation ~~concurrency backlog~~ project and
 4609 related activities such conditions imposed under federal laws as
 4610 the transportation development ~~concurrency backlog~~ authority
 4611 considers reasonable and appropriate and which are not
 4612 inconsistent with the purposes of this section.

4613 (e) To make or have made all surveys and plans necessary
 4614 to the carrying out of the purposes of this section; to contract
 4615 with any persons, public or private, in making and carrying out
 4616 such plans; and to adopt, approve, modify, or amend such
 4617 transportation sufficiency ~~concurrency backlog~~ plans.

4618 (f) To appropriate such funds and make such expenditures

4619 as are necessary to carry out the purposes of this section, and
 4620 to enter into agreements with other public bodies, which
 4621 agreements may extend over any period notwithstanding any
 4622 provision or rule of law to the contrary.

4623 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4624 ~~(a)~~ Each transportation development ~~concurrency backlog~~
 4625 authority shall adopt a transportation sufficiency ~~concurrency~~
 4626 ~~backlog~~ plan as a part of the local government comprehensive
 4627 plan within 6 months after the creation of the authority. The
 4628 plan must:

4629 (a)1. Identify all transportation facilities that have
 4630 been designated as deficient and require the expenditure of
 4631 moneys to upgrade, modify, or mitigate the deficiency.

4632 (b)2. Include a priority listing of all transportation
 4633 facilities that have been designated as deficient and do not
 4634 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
 4635 the applicable local government comprehensive plan.

4636 (c)3. Establish a schedule for financing and construction
 4637 of transportation ~~concurrency backlog~~ projects that will
 4638 eliminate transportation deficiencies ~~concurrency backlogs~~
 4639 within the jurisdiction of the authority within 10 years after
 4640 the transportation sufficiency ~~concurrency backlog~~ plan
 4641 adoption. The schedule shall be adopted as part of the local
 4642 government comprehensive plan.

4643 ~~(b)~~ ~~The adoption of the transportation concurrency backlog~~
 4644 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4645
 4646 Notwithstanding such schedule requirements, as long as the

4647 | schedule provides for the elimination of all transportation
 4648 | deficiencies ~~concurrency backlogs~~ within 10 years after the
 4649 | adoption of the transportation sufficiency ~~concurrency backlog~~
 4650 | plan, the final maturity date of any debt incurred to finance or
 4651 | refinance the related projects may be no later than 40 years
 4652 | after the date the debt is incurred and the authority may
 4653 | continue operations and administer the trust fund established as
 4654 | provided in subsection (5) for as long as the debt remains
 4655 | outstanding.

4656 | (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
 4657 | development ~~concurrency backlog~~ authority shall establish a
 4658 | local transportation ~~concurrency backlog~~ trust fund upon
 4659 | creation of the authority. Each local trust fund shall be
 4660 | administered by the transportation development ~~concurrency~~
 4661 | ~~backlog~~ authority within which a transportation deficiencies
 4662 | have ~~concurrency backlog~~ ~~has~~ been identified. Each local trust
 4663 | fund must continue to be funded under this section for as long
 4664 | as the projects set forth in the related transportation
 4665 | sufficiency ~~concurrency backlog~~ plan remain to be completed or
 4666 | until any debt incurred to finance or refinance the related
 4667 | projects is no longer outstanding, whichever occurs later.
 4668 | Beginning in the first fiscal year after the creation of the
 4669 | authority, each local trust fund shall be funded by the proceeds
 4670 | of an ad valorem tax increment collected within each
 4671 | transportation deficiency ~~concurrency backlog~~ area to be
 4672 | determined annually and shall be a minimum of 25 percent of the
 4673 | difference between the amounts set forth in paragraphs (a) and
 4674 | (b), except that if all of the affected taxing authorities agree

4675 | under an interlocal agreement, a particular local trust fund may
 4676 | be funded by the proceeds of an ad valorem tax increment greater
 4677 | than 25 percent of the difference between the amounts set forth
 4678 | in paragraphs (a) and (b):

4679 | (a) The amount of ad valorem tax levied each year by each
 4680 | taxing authority, exclusive of any amount from any debt service
 4681 | millage, on taxable real property contained within the
 4682 | jurisdiction of the transportation development ~~concurrency~~
 4683 | ~~backlog~~ authority and within the transportation deficiency
 4684 | ~~backlog~~ area; and

4685 | (b) The amount of ad valorem taxes which would have been
 4686 | produced by the rate upon which the tax is levied each year by
 4687 | or for each taxing authority, exclusive of any debt service
 4688 | millage, upon the total of the assessed value of the taxable
 4689 | real property within the transportation deficiency ~~concurrency~~
 4690 | ~~backlog~~ area as shown on the most recent assessment roll used in
 4691 | connection with the taxation of such property of each taxing
 4692 | authority prior to the effective date of the ordinance funding
 4693 | the trust fund.

4694 | (6) EXEMPTIONS.—

4695 | (a) The following public bodies or taxing authorities are
 4696 | exempt from ~~the provisions of~~ this section:

4697 | 1. A special district that levies ad valorem taxes on
 4698 | taxable real property in more than one county.

4699 | 2. A special district for which the sole available source
 4700 | of revenue is the authority to levy ad valorem taxes at the time
 4701 | an ordinance is adopted under this section. However, revenues or
 4702 | aid that may be dispensed or appropriated to a district as

4703 defined in s. 388.011 at the discretion of an entity other than
 4704 such district are ~~shall~~ not ~~be~~ deemed available.

4705 3. A library district.

4706 4. A neighborhood improvement district created under the
 4707 Safe Neighborhoods Act.

4708 5. A metropolitan transportation authority.

4709 6. A water management district created under s. 373.069.

4710 7. A community redevelopment agency.

4711 (b) A transportation development ~~concurrency exemption~~
 4712 authority may also exempt from this section a special district
 4713 that levies ad valorem taxes within the transportation
 4714 deficiency ~~concurrency backlog~~ area pursuant to s.
 4715 163.387(2)(d).

4716 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
 4717 of a transportation sufficiency ~~concurrency backlog~~ plan as a
 4718 part of the local government comprehensive plan, and the plan
 4719 going into effect, the area subject to the plan shall be deemed
 4720 to have achieved and maintained transportation level-of-service
 4721 standards, ~~and to have met requirements for financial~~
 4722 ~~feasibility for transportation facilities, and for the purpose~~
 4723 ~~of proposed development transportation concurrency has been~~
 4724 ~~satisfied~~. Proportionate fair-share mitigation shall be limited
 4725 to ensure that a development inside a transportation deficiency
 4726 ~~concurrency backlog~~ area is not responsible for the additional
 4727 costs of eliminating deficiencies ~~backlogs~~.

4728 (8) DISSOLUTION.—Upon completion of all transportation
 4729 ~~concurrency backlog~~ projects identified in the transportation
 4730 sufficiency plan and repayment or defeasance of all debt issued

4731 to finance or refinance such projects, a transportation
 4732 development ~~concurrency backlog~~ authority shall be dissolved,
 4733 and its assets and liabilities transferred to the county or
 4734 municipality within which the authority is located. All
 4735 remaining assets of the authority must be used for
 4736 implementation of transportation projects within the
 4737 jurisdiction of the authority. The local government
 4738 comprehensive plan shall be amended to remove the transportation
 4739 concurrency backlog plan.

4740 Section 17. Section 163.3184, Florida Statutes, is amended
 4741 to read:

4742 163.3184 Process for adoption of comprehensive plan or
 4743 plan amendment.—

4744 (1) DEFINITIONS.—As used in this section, the term:

4745 (a) "Affected person" includes the affected local
 4746 government; persons owning property, residing, or owning or
 4747 operating a business within the boundaries of the local
 4748 government whose plan is the subject of the review; owners of
 4749 real property abutting real property that is the subject of a
 4750 proposed change to a future land use map; and adjoining local
 4751 governments that can demonstrate that the plan or plan amendment
 4752 will produce substantial impacts on the increased need for
 4753 publicly funded infrastructure or substantial impacts on areas
 4754 designated for protection or special treatment within their
 4755 jurisdiction. Each person, other than an adjoining local
 4756 government, in order to qualify under this definition, shall
 4757 also have submitted oral or written comments, recommendations,
 4758 or objections to the local government during the period of time

4759 beginning with the transmittal hearing for the plan or plan
 4760 amendment and ending with the adoption of the plan or plan
 4761 amendment.

4762 (b) "In compliance" means consistent with the requirements
 4763 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and 163.3245, and~~
 4764 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
 4765 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
 4766 ~~Administrative Code, where such rule is not inconsistent with~~
 4767 ~~this part~~ and with the principles for guiding development in
 4768 designated areas of critical state concern and with part III of
 4769 chapter 369, where applicable.

4770 (c) "Reviewing agencies" means:

- 4771 1. The state land planning agency;
- 4772 2. The appropriate regional planning council;
- 4773 3. The appropriate water management district;
- 4774 4. The Department of Environmental Protection;
- 4775 5. The Department of State;
- 4776 6. The Department of Transportation;
- 4777 7. In the case of plan amendments relating to public
 4778 schools, the Department of Education;
- 4779 8. In the case of plans or plan amendments that affect a
 4780 military installation listed in s. 163.3175, the commanding
 4781 officer of the affected military installation;
- 4782 9. In the case of county plans and plan amendments, the
 4783 Fish and Wildlife Conservation Commission and the Department of
 4784 Agriculture and Consumer Services; and
- 4785 10. In the case of municipal plans and plan amendments,
 4786 the county in which the municipality is located.

4787 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4788 (a) Plan amendments adopted by local governments shall
 4789 follow the expedited state review process in subsection (3),
 4790 except as set forth in paragraphs (b) and (c).

4791 (b) Plan amendments that qualify as small-scale
 4792 development amendments may follow the small-scale review process
 4793 in s. 163.3187.

4794 (c) Plan amendments that are in an area of critical state
 4795 concern designated pursuant to s. 380.05; propose a rural land
 4796 stewardship area pursuant to s. 163.3248; propose a sector plan
 4797 pursuant to s. 163.3245; update a comprehensive plan based on an
 4798 evaluation and appraisal pursuant to s. 163.3191; or are new
 4799 plans for newly incorporated municipalities adopted pursuant to
 4800 s. 163.3167 shall follow the state coordinated review process in
 4801 subsection (4).

4802 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 4803 COMPREHENSIVE PLAN AMENDMENTS.—

4804 (a) The process for amending a comprehensive plan
 4805 described in this subsection shall apply to all amendments
 4806 except as provided in paragraphs (2) (b) and (c) and shall be
 4807 applicable statewide.

4808 (b)1. The local government, after the initial public
 4809 hearing held pursuant to subsection (11), shall transmit within
 4810 10 days the amendment or amendments and appropriate supporting
 4811 data and analyses to the reviewing agencies. The local governing
 4812 body shall also transmit a copy of the amendments and supporting
 4813 data and analyses to any other local government or governmental
 4814 agency that has filed a written request with the governing body.

4815 2. The reviewing agencies and any other local government
4816 or governmental agency specified in subparagraph 1. may provide
4817 comments regarding the amendment or amendments to the local
4818 government. State agencies shall only comment on important state
4819 resources and facilities that will be adversely impacted by the
4820 amendment if adopted. Comments provided by state agencies shall
4821 state with specificity how the plan amendment will adversely
4822 impact an important state resource or facility and shall
4823 identify measures the local government may take to eliminate,
4824 reduce, or mitigate the adverse impacts. Such comments, if not
4825 resolved, may result in a challenge by the state land planning
4826 agency to the plan amendment. Agencies and local governments
4827 must transmit their comments to the affected local government
4828 such that they are received by the local government not later
4829 than 30 days from the date on which the agency or government
4830 received the amendment or amendments. Reviewing agencies shall
4831 also send a copy of their comments to the state land planning
4832 agency.

4833 3. Comments to the local government from a regional
4834 planning council, county, or municipality shall be limited as
4835 follows:

4836 a. The regional planning council review and comments shall
4837 be limited to adverse effects on regional resources or
4838 facilities identified in the strategic regional policy plan and
4839 extrajurisdictional impacts that would be inconsistent with the
4840 comprehensive plan of any affected local government within the
4841 region. A regional planning council may not review and comment
4842 on a proposed comprehensive plan amendment prepared by such

4843 council unless the plan amendment has been changed by the local
4844 government subsequent to the preparation of the plan amendment
4845 by the regional planning council.

4846 b. County comments shall be in the context of the
4847 relationship and effect of the proposed plan amendments on the
4848 county plan.

4849 c. Municipal comments shall be in the context of the
4850 relationship and effect of the proposed plan amendments on the
4851 municipal plan.

4852 d. Military installation comments shall be provided in
4853 accordance with s. 163.3175.

4854 4. Comments to the local government from state agencies
4855 shall be limited to the following subjects as they relate to
4856 important state resources and facilities that will be adversely
4857 impacted by the amendment if adopted:

4858 a. The Department of Environmental Protection shall limit
4859 its comments to the subjects of air and water pollution;
4860 wetlands and other surface waters of the state; federal and
4861 state-owned lands and interest in lands, including state parks,
4862 greenways and trails, and conservation easements; solid waste;
4863 water and wastewater treatment; and the Everglades ecosystem
4864 restoration.

4865 b. The Department of State shall limit its comments to the
4866 subjects of historic and archeological resources.

4867 c. The Department of Transportation shall limit its
4868 comments to the subject of the strategic intermodal system.

4869 d. The Fish and Wildlife Conservation Commission shall
4870 limit its comments to subjects relating to fish and wildlife

4871 habitat and listed species and their habitat.

4872 e. The Department of Agriculture and Consumer Services
 4873 shall limit its comments to the subjects of agriculture,
 4874 forestry, and aquaculture issues.

4875 f. The Department of Education shall limit its comments to
 4876 the subject of public school facilities.

4877 g. The appropriate water management district shall limit
 4878 its comments to flood protection and floodplain management,
 4879 wetlands and other surface waters, and regional water supply.

4880 h. The state land planning agency shall limit its comments
 4881 to important state resources and facilities outside the
 4882 jurisdiction of other commenting state agencies and may include
 4883 comments on countervailing planning policies and objectives
 4884 served by the plan amendment that should be balanced against
 4885 potential adverse impacts to important state resources and
 4886 facilities.

4887 (c)1. The local government shall hold its second public
 4888 hearing, which shall be a hearing on whether to adopt one or
 4889 more comprehensive plan amendments pursuant to subsection (11).
 4890 If the local government fails, within 180 days after receipt of
 4891 agency comments, to hold the second public hearing, the
 4892 amendments shall be deemed withdrawn unless extended by
 4893 agreement with notice to the state land planning agency and any
 4894 affected person that provided comments on the amendment. The
 4895 180-day limitation does not apply to amendments processed
 4896 pursuant to s. 380.06.

4897 2. All comprehensive plan amendments adopted by the
 4898 governing body, along with the supporting data and analysis,

4899 shall be transmitted within 10 days after the second public
 4900 hearing to the state land planning agency and any other agency
 4901 or local government that provided timely comments under
 4902 subparagraph (b)2.

4903 3. The state land planning agency shall notify the local
 4904 government of any deficiencies within 5 working days after
 4905 receipt of an amendment package. For purposes of completeness,
 4906 an amendment shall be deemed complete if it contains a full,
 4907 executed copy of the adoption ordinance or ordinances; in the
 4908 case of a text amendment, a full copy of the amended language in
 4909 legislative format with new words inserted in the text
 4910 underlined, and words deleted stricken with hyphens; in the case
 4911 of a future land use map amendment, a copy of the future land
 4912 use map clearly depicting the parcel, its existing future land
 4913 use designation, and its adopted designation; and a copy of any
 4914 data and analyses the local government deems appropriate.

4915 4. An amendment adopted under this paragraph does not
 4916 become effective until 31 days after the state land planning
 4917 agency notifies the local government that the plan amendment
 4918 package is complete. If timely challenged, an amendment does not
 4919 become effective until the state land planning agency or the
 4920 Administration Commission enters a final order determining the
 4921 adopted amendment to be in compliance.

4922 (4) STATE COORDINATED REVIEW PROCESS.—

4923 (a) ~~(2)~~ Coordination.—The state land planning agency shall
 4924 only use the state coordinated review process described in this
 4925 subsection for review of comprehensive plans and plan amendments
 4926 described in paragraph (2)(c). Each comprehensive plan or plan

4927 amendment proposed to be adopted pursuant to this subsection
 4928 ~~part~~ shall be transmitted, adopted, and reviewed in the manner
 4929 prescribed in this subsection ~~section~~. The state land planning
 4930 agency shall have responsibility for plan review, coordination,
 4931 and the preparation and transmission of comments, pursuant to
 4932 this subsection ~~section~~, to the local governing body responsible
 4933 for the comprehensive plan or plan amendment. ~~The state land~~
 4934 ~~planning agency shall maintain a single file concerning any~~
 4935 ~~proposed or adopted plan amendment submitted by a local~~
 4936 ~~government for any review under this section. Copies of all~~
 4937 ~~correspondence, papers, notes, memoranda, and other documents~~
 4938 ~~received or generated by the state land planning agency must be~~
 4939 ~~placed in the appropriate file. Paper copies of all electronic~~
 4940 ~~mail correspondence must be placed in the file. The file and its~~
 4941 ~~contents must be available for public inspection and copying as~~
 4942 ~~provided in chapter 119.~~

4943 (b)(3) Local government transmittal of proposed plan or
 4944 amendment.—

4945 (a) Each local governing body proposing a plan or plan
 4946 amendment specified in paragraph (2)(c) shall transmit the
 4947 complete proposed comprehensive plan or plan amendment to the
 4948 reviewing agencies ~~state land planning agency, the appropriate~~
 4949 ~~regional planning council and water management district, the~~
 4950 ~~Department of Environmental Protection, the Department of State,~~
 4951 ~~and the Department of Transportation, and, in the case of~~
 4952 ~~municipal plans, to the appropriate county, and, in the case of~~
 4953 ~~county plans, to the Fish and Wildlife Conservation Commission~~
 4954 ~~and the Department of Agriculture and Consumer Services,~~

4955 immediately following the first a public hearing pursuant to
 4956 subsection (11). The transmitted document shall clearly indicate
 4957 on the cover sheet that this plan amendment is subject to the
 4958 state coordinated review process of s. 163.3184(4) (15) as
 4959 specified in the state land planning agency's procedural rules.
 4960 The local governing body shall also transmit a copy of the
 4961 complete proposed comprehensive plan or plan amendment to any
 4962 other unit of local government or government agency in the state
 4963 that has filed a written request with the governing body for the
 4964 plan or plan amendment. ~~The local government may request a~~
 4965 ~~review by the state land planning agency pursuant to subsection~~
 4966 ~~(6) at the time of the transmittal of an amendment.~~

4967 ~~(b) A local governing body shall not transmit portions of~~
 4968 ~~a plan or plan amendment unless it has previously provided to~~
 4969 ~~all state agencies designated by the state land planning agency~~
 4970 ~~a complete copy of its adopted comprehensive plan pursuant to~~
 4971 ~~subsection (7) and as specified in the agency's procedural~~
 4972 ~~rules. In the case of comprehensive plan amendments, the local~~
 4973 ~~governing body shall transmit to the state land planning agency,~~
 4974 ~~the appropriate regional planning council and water management~~
 4975 ~~district, the Department of Environmental Protection, the~~
 4976 ~~Department of State, and the Department of Transportation, and,~~
 4977 ~~in the case of municipal plans, to the appropriate county and,~~
 4978 ~~in the case of county plans, to the Fish and Wildlife~~
 4979 ~~Conservation Commission and the Department of Agriculture and~~
 4980 ~~Consumer Services the materials specified in the state land~~
 4981 ~~planning agency's procedural rules and, in cases in which the~~
 4982 ~~plan amendment is a result of an evaluation and appraisal report~~

4983 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
 4984 ~~appraisal report. Local governing bodies shall consolidate all~~
 4985 ~~proposed plan amendments into a single submission for each of~~
 4986 ~~the two plan amendment adoption dates during the calendar year~~
 4987 ~~pursuant to s. 163.3187.~~

4988 ~~(c) A local government may adopt a proposed plan amendment~~
 4989 ~~previously transmitted pursuant to this subsection, unless~~
 4990 ~~review is requested or otherwise initiated pursuant to~~
 4991 ~~subsection (6).~~

4992 ~~(d) In cases in which a local government transmits~~
 4993 ~~multiple individual amendments that can be clearly and legally~~
 4994 ~~separated and distinguished for the purpose of determining~~
 4995 ~~whether to review the proposed amendment, and the state land~~
 4996 ~~planning agency elects to review several or a portion of the~~
 4997 ~~amendments and the local government chooses to immediately adopt~~
 4998 ~~the remaining amendments not reviewed, the amendments~~
 4999 ~~immediately adopted and any reviewed amendments that the local~~
 5000 ~~government subsequently adopts together constitute one amendment~~
 5001 ~~cycle in accordance with s. 163.3187(1).~~

5002 ~~(e) At the request of an applicant, a local government~~
 5003 ~~shall consider an application for zoning changes that would be~~
 5004 ~~required to properly enact the provisions of any proposed plan~~
 5005 ~~amendment transmitted pursuant to this subsection. Zoning~~
 5006 ~~changes approved by the local government are contingent upon the~~
 5007 ~~comprehensive plan or plan amendment transmitted becoming~~
 5008 ~~effective.~~

5009 ~~(c)(4) Reviewing agency comments INTERGOVERNMENTAL~~
 5010 ~~REVIEW.—The governmental agencies specified in paragraph (b) may~~

5011 ~~paragraph (3) (a) shall~~ provide comments regarding the plan or
 5012 plan amendments in accordance with subparagraphs (3) (b)2.-4.
 5013 However, comments on plans or plan amendments required to be
 5014 reviewed under the state coordinated review process shall be
 5015 sent to the state land planning agency within 30 days after
 5016 receipt by the state land planning agency of the complete
 5017 proposed plan or plan amendment from the local government. If
 5018 the state land planning agency comments on a plan or plan
 5019 amendment adopted under the state coordinated review process, it
 5020 shall provide comments according to paragraph (d). Any other
 5021 unit of local government or government agency specified in
 5022 paragraph (b) may provide comments to the state land planning
 5023 agency in accordance with subparagraphs (3) (b)2.-4. within 30
 5024 days after receipt by the state land planning agency of the
 5025 complete proposed plan or plan amendment. If the plan or plan
 5026 ~~amendment includes or relates to the public school facilities~~
 5027 ~~element pursuant to s. 163.3177(12), the state land planning~~
 5028 ~~agency shall submit a copy to the Office of Educational~~
 5029 ~~Facilities of the Commissioner of Education for review and~~
 5030 ~~comment. The appropriate regional planning council shall also~~
 5031 ~~provide its written comments to the state land planning agency~~
 5032 ~~within 30 days after receipt by the state land planning agency~~
 5033 ~~of the complete proposed plan amendment and shall specify any~~
 5034 ~~objections, recommendations for modifications, and comments of~~
 5035 ~~any other regional agencies to which the regional planning~~
 5036 ~~council may have referred the proposed plan amendment. Written~~
 5037 ~~comments submitted by the public shall be sent directly to the~~
 5038 ~~local government within 30 days after notice of transmittal by~~

5039 ~~the local government of the proposed plan amendment will be~~
 5040 ~~considered as if submitted by governmental agencies. All written~~
 5041 ~~agency and public comments must be made part of the file~~
 5042 ~~maintained under subsection (2).~~

5043 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
 5044 ~~the regional planning council pursuant to subsection (4) shall~~
 5045 ~~be limited to effects on regional resources or facilities~~
 5046 ~~identified in the strategic regional policy plan and~~
 5047 ~~extrajurisdictional impacts which would be inconsistent with the~~
 5048 ~~comprehensive plan of the affected local government. However,~~
 5049 ~~any inconsistency between a local plan or plan amendment and a~~
 5050 ~~strategic regional policy plan must not be the sole basis for a~~
 5051 ~~notice of intent to find a local plan or plan amendment not in~~
 5052 ~~compliance with this act. A regional planning council shall not~~
 5053 ~~review and comment on a proposed comprehensive plan it prepared~~
 5054 ~~itself unless the plan has been changed by the local government~~
 5055 ~~subsequent to the preparation of the plan by the regional~~
 5056 ~~planning agency. The review of the county land planning agency~~
 5057 ~~pursuant to subsection (4) shall be primarily in the context of~~
 5058 ~~the relationship and effect of the proposed plan amendment on~~
 5059 ~~any county comprehensive plan element. Any review by~~
 5060 ~~municipalities will be primarily in the context of the~~
 5061 ~~relationship and effect on the municipal plan.~~

5062 (d) ~~(6)~~ State land planning agency review.—

5063 ~~(a) The state land planning agency shall review a proposed~~
 5064 ~~plan amendment upon request of a regional planning council,~~
 5065 ~~affected person, or local government transmitting the plan~~
 5066 ~~amendment. The request from the regional planning council or~~

5067 ~~affected person must be received within 30 days after~~
 5068 ~~transmittal of the proposed plan amendment pursuant to~~
 5069 ~~subsection (3). A regional planning council or affected person~~
 5070 ~~requesting a review shall do so by submitting a written request~~
 5071 ~~to the agency with a notice of the request to the local~~
 5072 ~~government and any other person who has requested notice.~~

5073 ~~(b) The state land planning agency may review any proposed~~
 5074 ~~plan amendment regardless of whether a request for review has~~
 5075 ~~been made, if the agency gives notice to the local government,~~
 5076 ~~and any other person who has requested notice, of its intention~~
 5077 ~~to conduct such a review within 35 days after receipt of the~~
 5078 ~~complete proposed plan amendment.~~

5079 ~~1.(c) The state land planning agency shall establish by~~
 5080 ~~rule a schedule for receipt of comments from the various~~
 5081 ~~government agencies, as well as written public comments,~~
 5082 ~~pursuant to subsection (4). If the state land planning agency~~
 5083 ~~elects to review a plan or plan the amendment ~~or the agency is~~~~
 5084 ~~required to review the amendment as specified in paragraph~~
 5085 ~~(2) (c) (a), the agency shall issue a report giving its~~
 5086 ~~objections, recommendations, and comments regarding the proposed~~
 5087 ~~plan or plan amendment within 60 days after receipt of the~~
 5088 ~~complete proposed plan or plan amendment ~~by the state land~~~~
 5089 ~~planning agency. Notwithstanding the limitation on comments in~~
 5090 ~~sub-subparagraph (3) (b) 4.g., the state land planning agency may~~
 5091 ~~make objections, recommendations, and comments in its report~~
 5092 ~~regarding whether the plan or plan amendment is in compliance~~
 5093 ~~and whether the plan or plan amendment will adversely impact~~
 5094 ~~important state resources and facilities. Any objection~~

5095 regarding an important state resource or facility that will be
 5096 adversely impacted by the adopted plan or plan amendment shall
 5097 also state with specificity how the plan or plan amendment will
 5098 adversely impact the important state resource or facility and
 5099 shall identify measures the local government may take to
 5100 eliminate, reduce, or mitigate the adverse impacts. When a
 5101 federal, state, or regional agency has implemented a permitting
 5102 program, ~~the state land planning agency shall not require a~~
 5103 local government is not required to duplicate or exceed that
 5104 permitting program in its comprehensive plan or to implement
 5105 such a permitting program in its land development regulations.
 5106 This subparagraph does not ~~Nothing contained herein shall~~
 5107 prohibit the state land planning agency in conducting its review
 5108 of local plans or plan amendments from making objections,
 5109 recommendations, and comments ~~or making compliance~~
 5110 ~~determinations~~ regarding densities and intensities consistent
 5111 with ~~the provisions of~~ this part. In preparing its comments, the
 5112 state land planning agency shall only base its considerations on
 5113 written, and not oral, comments, ~~from any source.~~

5114 2.(d) The state land planning agency review shall identify
 5115 all written communications with the agency regarding the
 5116 proposed plan amendment. ~~If the state land planning agency does~~
 5117 ~~not issue such a review, it shall identify in writing to the~~
 5118 ~~local government all written communications received 30 days~~
 5119 ~~after transmittal.~~ The written identification must include a
 5120 list of all documents received or generated by the agency, which
 5121 list must be of sufficient specificity to enable the documents
 5122 to be identified and copies requested, if desired, and the name

5123 of the person to be contacted to request copies of any
 5124 identified document. ~~The list of documents must be made a part~~
 5125 ~~of the public records of the state land planning agency.~~

5126 (e) ~~(7)~~ Local government review of comments; adoption of
 5127 plan or amendments and transmittal.—

5128 1.(a) The local government shall review the report written
 5129 ~~comments~~ submitted to it by the state land planning agency, if
 5130 any, and written comments submitted to it by any other person,
 5131 agency, or government. Any comments, recommendations, or
 5132 objections and any reply to them shall be public documents, a
 5133 part of the permanent record in the matter, and admissible in
 5134 any proceeding in which the comprehensive plan or plan amendment
 5135 may be at issue. The local government, upon receipt of the
 5136 report written comments from the state land planning agency,
 5137 shall hold its second public hearing, which shall be a hearing
 5138 to determine whether to adopt the comprehensive plan or one or
 5139 more comprehensive plan amendments pursuant to subsection (11).
 5140 If the local government fails to hold the second hearing within
 5141 180 days after receipt of the state land planning agency's
 5142 report, the amendments shall be deemed withdrawn unless extended
 5143 by agreement with notice to the state land planning agency and
 5144 any affected person that provided comments on the amendment. The
 5145 180-day limitation does not apply to amendments processed
 5146 pursuant to s. 380.06.

5147 2. All comprehensive plan amendments adopted by the
 5148 governing body, along with the supporting data and analysis,
 5149 shall be transmitted within 10 days after the second public
 5150 hearing to the state land planning agency and any other agency

5151 or local government that provided timely comments under
5152 paragraph (c).

5153 3. The state land planning agency shall notify the local
5154 government of any deficiencies within 5 working days after
5155 receipt of a plan or plan amendment package. For purposes of
5156 completeness, a plan or plan amendment shall be deemed complete
5157 if it contains a full, executed copy of the adoption ordinance
5158 or ordinances; in the case of a text amendment, a full copy of
5159 the amended language in legislative format with new words
5160 inserted in the text underlined, and words deleted stricken with
5161 hyphens; in the case of a future land use map amendment, a copy
5162 of the future land use map clearly depicting the parcel, its
5163 existing future land use designation, and its adopted
5164 designation; and a copy of any data and analyses the local
5165 government deems appropriate.

5166 4. After the state land planning agency makes a
5167 determination of completeness regarding the adopted plan or plan
5168 amendment, the state land planning agency shall have 45 days to
5169 determine if the plan or plan amendment is in compliance with
5170 this act. Unless the plan or plan amendment is substantially
5171 changed from the one commented on, the state land planning
5172 agency's compliance determination shall be limited to objections
5173 raised in the objections, recommendations, and comments report.
5174 During the period provided for in this subparagraph, the state
5175 land planning agency shall issue, through a senior administrator
5176 or the secretary, a notice of intent to find that the plan or
5177 plan amendment is in compliance or not in compliance. The state
5178 land planning agency shall post a copy of the notice of intent

5179 on the agency's Internet site. Publication by the state land
 5180 planning agency of the notice of intent on the state land
 5181 planning agency's Internet site shall be prima facie evidence of
 5182 compliance with the publication requirements of this
 5183 subparagraph.

5184 5. A plan or plan amendment adopted under the state
 5185 coordinated review process shall go into effect pursuant to the
 5186 state land planning agency's notice of intent. If timely
 5187 challenged, an amendment does not become effective until the
 5188 state land planning agency or the Administration Commission
 5189 enters a final order determining the adopted amendment to be in
 5190 compliance.

5191 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
 5192 AMENDMENTS.—

5193 (a) Any affected person as defined in paragraph (1)(a) may
 5194 file a petition with the Division of Administrative Hearings
 5195 pursuant to ss. 120.569 and 120.57, with a copy served on the
 5196 affected local government, to request a formal hearing to
 5197 challenge whether the plan or plan amendments are in compliance
 5198 as defined in paragraph (1)(b). This petition must be filed with
 5199 the division within 30 days after the local government adopts
 5200 the amendment. The state land planning agency may not intervene
 5201 in a proceeding initiated by an affected person.

5202 (b) The state land planning agency may file a petition
 5203 with the Division of Administrative Hearings pursuant to ss.
 5204 120.569 and 120.57, with a copy served on the affected local
 5205 government, to request a formal hearing to challenge whether the
 5206 plan or plan amendment is in compliance as defined in paragraph

5207 (1) (b). The state land planning agency's petition must clearly
 5208 state the reasons for the challenge. This petition must be filed
 5209 with the division within 30 days after the state land planning
 5210 agency notifies the local government that the plan amendment
 5211 package is complete according to subparagraph (3) (c)3.

5212 1. The state land planning agency's challenge to plan
 5213 amendments adopted under the expedited state review process
 5214 shall be limited to the comments provided by the reviewing
 5215 agencies pursuant to subparagraphs (3) (b)2.-4., upon a
 5216 determination by the state land planning agency that an
 5217 important state resource or facility will be adversely impacted
 5218 by the adopted plan amendment. The state land planning agency's
 5219 petition shall state with specificity how the plan amendment
 5220 will adversely impact the important state resource or facility.
 5221 The state land planning agency may challenge a plan amendment
 5222 that has substantially changed from the version on which the
 5223 agencies provided comments but only upon a determination by the
 5224 state land planning agency that an important state resource or
 5225 facility will be adversely impacted.

5226 2. If the state land planning agency issues a notice of
 5227 intent to find the comprehensive plan or plan amendment not in
 5228 compliance with this act, the notice of intent shall be
 5229 forwarded to the Division of Administrative Hearings of the
 5230 Department of Management Services, which shall conduct a
 5231 proceeding under ss. 120.569 and 120.57 in the county of and
 5232 convenient to the affected local jurisdiction. The parties to
 5233 the proceeding shall be the state land planning agency, the
 5234 affected local government, and any affected person who

5235 intervenes. No new issue may be alleged as a reason to find a
5236 plan or plan amendment not in compliance in an administrative
5237 pleading filed more than 21 days after publication of notice
5238 unless the party seeking that issue establishes good cause for
5239 not alleging the issue within that time period. Good cause does
5240 not include excusable neglect.

5241 (c) An administrative law judge shall hold a hearing in
5242 the affected local jurisdiction on whether the plan or plan
5243 amendment is in compliance.

5244 1. In challenges filed by an affected person, the
5245 comprehensive plan or plan amendment shall be determined to be
5246 in compliance if the local government's determination of
5247 compliance is fairly debatable.

5248 2.a. In challenges filed by the state land planning
5249 agency, the local government's determination that the
5250 comprehensive plan or plan amendment is in compliance is
5251 presumed to be correct, and the local government's determination
5252 shall be sustained unless it is shown by a preponderance of the
5253 evidence that the comprehensive plan or plan amendment is not in
5254 compliance.

5255 b. In challenges filed by the state land planning agency,
5256 the local government's determination that elements of its plan
5257 are related to and consistent with each other shall be sustained
5258 if the determination is fairly debatable.

5259 3. In challenges filed by the state land planning agency
5260 that require a determination by the agency that an important
5261 state resource or facility will be adversely impacted by the
5262 adopted plan or plan amendment, the local government may contest

5263 the agency's determination of an important state resource or
 5264 facility. The state land planning agency shall prove its
 5265 determination by clear and convincing evidence.

5266 (d) If the administrative law judge recommends that the
 5267 amendment be found not in compliance, the judge shall submit the
 5268 recommended order to the Administration Commission for final
 5269 agency action. The Administration Commission shall enter a final
 5270 order within 45 days after its receipt of the recommended order.

5271 (e) If the administrative law judge recommends that the
 5272 amendment be found in compliance, the judge shall submit the
 5273 recommended order to the state land planning agency.

5274 1. If the state land planning agency determines that the
 5275 plan amendment should be found not in compliance, the agency
 5276 shall refer, within 30 days after receipt of the recommended
 5277 order, the recommended order and its determination to the
 5278 Administration Commission for final agency action.

5279 2. If the state land planning agency determines that the
 5280 plan amendment should be found in compliance, the agency shall
 5281 enter its final order not later than 30 days after receipt of
 5282 the recommended order.

5283 (f) Parties to a proceeding under this subsection may
 5284 enter into compliance agreements using the process in subsection
 5285 (6).

5286 (6) COMPLIANCE AGREEMENT.—

5287 (a) At any time after the filing of a challenge, the state
 5288 land planning agency and the local government may voluntarily
 5289 enter into a compliance agreement to resolve one or more of the
 5290 issues raised in the proceedings. Affected persons who have

5291 initiated a formal proceeding or have intervened in a formal
5292 proceeding may also enter into a compliance agreement with the
5293 local government. All parties granted intervenor status shall be
5294 provided reasonable notice of the commencement of a compliance
5295 agreement negotiation process and a reasonable opportunity to
5296 participate in such negotiation process. Negotiation meetings
5297 with local governments or intervenors shall be open to the
5298 public. The state land planning agency shall provide each party
5299 granted intervenor status with a copy of the compliance
5300 agreement within 10 days after the agreement is executed. The
5301 compliance agreement shall list each portion of the plan or plan
5302 amendment that has been challenged, and shall specify remedial
5303 actions that the local government has agreed to complete within
5304 a specified time in order to resolve the challenge, including
5305 adoption of all necessary plan amendments. The compliance
5306 agreement may also establish monitoring requirements and
5307 incentives to ensure that the conditions of the compliance
5308 agreement are met.

5309 (b) Upon the filing of a compliance agreement executed by
5310 the parties to a challenge and the local government with the
5311 Division of Administrative Hearings, any administrative
5312 proceeding under ss. 120.569 and 120.57 regarding the plan or
5313 plan amendment covered by the compliance agreement shall be
5314 stayed.

5315 (c) Before its execution of a compliance agreement, the
5316 local government must approve the compliance agreement at a
5317 public hearing advertised at least 10 days before the public
5318 hearing in a newspaper of general circulation in the area in

5319 accordance with the advertisement requirements of chapter 125 or
5320 chapter 166, as applicable.

5321 (d) The local government shall hold a single public
5322 hearing for adopting remedial amendments.

5323 (e) For challenges to amendments adopted under the
5324 expedited review process, if the local government adopts a
5325 comprehensive plan amendment pursuant to a compliance agreement,
5326 an affected person or the state land planning agency may file a
5327 revised challenge with the Division of Administrative Hearings
5328 within 15 days after the adoption of the remedial amendment.

5329 (f) For challenges to amendments adopted under the state
5330 coordinated process, the state land planning agency, upon
5331 receipt of a plan or plan amendment adopted pursuant to a
5332 compliance agreement, shall issue a cumulative notice of intent
5333 addressing both the remedial amendment and the plan or plan
5334 amendment that was the subject of the agreement.

5335 1. If the local government adopts a comprehensive plan or
5336 plan amendment pursuant to a compliance agreement and a notice
5337 of intent to find the plan amendment in compliance is issued,
5338 the state land planning agency shall forward the notice of
5339 intent to the Division of Administrative Hearings and the
5340 administrative law judge shall realign the parties in the
5341 pending proceeding under ss. 120.569 and 120.57, which shall
5342 thereafter be governed by the process contained in paragraph
5343 (5) (a) and subparagraph (5) (c)1., including provisions relating
5344 to challenges by an affected person, burden of proof, and issues
5345 of a recommended order and a final order. Parties to the
5346 original proceeding at the time of realignment may continue as

5347 parties without being required to file additional pleadings to
5348 initiate a proceeding, but may timely amend their pleadings to
5349 raise any challenge to the amendment that is the subject of the
5350 cumulative notice of intent, and must otherwise conform to the
5351 rules of procedure of the Division of Administrative Hearings.
5352 Any affected person not a party to the realigned proceeding may
5353 challenge the plan amendment that is the subject of the
5354 cumulative notice of intent by filing a petition with the agency
5355 as provided in subsection (5). The agency shall forward the
5356 petition filed by the affected person not a party to the
5357 realigned proceeding to the Division of Administrative Hearings
5358 for consolidation with the realigned proceeding. If the
5359 cumulative notice of intent is not challenged, the state land
5360 planning agency shall request that the Division of
5361 Administrative Hearings relinquish jurisdiction to the state
5362 land planning agency for issuance of a final order.

5363 2. If the local government adopts a comprehensive plan
5364 amendment pursuant to a compliance agreement and a notice of
5365 intent is issued that finds the plan amendment not in
5366 compliance, the state land planning agency shall forward the
5367 notice of intent to the Division of Administrative Hearings,
5368 which shall consolidate the proceeding with the pending
5369 proceeding and immediately set a date for a hearing in the
5370 pending proceeding under ss. 120.569 and 120.57. Affected
5371 persons who are not a party to the underlying proceeding under
5372 ss. 120.569 and 120.57 may challenge the plan amendment adopted
5373 pursuant to the compliance agreement by filing a petition
5374 pursuant to paragraph (5) (a).

5375 (g) This subsection does not prohibit a local government
 5376 from amending portions of its comprehensive plan other than
 5377 those that are the subject of a challenge. However, such
 5378 amendments to the plan may not be inconsistent with the
 5379 compliance agreement.

5380 (h) This subsection does not require settlement by any
 5381 party against its will or preclude the use of other informal
 5382 dispute resolution methods in the course of or in addition to
 5383 the method described in this subsection.

5384 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5385 (a) At any time after the matter has been forwarded to the
 5386 Division of Administrative Hearings, the local government
 5387 proposing the amendment may demand formal mediation or the local
 5388 government proposing the amendment or an affected person who is
 5389 a party to the proceeding may demand informal mediation or
 5390 expeditious resolution of the amendment proceedings by serving
 5391 written notice on the state land planning agency if a party to
 5392 the proceeding, all other parties to the proceeding, and the
 5393 administrative law judge.

5394 (b) Upon receipt of a notice pursuant to paragraph (a),
 5395 the administrative law judge shall set the matter for final
 5396 hearing no more than 30 days after receipt of the notice. Once a
 5397 final hearing has been set, no continuance in the hearing, and
 5398 no additional time for post-hearing submittals, may be granted
 5399 without the written agreement of the parties absent a finding by
 5400 the administrative law judge of extraordinary circumstances.
 5401 Extraordinary circumstances do not include matters relating to
 5402 workload or need for additional time for preparation,

5403 negotiation, or mediation.

5404 (c) Absent a showing of extraordinary circumstances, the
 5405 administrative law judge shall issue a recommended order, in a
 5406 case proceeding under subsection (5), within 30 days after
 5407 filing of the transcript, unless the parties agree in writing to
 5408 a longer time.

5409 (d) Absent a showing of extraordinary circumstances, the
 5410 Administration Commission shall issue a final order, in a case
 5411 proceeding under subsection (5), within 45 days after the
 5412 issuance of the recommended order, unless the parties agree in
 5413 writing to a longer time. ~~have 120 days to adopt or adopt with~~
 5414 ~~changes the proposed comprehensive plan or s. 163.3191 plan~~
 5415 ~~amendments. In the case of comprehensive plan amendments other~~
 5416 ~~than those proposed pursuant to s. 163.3191, the local~~
 5417 ~~government shall have 60 days to adopt the amendment, adopt the~~
 5418 ~~amendment with changes, or determine that it will not adopt the~~
 5419 ~~amendment. The adoption of the proposed plan or plan amendment~~
 5420 ~~or the determination not to adopt a plan amendment, other than a~~
 5421 ~~plan amendment proposed pursuant to s. 163.3191, shall be made~~
 5422 ~~in the course of a public hearing pursuant to subsection (15).~~
 5423 ~~The local government shall transmit the complete adopted~~
 5424 ~~comprehensive plan or plan amendment, including the names and~~
 5425 ~~addresses of persons compiled pursuant to paragraph (15)(c), to~~
 5426 ~~the state land planning agency as specified in the agency's~~
 5427 ~~procedural rules within 10 working days after adoption. The~~
 5428 ~~local governing body shall also transmit a copy of the adopted~~
 5429 ~~comprehensive plan or plan amendment to the regional planning~~
 5430 ~~agency and to any other unit of local government or governmental~~

5431 ~~agency in the state that has filed a written request with the~~
5432 ~~governing body for a copy of the plan or plan amendment.~~

5433 ~~(b) If the adopted plan amendment is unchanged from the~~
5434 ~~proposed plan amendment transmitted pursuant to subsection (3)~~
5435 ~~and an affected person as defined in paragraph (1) (a) did not~~
5436 ~~raise any objection, the state land planning agency did not~~
5437 ~~review the proposed plan amendment, and the state land planning~~
5438 ~~agency did not raise any objections during its review pursuant~~
5439 ~~to subsection (6), the local government may state in the~~
5440 ~~transmittal letter that the plan amendment is unchanged and was~~
5441 ~~not the subject of objections.~~

5442 ~~(8) NOTICE OF INTENT.~~

5443 ~~(a) If the transmittal letter correctly states that the~~
5444 ~~plan amendment is unchanged and was not the subject of review or~~
5445 ~~objections pursuant to paragraph (7) (b), the state land planning~~
5446 ~~agency has 20 days after receipt of the transmittal letter~~
5447 ~~within which to issue a notice of intent that the plan amendment~~
5448 ~~is in compliance.~~

5449 ~~(b) Except as provided in paragraph (a) or in s.~~
5450 ~~163.3187(3), the state land planning agency, upon receipt of a~~
5451 ~~local government's complete adopted comprehensive plan or plan~~
5452 ~~amendment, shall have 45 days for review and to determine if the~~
5453 ~~plan or plan amendment is in compliance with this act, unless~~
5454 ~~the amendment is the result of a compliance agreement entered~~
5455 ~~into under subsection (16), in which case the time period for~~
5456 ~~review and determination shall be 30 days. If review was not~~
5457 ~~conducted under subsection (6), the agency's determination must~~
5458 ~~be based upon the plan amendment as adopted. If review was~~

5459 ~~conducted under subsection (6), the agency's determination of~~
5460 ~~compliance must be based only upon one or both of the following:~~

5461 ~~1. The state land planning agency's written comments to~~
5462 ~~the local government pursuant to subsection (6); or~~

5463 ~~2. Any changes made by the local government to the~~
5464 ~~comprehensive plan or plan amendment as adopted.~~

5465 ~~(c)1. During the time period provided for in this~~
5466 ~~subsection, the state land planning agency shall issue, through~~
5467 ~~a senior administrator or the secretary, as specified in the~~
5468 ~~agency's procedural rules, a notice of intent to find that the~~
5469 ~~plan or plan amendment is in compliance or not in compliance. A~~
5470 ~~notice of intent shall be issued by publication in the manner~~
5471 ~~provided by this paragraph and by mailing a copy to the local~~
5472 ~~government. The advertisement shall be placed in that portion of~~
5473 ~~the newspaper where legal notices appear. The advertisement~~
5474 ~~shall be published in a newspaper that meets the size and~~
5475 ~~circulation requirements set forth in paragraph (15)(c) and that~~
5476 ~~has been designated in writing by the affected local government~~
5477 ~~at the time of transmittal of the amendment. Publication by the~~
5478 ~~state land planning agency of a notice of intent in the~~
5479 ~~newspaper designated by the local government shall be prima~~
5480 ~~facie evidence of compliance with the publication requirements~~
5481 ~~of this section. The state land planning agency shall post a~~
5482 ~~copy of the notice of intent on the agency's Internet site. The~~
5483 ~~agency shall, no later than the date the notice of intent is~~
5484 ~~transmitted to the newspaper, send by regular mail a courtesy~~
5485 ~~informational statement to persons who provide their names and~~
5486 ~~addresses to the local government at the transmittal hearing or~~

5487 ~~at the adoption hearing where the local government has provided~~
 5488 ~~the names and addresses of such persons to the department at the~~
 5489 ~~time of transmittal of the adopted amendment. The informational~~
 5490 ~~statements shall include the name of the newspaper in which the~~
 5491 ~~notice of intent will appear, the approximate date of~~
 5492 ~~publication, the ordinance number of the plan or plan amendment,~~
 5493 ~~and a statement that affected persons have 21 days after the~~
 5494 ~~actual date of publication of the notice to file a petition.~~

5495 ~~2. A local government that has an Internet site shall post~~
 5496 ~~a copy of the state land planning agency's notice of intent on~~
 5497 ~~the site within 5 days after receipt of the mailed copy of the~~
 5498 ~~agency's notice of intent.~~

5499 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

5500 ~~(a) If the state land planning agency issues a notice of~~
 5501 ~~intent to find that the comprehensive plan or plan amendment~~
 5502 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
 5503 ~~or s. 163.3191 is in compliance with this act, any affected~~
 5504 ~~person may file a petition with the agency pursuant to ss.~~
 5505 ~~120.569 and 120.57 within 21 days after the publication of~~
 5506 ~~notice. In this proceeding, the local plan or plan amendment~~
 5507 ~~shall be determined to be in compliance if the local~~
 5508 ~~government's determination of compliance is fairly debatable.~~

5509 ~~(b) The hearing shall be conducted by an administrative~~
 5510 ~~law judge of the Division of Administrative Hearings of the~~
 5511 ~~Department of Management Services, who shall hold the hearing in~~
 5512 ~~the county of and convenient to the affected local jurisdiction~~
 5513 ~~and submit a recommended order to the state land planning~~
 5514 ~~agency. The state land planning agency shall allow for the~~

5515 ~~filing of exceptions to the recommended order and shall issue a~~
 5516 ~~final order after receipt of the recommended order if the state~~
 5517 ~~land planning agency determines that the plan or plan amendment~~
 5518 ~~is in compliance. If the state land planning agency determines~~
 5519 ~~that the plan or plan amendment is not in compliance, the agency~~
 5520 ~~shall submit the recommended order to the Administration~~
 5521 ~~Commission for final agency action.~~

5522 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~
 5523 ~~COMPLIANCE.—~~

5524 ~~(a) If the state land planning agency issues a notice of~~
 5525 ~~intent to find the comprehensive plan or plan amendment not in~~
 5526 ~~compliance with this act, the notice of intent shall be~~
 5527 ~~forwarded to the Division of Administrative Hearings of the~~
 5528 ~~Department of Management Services, which shall conduct a~~
 5529 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
 5530 ~~convenient to the affected local jurisdiction. The parties to~~
 5531 ~~the proceeding shall be the state land planning agency, the~~
 5532 ~~affected local government, and any affected person who~~
 5533 ~~intervenes. No new issue may be alleged as a reason to find a~~
 5534 ~~plan or plan amendment not in compliance in an administrative~~
 5535 ~~pleading filed more than 21 days after publication of notice~~
 5536 ~~unless the party seeking that issue establishes good cause for~~
 5537 ~~not alleging the issue within that time period. Good cause shall~~
 5538 ~~not include excusable neglect. In the proceeding, the local~~
 5539 ~~government's determination that the comprehensive plan or plan~~
 5540 ~~amendment is in compliance is presumed to be correct. The local~~
 5541 ~~government's determination shall be sustained unless it is shown~~
 5542 ~~by a preponderance of the evidence that the comprehensive plan~~

5543 ~~or plan amendment is not in compliance. The local government's~~
 5544 ~~determination that elements of its plans are related to and~~
 5545 ~~consistent with each other shall be sustained if the~~
 5546 ~~determination is fairly debatable.~~

5547 ~~(b) The administrative law judge assigned by the division~~
 5548 ~~shall submit a recommended order to the Administration~~
 5549 ~~Commission for final agency action.~~

5550 ~~(c) Prior to the hearing, the state land planning agency~~
 5551 ~~shall afford an opportunity to mediate or otherwise resolve the~~
 5552 ~~dispute. If a party to the proceeding requests mediation or~~
 5553 ~~other alternative dispute resolution, the hearing may not be~~
 5554 ~~held until the state land planning agency advises the~~
 5555 ~~administrative law judge in writing of the results of the~~
 5556 ~~mediation or other alternative dispute resolution. However, the~~
 5557 ~~hearing may not be delayed for longer than 90 days for mediation~~
 5558 ~~or other alternative dispute resolution unless a longer delay is~~
 5559 ~~agreed to by the parties to the proceeding. The costs of the~~
 5560 ~~mediation or other alternative dispute resolution shall be borne~~
 5561 ~~equally by all of the parties to the proceeding.~~

5562 ~~(8)(11)~~ ADMINISTRATION COMMISSION.—

5563 (a) If the Administration Commission, upon a hearing
 5564 pursuant to subsection (5)(9) or ~~subsection (10)~~, finds that the
 5565 comprehensive plan or plan amendment is not in compliance with
 5566 this act, the commission shall specify remedial actions that
 5567 ~~which~~ would bring the comprehensive plan or plan amendment into
 5568 compliance.

5569 (b) The commission may specify the sanctions provided in
 5570 subparagraphs 1. and 2. to which the local government will be

5571 subject if it elects to make the amendment effective
 5572 notwithstanding the determination of noncompliance.

5573 1. The commission may direct state agencies not to provide
 5574 funds to increase the capacity of roads, bridges, or water and
 5575 sewer systems within the boundaries of those local governmental
 5576 entities which have comprehensive plans or plan elements that
 5577 are determined not to be in compliance. The commission order may
 5578 also specify that the local government is ~~shall~~ not be eligible
 5579 for grants administered under the following programs:

5580 a.1. The Florida Small Cities Community Development Block
 5581 Grant Program, as authorized by ss. 290.0401-290.049.

5582 b.2. The Florida Recreation Development Assistance
 5583 Program, as authorized by chapter 375.

5584 c.3. Revenue sharing pursuant to ss. 206.60, 210.20, and
 5585 218.61 and chapter 212, to the extent not pledged to pay back
 5586 bonds.

5587 2.(b) If the local government is one which is required to
 5588 include a coastal management element in its comprehensive plan
 5589 pursuant to s. 163.3177(6)(g), the commission order may also
 5590 specify that the local government is not eligible for funding
 5591 pursuant to s. 161.091. The commission order may also specify
 5592 that the fact that the coastal management element has been
 5593 determined to be not in compliance shall be a consideration when
 5594 the department considers permits under s. 161.053 and when the
 5595 Board of Trustees of the Internal Improvement Trust Fund
 5596 considers whether to sell, convey any interest in, or lease any
 5597 sovereignty lands or submerged lands until the element is
 5598 brought into compliance.

5599 3.~~(e)~~ The sanctions provided by subparagraphs 1. and 2. do
 5600 ~~paragraphs (a) and (b) shall~~ not apply to a local government
 5601 regarding any plan amendment, except for plan amendments that
 5602 amend plans that have not been finally determined to be in
 5603 compliance with this part, and except as provided in paragraph
 5604 (b) ~~s. 163.3189(2) or s. 163.3191(11)~~.

5605 (9)~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or
 5606 party constitutes a certificate that he or she has read the
 5607 pleading, motion, or other paper and that, to the best of his or
 5608 her knowledge, information, and belief formed after reasonable
 5609 inquiry, it is not interposed for any improper purpose, such as
 5610 to harass or to cause unnecessary delay, or for economic
 5611 advantage, competitive reasons, or frivolous purposes or
 5612 needless increase in the cost of litigation. If a pleading,
 5613 motion, or other paper is signed in violation of these
 5614 requirements, the administrative law judge, upon motion or his
 5615 or her own initiative, shall impose upon the person who signed
 5616 it, a represented party, or both, an appropriate sanction, which
 5617 may include an order to pay to the other party or parties the
 5618 amount of reasonable expenses incurred because of the filing of
 5619 the pleading, motion, or other paper, including a reasonable
 5620 attorney's fee.

5621 (10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
 5622 section shall be the sole proceeding or action for a
 5623 determination of whether a local government's plan, element, or
 5624 amendment is in compliance with this act.

5625 ~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local~~
 5626 ~~government comprehensive plan or plan amendment which is~~

5627 ~~applicable to a designated area of critical state concern shall~~
 5628 ~~be effective until a final order is issued finding the plan or~~
 5629 ~~amendment to be in compliance as defined in this section.~~

5630 (11)~~(15)~~ PUBLIC HEARINGS.—

5631 (a) The procedure for transmittal of a complete proposed
 5632 comprehensive plan or plan amendment pursuant to subparagraph
 5633 ~~subsection~~ (3) (b)1. and paragraph (4) (b) and for adoption of a
 5634 comprehensive plan or plan amendment pursuant to
 5635 subparagraphs (3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by
 5636 affirmative vote of not less than a majority of the members of
 5637 the governing body present at the hearing. The adoption of a
 5638 comprehensive plan or plan amendment shall be by ordinance. For
 5639 the purposes of transmitting or adopting a comprehensive plan or
 5640 plan amendment, the notice requirements in chapters 125 and 166
 5641 are superseded by this subsection, except as provided in this
 5642 part.

5643 (b) The local governing body shall hold at least two
 5644 advertised public hearings on the proposed comprehensive plan or
 5645 plan amendment as follows:

5646 1. The first public hearing shall be held at the
 5647 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
 5648 on a weekday at least 7 days after the day that the first
 5649 advertisement is published pursuant to the requirements of
 5650 chapter 125 or chapter 166.

5651 2. The second public hearing shall be held at the adoption
 5652 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
 5653 at least 5 days after the day that the second advertisement is
 5654 published pursuant to the requirements of chapter 125 or chapter

5655 166.

5656 (c) Nothing in this part is intended to prohibit or limit
 5657 the authority of local governments to require a person
 5658 requesting an amendment to pay some or all of the cost of the
 5659 public notice.

5660 (12) CONCURRENT ZONING.—At the request of an applicant, a
 5661 local government shall consider an application for zoning
 5662 changes that would be required to properly enact any proposed
 5663 plan amendment transmitted pursuant to this subsection. Zoning
 5664 changes approved by the local government are contingent upon the
 5665 comprehensive plan or plan amendment transmitted becoming
 5666 effective.

5667 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local
 5668 government comprehensive plan or plan amendment that is
 5669 applicable to a designated area of critical state concern shall
 5670 be effective until a final order is issued finding the plan or
 5671 amendment to be in compliance as defined in paragraph (1) (b).

5672 ~~(c) The local government shall provide a sign-in form at~~
 5673 ~~the transmittal hearing and at the adoption hearing for persons~~
 5674 ~~to provide their names and mailing addresses. The sign-in form~~
 5675 ~~must advise that any person providing the requested information~~
 5676 ~~will receive a courtesy informational statement concerning~~
 5677 ~~publications of the state land planning agency's notice of~~
 5678 ~~intent. The local government shall add to the sign-in form the~~
 5679 ~~name and address of any person who submits written comments~~
 5680 ~~concerning the proposed plan or plan amendment during the time~~
 5681 ~~period between the commencement of the transmittal hearing and~~
 5682 ~~the end of the adoption hearing. It is the responsibility of the~~

5683 ~~person completing the form or providing written comments to~~
 5684 ~~accurately, completely, and legibly provide all information~~
 5685 ~~needed in order to receive the courtesy informational statement.~~

5686 ~~(d) The agency shall provide a model sign-in form for~~
 5687 ~~providing the list to the agency which may be used by the local~~
 5688 ~~government to satisfy the requirements of this subsection.~~

5689 ~~(e) If the proposed comprehensive plan or plan amendment~~
 5690 ~~changes the actual list of permitted, conditional, or prohibited~~
 5691 ~~uses within a future land use category or changes the actual~~
 5692 ~~future land use map designation of a parcel or parcels of land,~~
 5693 ~~the required advertisements shall be in the format prescribed by~~
 5694 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
 5695 ~~municipality.~~

5696 ~~(16) COMPLIANCE AGREEMENTS.—~~

5697 ~~(a) At any time following the issuance of a notice of~~
 5698 ~~intent to find a comprehensive plan or plan amendment not in~~
 5699 ~~compliance with this part or after the initiation of a hearing~~
 5700 ~~pursuant to subsection (9), the state land planning agency and~~
 5701 ~~the local government may voluntarily enter into a compliance~~
 5702 ~~agreement to resolve one or more of the issues raised in the~~
 5703 ~~proceedings. Affected persons who have initiated a formal~~
 5704 ~~proceeding or have intervened in a formal proceeding may also~~
 5705 ~~enter into the compliance agreement. All parties granted~~
 5706 ~~intervenor status shall be provided reasonable notice of the~~
 5707 ~~commencement of a compliance agreement negotiation process and a~~
 5708 ~~reasonable opportunity to participate in such negotiation~~
 5709 ~~process. Negotiation meetings with local governments or~~
 5710 ~~interveners shall be open to the public. The state land planning~~

5711 ~~agency shall provide each party granted intervenor status with a~~
5712 ~~copy of the compliance agreement within 10 days after the~~
5713 ~~agreement is executed. The compliance agreement shall list each~~
5714 ~~portion of the plan or plan amendment which is not in~~
5715 ~~compliance, and shall specify remedial actions which the local~~
5716 ~~government must complete within a specified time in order to~~
5717 ~~bring the plan or plan amendment into compliance, including~~
5718 ~~adoption of all necessary plan amendments. The compliance~~
5719 ~~agreement may also establish monitoring requirements and~~
5720 ~~incentives to ensure that the conditions of the compliance~~
5721 ~~agreement are met.~~

5722 ~~(b) Upon filing by the state land planning agency of a~~
5723 ~~compliance agreement executed by the agency and the local~~
5724 ~~government with the Division of Administrative Hearings, any~~
5725 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~
5726 ~~the plan or plan amendment covered by the compliance agreement~~
5727 ~~shall be stayed.~~

5728 ~~(c) Prior to its execution of a compliance agreement, the~~
5729 ~~local government must approve the compliance agreement at a~~
5730 ~~public hearing advertised at least 10 days before the public~~
5731 ~~hearing in a newspaper of general circulation in the area in~~
5732 ~~accordance with the advertisement requirements of subsection~~
5733 ~~(15).~~

5734 ~~(d) A local government may adopt a plan amendment pursuant~~
5735 ~~to a compliance agreement in accordance with the requirements of~~
5736 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~
5737 ~~requirements of subsections (2) (7). The local government shall~~
5738 ~~hold a single adoption public hearing pursuant to the~~

5739 ~~requirements of subparagraph (15)(b)2. and paragraph (15)(e).~~
5740 ~~Within 10 working days after adoption of a plan amendment, the~~
5741 ~~local government shall transmit the amendment to the state land~~
5742 ~~planning agency as specified in the agency's procedural rules,~~
5743 ~~and shall submit one copy to the regional planning agency and to~~
5744 ~~any other unit of local government or government agency in the~~
5745 ~~state that has filed a written request with the governing body~~
5746 ~~for a copy of the plan amendment, and one copy to any party to~~
5747 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~
5748 ~~status.~~

5749 ~~(c) The state land planning agency, upon receipt of a plan~~
5750 ~~amendment adopted pursuant to a compliance agreement, shall~~
5751 ~~issue a cumulative notice of intent addressing both the~~
5752 ~~compliance agreement amendment and the plan or plan amendment~~
5753 ~~that was the subject of the agreement, in accordance with~~
5754 ~~subsection (8).~~

5755 ~~(f)1. If the local government adopts a comprehensive plan~~
5756 ~~amendment pursuant to a compliance agreement and a notice of~~
5757 ~~intent to find the plan amendment in compliance is issued, the~~
5758 ~~state land planning agency shall forward the notice of intent to~~
5759 ~~the Division of Administrative Hearings and the administrative~~
5760 ~~law judge shall realign the parties in the pending proceeding~~
5761 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
5762 ~~by the process contained in paragraphs (9)(a) and (b), including~~
5763 ~~provisions relating to challenges by an affected person, burden~~
5764 ~~of proof, and issues of a recommended order and a final order,~~
5765 ~~except as provided in subparagraph 2. Parties to the original~~
5766 ~~proceeding at the time of realignment may continue as parties~~

5767 ~~without being required to file additional pleadings to initiate~~
5768 ~~a proceeding, but may timely amend their pleadings to raise any~~
5769 ~~challenge to the amendment which is the subject of the~~
5770 ~~cumulative notice of intent, and must otherwise conform to the~~
5771 ~~rules of procedure of the Division of Administrative Hearings.~~
5772 ~~Any affected person not a party to the realigned proceeding may~~
5773 ~~challenge the plan amendment which is the subject of the~~
5774 ~~cumulative notice of intent by filing a petition with the agency~~
5775 ~~as provided in subsection (9). The agency shall forward the~~
5776 ~~petition filed by the affected person not a party to the~~
5777 ~~realigned proceeding to the Division of Administrative Hearings~~
5778 ~~for consolidation with the realigned proceeding.~~

5779 ~~2. If any of the issues raised by the state land planning~~
5780 ~~agency in the original subsection (10) proceeding are not~~
5781 ~~resolved by the compliance agreement amendments, any intervenor~~
5782 ~~in the original subsection (10) proceeding may require those~~
5783 ~~issues to be addressed in the pending consolidated realigned~~
5784 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
5785 ~~issues, the burden of proof shall be governed by subsection~~
5786 ~~(10).~~

5787 ~~3. If the local government adopts a comprehensive plan~~
5788 ~~amendment pursuant to a compliance agreement and a notice of~~
5789 ~~intent to find the plan amendment not in compliance is issued,~~
5790 ~~the state land planning agency shall forward the notice of~~
5791 ~~intent to the Division of Administrative Hearings, which shall~~
5792 ~~consolidate the proceeding with the pending proceeding and~~
5793 ~~immediately set a date for hearing in the pending proceeding~~
5794 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~

5795 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
 5796 ~~may challenge the plan amendment adopted pursuant to the~~
 5797 ~~compliance agreement by filing a petition pursuant to subsection~~
 5798 ~~(10).~~

5799 ~~(g) If the local government fails to adopt a comprehensive~~
 5800 ~~plan amendment pursuant to a compliance agreement, the state~~
 5801 ~~land planning agency shall notify the Division of Administrative~~
 5802 ~~Hearings, which shall set the hearing in the pending proceeding~~
 5803 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5804 ~~(h) This subsection does not prohibit a local government~~
 5805 ~~from amending portions of its comprehensive plan other than~~
 5806 ~~those which are the subject of the compliance agreement.~~
 5807 ~~However, such amendments to the plan may not be inconsistent~~
 5808 ~~with the compliance agreement.~~

5809 ~~(i) Nothing in this subsection is intended to limit the~~
 5810 ~~parties from entering into a compliance agreement at any time~~
 5811 ~~before the final order in the proceeding is issued, provided~~
 5812 ~~that the provisions of paragraph (c) shall apply regardless of~~
 5813 ~~when the compliance agreement is reached.~~

5814 ~~(j) Nothing in this subsection is intended to force any~~
 5815 ~~party into settlement against its will or to preclude the use of~~
 5816 ~~other informal dispute resolution methods, such as the services~~
 5817 ~~offered by the Florida Growth Management Dispute Resolution~~
 5818 ~~Consortium, in the course of or in addition to the method~~
 5819 ~~described in this subsection.~~

5820 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~
 5821 ~~A local government that has adopted a community vision and urban~~
 5822 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~

5823 ~~amendment related to map amendments solely to property within an~~
 5824 ~~urban service boundary in the manner described in subsections~~
 5825 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
 5826 ~~and e., 2., and 3., such that state and regional agency review~~
 5827 ~~is eliminated. The department may not issue an objections,~~
 5828 ~~recommendations, and comments report on proposed plan amendments~~
 5829 ~~or a notice of intent on adopted plan amendments; however,~~
 5830 ~~affected persons, as defined by paragraph (1)(a), may file a~~
 5831 ~~petition for administrative review pursuant to the requirements~~
 5832 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
 5833 ~~plan amendment. This subsection does not apply to any amendment~~
 5834 ~~within an area of critical state concern, to any amendment that~~
 5835 ~~increases residential densities allowable in high-hazard coastal~~
 5836 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~
 5837 ~~the goals, policies, or objectives of the local government's~~
 5838 ~~comprehensive plan. Amendments submitted under this subsection~~
 5839 ~~are exempt from the limitation on the frequency of plan~~
 5840 ~~amendments in s. 163.3187.~~

5841 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS. A~~
 5842 ~~municipality that has a designated urban infill and~~
 5843 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
 5844 ~~related to map amendments solely to property within a designated~~
 5845 ~~urban infill and redevelopment area in the manner described in~~
 5846 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
 5847 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
 5848 ~~regional agency review is eliminated. The department may not~~
 5849 ~~issue an objections, recommendations, and comments report on~~
 5850 ~~proposed plan amendments or a notice of intent on adopted plan~~

5851 ~~amendments; however, affected persons, as defined by paragraph~~
 5852 ~~(1)(a), may file a petition for administrative review pursuant~~
 5853 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~
 5854 ~~compliance of an adopted plan amendment. This subsection does~~
 5855 ~~not apply to any amendment within an area of critical state~~
 5856 ~~concern, to any amendment that increases residential densities~~
 5857 ~~allowable in high-hazard coastal areas as defined in s.~~
 5858 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
 5859 ~~objectives of the local government's comprehensive plan.~~
 5860 ~~Amendments submitted under this subsection are exempt from the~~
 5861 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5862 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
 5863 ~~government that identifies in its comprehensive plan the types~~
 5864 ~~of housing developments and conditions for which it will~~
 5865 ~~consider plan amendments that are consistent with the local~~
 5866 ~~housing incentive strategies identified in s. 420.9076 and~~
 5867 ~~authorized by the local government may expedite consideration of~~
 5868 ~~such plan amendments. At least 30 days prior to adopting a plan~~
 5869 ~~amendment pursuant to this subsection, the local government~~
 5870 ~~shall notify the state land planning agency of its intent to~~
 5871 ~~adopt such an amendment, and the notice shall include the local~~
 5872 ~~government's evaluation of site suitability and availability of~~
 5873 ~~facilities and services. A plan amendment considered under this~~
 5874 ~~subsection shall require only a single public hearing before the~~
 5875 ~~local governing body, which shall be a plan amendment adoption~~
 5876 ~~hearing as described in subsection (7). The public notice of the~~
 5877 ~~hearing required under subparagraph (15)(b)2. must include a~~
 5878 ~~statement that the local government intends to use the expedited~~

5879 ~~adoption process authorized under this subsection. The state~~
 5880 ~~land planning agency shall issue its notice of intent required~~
 5881 ~~under subsection (8) within 30 days after determining that the~~
 5882 ~~amendment package is complete. Any further proceedings shall be~~
 5883 ~~governed by subsections (9)-(16).~~

5884 Section 18. Section 163.3187, Florida Statutes, is amended
 5885 to read:

5886 163.3187 Process for adoption of small-scale comprehensive
 5887 plan amendment of adopted comprehensive plan.-

5888 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
 5889 ~~this part may be made not more than two times during any~~
 5890 ~~calendar year, except:~~

5891 ~~(a) In the case of an emergency, comprehensive plan~~
 5892 ~~amendments may be made more often than twice during the calendar~~
 5893 ~~year if the additional plan amendment receives the approval of~~
 5894 ~~all of the members of the governing body. "Emergency" means any~~
 5895 ~~occurrence or threat thereof whether accidental or natural,~~
 5896 ~~caused by humankind, in war or peace, which results or may~~
 5897 ~~result in substantial injury or harm to the population or~~
 5898 ~~substantial damage to or loss of property or public funds.~~

5899 ~~(b) Any local government comprehensive plan amendments~~
 5900 ~~directly related to a proposed development of regional impact,~~
 5901 ~~including changes which have been determined to be substantial~~
 5902 ~~deviations and including Florida Quality Developments pursuant~~
 5903 ~~to s. 380.061, may be initiated by a local planning agency and~~
 5904 ~~considered by the local governing body at the same time as the~~
 5905 ~~application for development approval using the procedures~~
 5906 ~~provided for local plan amendment in this section and applicable~~

5907 ~~local ordinances.~~

5908 ~~(1)(c) Any local government comprehensive plan amendments~~
 5909 ~~directly related to proposed small scale development activities~~
 5910 ~~may be approved without regard to statutory limits on the~~
 5911 ~~frequency of consideration of amendments to the local~~
 5912 ~~comprehensive plan. A small scale development amendment may be~~
 5913 ~~adopted only under the following conditions:~~

5914 ~~(a)1.~~ The proposed amendment involves a use of 10 acres or
 5915 fewer and:

5916 ~~(b)a.~~ The cumulative annual effect of the acreage for all
 5917 small scale development amendments adopted by the local
 5918 government ~~does shall~~ not exceed:

5919 ~~(I)~~ a maximum of 120 acres in a calendar year. ~~local~~
 5920 ~~government that contains areas specifically designated in the~~
 5921 ~~local comprehensive plan for urban infill, urban redevelopment,~~
 5922 ~~or downtown revitalization as defined in s. 163.3164, urban~~
 5923 ~~infill and redevelopment areas designated under s. 163.2517,~~
 5924 ~~transportation concurrency exception areas approved pursuant to~~
 5925 ~~s. 163.3180(5), or regional activity centers and urban central~~
 5926 ~~business districts approved pursuant to s. 380.06(2)(e);~~
 5927 ~~however, amendments under this paragraph may be applied to no~~
 5928 ~~more than 60 acres annually of property outside the designated~~
 5929 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
 5930 ~~pursuant to paragraph (k) shall not be counted toward the~~
 5931 ~~acreage limitations for small scale amendments under this~~
 5932 ~~paragraph.~~

5933 ~~(II)~~ A maximum of 80 acres in a local government that does
 5934 ~~not contain any of the designated areas set forth in sub-sub-~~

5935 ~~subparagraph (I).~~

5936 ~~(III) A maximum of 120 acres in a county established~~
 5937 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5938 ~~b. The proposed amendment does not involve the same~~
 5939 ~~property granted a change within the prior 12 months.~~

5940 ~~e. The proposed amendment does not involve the same~~
 5941 ~~owner's property within 200 feet of property granted a change~~
 5942 ~~within the prior 12 months.~~

5943 ~~(c)d.~~ The proposed amendment does not involve a text
 5944 change to the goals, policies, and objectives of the local
 5945 government's comprehensive plan, but only proposes a land use
 5946 change to the future land use map for a site-specific small
 5947 scale development activity. However, text changes that relate
 5948 directly to, and are adopted simultaneously with, the small
 5949 scale future land use map amendment shall be permissible under
 5950 this section.

5951 ~~(d)e.~~ The property that is the subject of the proposed
 5952 amendment is not located within an area of critical state
 5953 concern, unless the project subject to the proposed amendment
 5954 involves the construction of affordable housing units meeting
 5955 the criteria of s. 420.0004(3), and is located within an area of
 5956 critical state concern designated by s. 380.0552 or by the
 5957 Administration Commission pursuant to s. 380.05(1). ~~Such~~
 5958 ~~amendment is not subject to the density limitations of sub-~~
 5959 ~~subparagraph f., and shall be reviewed by the state land~~
 5960 ~~planning agency for consistency with the principles for guiding~~
 5961 ~~development applicable to the area of critical state concern~~
 5962 ~~where the amendment is located and shall not become effective~~

5963 ~~until a final order is issued under s. 380.05(6).~~

5964 ~~f. If the proposed amendment involves a residential land~~

5965 ~~use, the residential land use has a density of 10 units or less~~

5966 ~~per acre or the proposed future land use category allows a~~

5967 ~~maximum residential density of the same or less than the maximum~~

5968 ~~residential density allowable under the existing future land use~~

5969 ~~category, except that this limitation does not apply to small~~

5970 ~~scale amendments involving the construction of affordable~~

5971 ~~housing units meeting the criteria of s. 420.0004(3) on property~~

5972 ~~which will be the subject of a land use restriction agreement,~~

5973 ~~or small scale amendments described in sub-sub-subparagraph~~

5974 ~~a.(I) that are designated in the local comprehensive plan for~~

5975 ~~urban infill, urban redevelopment, or downtown revitalization as~~

5976 ~~defined in s. 163.3164, urban infill and redevelopment areas~~

5977 ~~designated under s. 163.2517, transportation concurrency~~

5978 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~

5979 ~~activity centers and urban central business districts approved~~

5980 ~~pursuant to s. 380.06(2)(c).~~

5981 ~~2.a. A local government that proposes to consider a plan~~

5982 ~~amendment pursuant to this paragraph is not required to comply~~

5983 ~~with the procedures and public notice requirements of s.~~

5984 ~~163.3184(15)(c) for such plan amendments if the local government~~

5985 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~

5986 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~

5987 ~~amendment under this paragraph is initiated by other than the~~

5988 ~~local government, public notice is required.~~

5989 ~~b. The local government shall send copies of the notice~~

5990 ~~and amendment to the state land planning agency, the regional~~

5991 ~~planning council, and any other person or entity requesting a~~
 5992 ~~copy. This information shall also include a statement~~
 5993 ~~identifying any property subject to the amendment that is~~
 5994 ~~located within a coastal high hazard area as identified in the~~
 5995 ~~local comprehensive plan.~~

5996 (2)3. Small scale development amendments adopted pursuant
 5997 to this section ~~paragraph~~ require only one public hearing before
 5998 the governing board, which shall be an adoption hearing as
 5999 described in s. 163.3184 (11)(7), ~~and are not subject to the~~
 6000 ~~requirements of s. 163.3184(3) (6) unless the local government~~
 6001 ~~elects to have them subject to those requirements.~~

6002 (3)4. If the small scale development amendment involves a
 6003 site within ~~an area that is designated by the Governor as a~~
 6004 rural area of critical economic concern as defined under s.
 6005 288.0656 (2) (d)(7) ~~for the duration of such designation, the 10-~~
 6006 acre limit listed in subsection (1) subparagraph 1. shall be
 6007 increased by 100 percent to 20 acres. The local government
 6008 approving the small scale plan amendment shall certify to the
 6009 Office of Tourism, Trade, and Economic Development that the plan
 6010 amendment furthers the economic objectives set forth in the
 6011 executive order issued under s. 288.0656(7), and the property
 6012 subject to the plan amendment shall undergo public review to
 6013 ensure that all concurrency requirements and federal, state, and
 6014 local environmental permit requirements are met.

6015 ~~(d) Any comprehensive plan amendment required by a~~
 6016 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
 6017 ~~without regard to statutory limits on the frequency of adoption~~
 6018 ~~of amendments to the comprehensive plan.~~

6019 ~~(e) A comprehensive plan amendment for location of a state~~
 6020 ~~correctional facility. Such an amendment may be made at any time~~
 6021 ~~and does not count toward the limitation on the frequency of~~
 6022 ~~plan amendments.~~

6023 ~~(f) The capital improvements element annual update~~
 6024 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~
 6025 ~~related to the schedule.~~

6026 ~~(g) Any local government comprehensive plan amendments~~
 6027 ~~directly related to proposed redevelopment of brownfield areas~~
 6028 ~~designated under s. 376.80 may be approved without regard to~~
 6029 ~~statutory limits on the frequency of consideration of amendments~~
 6030 ~~to the local comprehensive plan.~~

6031 ~~(h) Any comprehensive plan amendments for port~~
 6032 ~~transportation facilities and projects that are eligible for~~
 6033 ~~funding by the Florida Seaport Transportation and Economic~~
 6034 ~~Development Council pursuant to s. 311.07.~~

6035 ~~(i) A comprehensive plan amendment for the purpose of~~
 6036 ~~designating an urban infill and redevelopment area under s.~~
 6037 ~~163.2517 may be approved without regard to the statutory limits~~
 6038 ~~on the frequency of amendments to the comprehensive plan.~~

6039 ~~(j) Any comprehensive plan amendment to establish public~~
 6040 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
 6041 ~~not limited to, adoption of a public school facilities element~~
 6042 ~~and adoption of amendments to the capital improvements element~~
 6043 ~~and intergovernmental coordination element. In order to ensure~~
 6044 ~~the consistency of local government public school facilities~~
 6045 ~~elements within a county, such elements shall be prepared and~~
 6046 ~~adopted on a similar time schedule.~~

6047 ~~(k) A local comprehensive plan amendment directly related~~
6048 ~~to providing transportation improvements to enhance life safety~~
6049 ~~on Controlled Access Major Arterial Highways identified in the~~
6050 ~~Florida Intrastate Highway System, in counties as defined in s.~~
6051 ~~125.011, where such roadways have a high incidence of traffic~~
6052 ~~accidents resulting in serious injury or death. Any such~~
6053 ~~amendment shall not include any amendment modifying the~~
6054 ~~designation on a comprehensive development plan land use map nor~~
6055 ~~any amendment modifying the allowable densities or intensities~~
6056 ~~of any land.~~

6057 ~~(l) A comprehensive plan amendment to adopt a public~~
6058 ~~educational facilities element pursuant to s. 163.3177(12) and~~
6059 ~~future land-use map amendments for school siting may be approved~~
6060 ~~notwithstanding statutory limits on the frequency of adopting~~
6061 ~~plan amendments.~~

6062 ~~(m) A comprehensive plan amendment that addresses criteria~~
6063 ~~or compatibility of land uses adjacent to or in close proximity~~
6064 ~~to military installations in a local government's future land~~
6065 ~~use element does not count toward the limitation on the~~
6066 ~~frequency of the plan amendments.~~

6067 ~~(n) Any local government comprehensive plan amendment~~
6068 ~~establishing or implementing a rural land stewardship area~~
6069 ~~pursuant to the provisions of s. 163.3177(11)(d).~~

6070 ~~(o) A comprehensive plan amendment that is submitted by an~~
6071 ~~area designated by the Governor as a rural area of critical~~
6072 ~~economic concern under s. 288.0656(7) and that meets the~~
6073 ~~economic development objectives may be approved without regard~~
6074 ~~to the statutory limits on the frequency of adoption of~~

6075 ~~amendments to the comprehensive plan.~~

6076 ~~(p) Any local government comprehensive plan amendment that~~
 6077 ~~is consistent with the local housing incentive strategies~~
 6078 ~~identified in s. 420.9076 and authorized by the local~~
 6079 ~~government.~~

6080 ~~(q) Any local government plan amendment to designate an~~
 6081 ~~urban service area as a transportation concurrency exception~~
 6082 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
 6083 ~~development of regional impact process under s. 380.06(29).~~

6084 (4)(2) Comprehensive plans may only be amended in such a
 6085 way as to preserve the internal consistency of the plan pursuant
 6086 to s. 163.3177(2). Corrections, updates, or modifications of
 6087 current costs which were set out as part of the comprehensive
 6088 plan shall not, for the purposes of this act, be deemed to be
 6089 amendments.

6090 ~~(3)(a) The state land planning agency shall not review or~~
 6091 ~~issue a notice of intent for small scale development amendments~~
 6092 ~~which satisfy the requirements of paragraph (1)(c).~~

6093 (5)(a) Any affected person may file a petition with the
 6094 Division of Administrative Hearings pursuant to ss. 120.569 and
 6095 120.57 to request a hearing to challenge the compliance of a
 6096 small scale development amendment with this act within 30 days
 6097 following the local government's adoption of the amendment and
 6098 shall serve a copy of the petition on the local government, ~~and~~
 6099 ~~shall furnish a copy to the state land planning agency.~~ An
 6100 administrative law judge shall hold a hearing in the affected
 6101 jurisdiction not less than 30 days nor more than 60 days
 6102 following the filing of a petition and the assignment of an

6103 administrative law judge. The parties to a hearing held pursuant
6104 to this subsection shall be the petitioner, the local
6105 government, and any intervenor. In the proceeding, the plan
6106 amendment shall be determined to be in compliance if the local
6107 government's determination that the small scale development
6108 amendment is in compliance is fairly debatable ~~presumed to be~~
6109 ~~correct. The local government's determination shall be sustained~~
6110 ~~unless it is shown by a preponderance of the evidence that the~~
6111 ~~amendment is not in compliance with the requirements of this~~
6112 ~~act. In any proceeding initiated pursuant to this subsection,~~
6113 The state land planning agency may not intervene in any
6114 proceeding initiated pursuant to this section.

6115 (b)1. If the administrative law judge recommends that the
6116 small scale development amendment be found not in compliance,
6117 the administrative law judge shall submit the recommended order
6118 to the Administration Commission for final agency action. If the
6119 administrative law judge recommends that the small scale
6120 development amendment be found in compliance, the administrative
6121 law judge shall submit the recommended order to the state land
6122 planning agency.

6123 2. If the state land planning agency determines that the
6124 plan amendment is not in compliance, the agency shall submit,
6125 within 30 days following its receipt, the recommended order to
6126 the Administration Commission for final agency action. If the
6127 state land planning agency determines that the plan amendment is
6128 in compliance, the agency shall enter a final order within 30
6129 days following its receipt of the recommended order.

6130 (c) Small scale development amendments may ~~shall~~ not

6131 become effective until 31 days after adoption. If challenged
 6132 within 30 days after adoption, small scale development
 6133 amendments may ~~shall~~ not become effective until the state land
 6134 planning agency or the Administration Commission, respectively,
 6135 issues a final order determining that the adopted small scale
 6136 development amendment is in compliance.

6137 (d) In all challenges under this subsection, when a
 6138 determination of compliance as defined in s. 163.3184(1)(b) is
 6139 made, consideration shall be given to the plan amendment as a
 6140 whole and whether the plan amendment furthers the intent of this
 6141 part.

6142 ~~(4) Each governing body shall transmit to the state land~~
 6143 ~~planning agency a current copy of its comprehensive plan not~~
 6144 ~~later than December 1, 1985. Each governing body shall also~~
 6145 ~~transmit copies of any amendments it adopts to its comprehensive~~
 6146 ~~plan so as to continually update the plans on file with the~~
 6147 ~~state land planning agency.~~

6148 ~~(5) Nothing in this part is intended to prohibit or limit~~
 6149 ~~the authority of local governments to require that a person~~
 6150 ~~requesting an amendment pay some or all of the cost of public~~
 6151 ~~notice.~~

6152 ~~(6)(a) No local government may amend its comprehensive~~
 6153 ~~plan after the date established by the state land planning~~
 6154 ~~agency for adoption of its evaluation and appraisal report~~
 6155 ~~unless it has submitted its report or addendum to the state land~~
 6156 ~~planning agency as prescribed by s. 163.3191, except for plan~~
 6157 ~~amendments described in paragraph (1)(b) or paragraph (1)(h).~~

6158 ~~(b) A local government may amend its comprehensive plan~~

6159 ~~after it has submitted its adopted evaluation and appraisal~~
 6160 ~~report and for a period of 1 year after the initial~~
 6161 ~~determination of sufficiency regardless of whether the report~~
 6162 ~~has been determined to be insufficient.~~

6163 ~~(c) A local government may not amend its comprehensive~~
 6164 ~~plan, except for plan amendments described in paragraph (1)(b),~~
 6165 ~~if the 1-year period after the initial sufficiency determination~~
 6166 ~~of the report has expired and the report has not been determined~~
 6167 ~~to be sufficient.~~

6168 ~~(d) When the state land planning agency has determined~~
 6169 ~~that the report has sufficiently addressed all pertinent~~
 6170 ~~provisions of s. 163.3191, the local government may amend its~~
 6171 ~~comprehensive plan without the limitations imposed by paragraph~~
 6172 ~~(a) or paragraph (c).~~

6173 ~~(e) Any plan amendment which a local government attempts~~
 6174 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~
 6175 ~~invalid, but such invalidity may be overcome if the local~~
 6176 ~~government readopts the amendment and transmits the amendment to~~
 6177 ~~the state land planning agency pursuant to s. 163.3184(7) after~~
 6178 ~~the report is determined to be sufficient.~~

6179 Section 19. Section 163.3189, Florida Statutes, is
 6180 repealed.

6181 Section 20. Section 163.3191, Florida Statutes, is amended
 6182 to read:

6183 163.3191 Evaluation and appraisal of comprehensive plan.—

6184 (1) At least once every 7 years, each local government
 6185 shall evaluate its comprehensive plan to determine if plan
 6186 amendments are necessary to reflect changes in state

6187 requirements in this part since the last update of the
 6188 comprehensive plan, and notify the state land planning agency as
 6189 to its determination.

6190 (2) If the local government determines amendments to its
 6191 comprehensive plan are necessary to reflect changes in state
 6192 requirements, the local government shall prepare and transmit
 6193 within 1 year such plan amendment or amendments for review
 6194 pursuant to s. 163.3184.

6195 (3) Local governments are encouraged to comprehensively
 6196 evaluate and, as necessary, update comprehensive plans to
 6197 reflect changes in local conditions. Plan amendments transmitted
 6198 pursuant to this section shall be reviewed in accordance with s.
 6199 163.3184.

6200 (4) If a local government fails to submit its letter
 6201 prescribed by subsection (1) or update its plan pursuant to
 6202 subsection (2), it may not amend its comprehensive plan until
 6203 such time as it complies with this section.

6204 ~~(1) The planning program shall be a continuous and ongoing~~
 6205 ~~process. Each local government shall adopt an evaluation and~~
 6206 ~~appraisal report once every 7 years assessing the progress in~~
 6207 ~~implementing the local government's comprehensive plan.~~

6208 ~~Furthermore, it is the intent of this section that:~~

6209 ~~(a) Adopted comprehensive plans be reviewed through such~~
 6210 ~~evaluation process to respond to changes in state, regional, and~~
 6211 ~~local policies on planning and growth management and changing~~
 6212 ~~conditions and trends, to ensure effective intergovernmental~~
 6213 ~~coordination, and to identify major issues regarding the~~
 6214 ~~community's achievement of its goals.~~

6215 ~~(b) After completion of the initial evaluation and~~
 6216 ~~appraisal report and any supporting plan amendments, each~~
 6217 ~~subsequent evaluation and appraisal report must evaluate the~~
 6218 ~~comprehensive plan in effect at the time of the initiation of~~
 6219 ~~the evaluation and appraisal report process.~~

6220 ~~(c) Local governments identify the major issues, if~~
 6221 ~~applicable, with input from state agencies, regional agencies,~~
 6222 ~~adjacent local governments, and the public in the evaluation and~~
 6223 ~~appraisal report process. It is also the intent of this section~~
 6224 ~~to establish minimum requirements for information to ensure~~
 6225 ~~predictability, certainty, and integrity in the growth~~
 6226 ~~management process. The report is intended to serve as a summary~~
 6227 ~~audit of the actions that a local government has undertaken and~~
 6228 ~~identify changes that it may need to make. The report should be~~
 6229 ~~based on the local government's analysis of major issues to~~
 6230 ~~further the community's goals consistent with statewide minimum~~
 6231 ~~standards. The report is not intended to require a comprehensive~~
 6232 ~~rewrite of the elements within the local plan, unless a local~~
 6233 ~~government chooses to do so.~~

6234 ~~(2) The report shall present an evaluation and assessment~~
 6235 ~~of the comprehensive plan and shall contain appropriate~~
 6236 ~~statements to update the comprehensive plan, including, but not~~
 6237 ~~limited to, words, maps, illustrations, or other media, related~~
 6238 ~~to:~~

6239 ~~(a) Population growth and changes in land area, including~~
 6240 ~~annexation, since the adoption of the original plan or the most~~
 6241 ~~recent update amendments.~~

6242 ~~(b) The extent of vacant and developable land.~~

6243 ~~(c) The financial feasibility of implementing the~~
 6244 ~~comprehensive plan and of providing needed infrastructure to~~
 6245 ~~achieve and maintain adopted level-of-service standards and~~
 6246 ~~sustain concurrency management systems through the capital~~
 6247 ~~improvements element, as well as the ability to address~~
 6248 ~~infrastructure backlogs and meet the demands of growth on public~~
 6249 ~~services and facilities.~~

6250 ~~(d) The location of existing development in relation to~~
 6251 ~~the location of development as anticipated in the original plan,~~
 6252 ~~or in the plan as amended by the most recent evaluation and~~
 6253 ~~appraisal report update amendments, such as within areas~~
 6254 ~~designated for urban growth.~~

6255 ~~(e) An identification of the major issues for the~~
 6256 ~~jurisdiction and, where pertinent, the potential social,~~
 6257 ~~economic, and environmental impacts.~~

6258 ~~(f) Relevant changes to the state comprehensive plan, the~~
 6259 ~~requirements of this part, the minimum criteria contained in~~
 6260 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
 6261 ~~strategic regional policy plan since the adoption of the~~
 6262 ~~original plan or the most recent evaluation and appraisal report~~
 6263 ~~update amendments.~~

6264 ~~(g) An assessment of whether the plan objectives within~~
 6265 ~~each element, as they relate to major issues, have been~~
 6266 ~~achieved. The report shall include, as appropriate, an~~
 6267 ~~identification as to whether unforeseen or unanticipated changes~~
 6268 ~~in circumstances have resulted in problems or opportunities with~~
 6269 ~~respect to major issues identified in each element and the~~
 6270 ~~social, economic, and environmental impacts of the issue.~~

6271 ~~(h) A brief assessment of successes and shortcomings~~
 6272 ~~related to each element of the plan.~~

6273 ~~(i) The identification of any actions or corrective~~
 6274 ~~measures, including whether plan amendments are anticipated to~~
 6275 ~~address the major issues identified and analyzed in the report.~~
 6276 ~~Such identification shall include, as appropriate, new~~
 6277 ~~population projections, new revised planning timeframes, a~~
 6278 ~~revised future conditions map or map series, an updated capital~~
 6279 ~~improvements element, and any new and revised goals, objectives,~~
 6280 ~~and policies for major issues identified within each element.~~
 6281 ~~This paragraph shall not require the submittal of the plan~~
 6282 ~~amendments with the evaluation and appraisal report.~~

6283 ~~(j) A summary of the public participation program and~~
 6284 ~~activities undertaken by the local government in preparing the~~
 6285 ~~report.~~

6286 ~~(k) The coordination of the comprehensive plan with~~
 6287 ~~existing public schools and those identified in the applicable~~
 6288 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
 6289 ~~assessment shall address, where relevant, the success or failure~~
 6290 ~~of the coordination of the future land use map and associated~~
 6291 ~~planned residential development with public schools and their~~
 6292 ~~capacities, as well as the joint decisionmaking processes~~
 6293 ~~engaged in by the local government and the school board in~~
 6294 ~~regard to establishing appropriate population projections and~~
 6295 ~~the planning and siting of public school facilities. For those~~
 6296 ~~counties or municipalities that do not have a public schools~~
 6297 ~~interlocal agreement or public school facilities element, the~~
 6298 ~~assessment shall determine whether the local government~~

6299 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
6300 ~~or municipality determines that it no longer meets the criteria,~~
6301 ~~it must adopt appropriate school concurrency goals, objectives,~~
6302 ~~and policies in its plan amendments pursuant to the requirements~~
6303 ~~of the public school facilities element, and enter into the~~
6304 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
6305 ~~and 163.31777 in order to fully participate in the school~~
6306 ~~concurrency system.~~

6307 ~~(l) The extent to which the local government has been~~
6308 ~~successful in identifying alternative water supply projects and~~
6309 ~~traditional water supply projects, including conservation and~~
6310 ~~reuse, necessary to meet the water needs identified in s.~~
6311 ~~373.709(2)(a) within the local government's jurisdiction. The~~
6312 ~~report must evaluate the degree to which the local government~~
6313 ~~has implemented the work plan for building public, private, and~~
6314 ~~regional water supply facilities, including development of~~
6315 ~~alternative water supplies, identified in the element as~~
6316 ~~necessary to serve existing and new development.~~

6317 ~~(m) If any of the jurisdiction of the local government is~~
6318 ~~located within the coastal high-hazard area, an evaluation of~~
6319 ~~whether any past reduction in land use density impairs the~~
6320 ~~property rights of current residents when redevelopment occurs,~~
6321 ~~including, but not limited to, redevelopment following a natural~~
6322 ~~disaster. The property rights of current residents shall be~~
6323 ~~balanced with public safety considerations. The local government~~
6324 ~~must identify strategies to address redevelopment feasibility~~
6325 ~~and the property rights of affected residents. These strategies~~
6326 ~~may include the authorization of redevelopment up to the actual~~

6327 ~~built density in existence on the property prior to the natural~~
6328 ~~disaster or redevelopment.~~

6329 ~~(n) An assessment of whether the criteria adopted pursuant~~
6330 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~
6331 ~~with military installations.~~

6332 ~~(o) The extent to which a concurrency exception area~~
6333 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
6334 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
6335 ~~transportation district designated pursuant to s. 163.3180(15)~~
6336 ~~has achieved the purpose for which it was created and otherwise~~
6337 ~~complies with the provisions of s. 163.3180.~~

6338 ~~(p) An assessment of the extent to which changes are~~
6339 ~~needed to develop a common methodology for measuring impacts on~~
6340 ~~transportation facilities for the purpose of implementing its~~
6341 ~~concurrency management system in coordination with the~~
6342 ~~municipalities and counties, as appropriate pursuant to s.~~
6343 ~~163.3180(10).~~

6344 ~~(3) Voluntary scoping meetings may be conducted by each~~
6345 ~~local government or several local governments within the same~~
6346 ~~county that agree to meet together. Joint meetings among all~~
6347 ~~local governments in a county are encouraged. All scoping~~
6348 ~~meetings shall be completed at least 1 year prior to the~~
6349 ~~established adoption date of the report. The purpose of the~~
6350 ~~meetings shall be to distribute data and resources available to~~
6351 ~~assist in the preparation of the report, to provide input on~~
6352 ~~major issues in each community that should be addressed in the~~
6353 ~~report, and to advise on the extent of the effort for the~~
6354 ~~components of subsection (2). If scoping meetings are held, the~~

6355 ~~local government shall invite each state and regional reviewing~~
6356 ~~agency, as well as adjacent and other affected local~~
6357 ~~governments. A preliminary list of new data and major issues~~
6358 ~~that have emerged since the adoption of the original plan, or~~
6359 ~~the most recent evaluation and appraisal report-based update~~
6360 ~~amendments, should be developed by state and regional entities~~
6361 ~~and involved local governments for distribution at the scoping~~
6362 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
6363 ~~a meeting conducted to determine the scope of review of the~~
6364 ~~evaluation and appraisal report by parties to which the report~~
6365 ~~relates.~~

6366 ~~(4) The local planning agency shall prepare the evaluation~~
6367 ~~and appraisal report and shall make recommendations to the~~
6368 ~~governing body regarding adoption of the proposed report. The~~
6369 ~~local planning agency shall prepare the report in conformity~~
6370 ~~with its public participation procedures adopted as required by~~
6371 ~~s. 163.3181. During the preparation of the proposed report and~~
6372 ~~prior to making any recommendation to the governing body, the~~
6373 ~~local planning agency shall hold at least one public hearing,~~
6374 ~~with public notice, on the proposed report. At a minimum, the~~
6375 ~~format and content of the proposed report shall include a table~~
6376 ~~of contents; numbered pages; element headings; section headings~~
6377 ~~within elements; a list of included tables, maps, and figures; a~~
6378 ~~title and sources for all included tables; a preparation date;~~
6379 ~~and the name of the preparer. Where applicable, maps shall~~
6380 ~~include major natural and artificial geographic features; city,~~
6381 ~~county, and state lines; and a legend indicating a north arrow,~~
6382 ~~map scale, and the date.~~

6383 ~~(5) Ninety days prior to the scheduled adoption date, the~~
6384 ~~local government may provide a proposed evaluation and appraisal~~
6385 ~~report to the state land planning agency and distribute copies~~
6386 ~~to state and regional commenting agencies as prescribed by rule,~~
6387 ~~adjacent jurisdictions, and interested citizens for review. All~~
6388 ~~review comments, including comments by the state land planning~~
6389 ~~agency, shall be transmitted to the local government and state~~
6390 ~~land planning agency within 30 days after receipt of the~~
6391 ~~proposed report.~~

6392 ~~(6) The governing body, after considering the review~~
6393 ~~comments and recommended changes, if any, shall adopt the~~
6394 ~~evaluation and appraisal report by resolution or ordinance at a~~
6395 ~~public hearing with public notice. The governing body shall~~
6396 ~~adopt the report in conformity with its public participation~~
6397 ~~procedures adopted as required by s. 163.3181. The local~~
6398 ~~government shall submit to the state land planning agency three~~
6399 ~~copies of the report, a transmittal letter indicating the dates~~
6400 ~~of public hearings, and a copy of the adoption resolution or~~
6401 ~~ordinance. The local government shall provide a copy of the~~
6402 ~~report to the reviewing agencies which provided comments for the~~
6403 ~~proposed report, or to all the reviewing agencies if a proposed~~
6404 ~~report was not provided pursuant to subsection (5), including~~
6405 ~~the adjacent local governments. Within 60 days after receipt,~~
6406 ~~the state land planning agency shall review the adopted report~~
6407 ~~and make a preliminary sufficiency determination that shall be~~
6408 ~~forwarded by the agency to the local government for its~~
6409 ~~consideration. The state land planning agency shall issue a~~
6410 ~~final sufficiency determination within 90 days after receipt of~~

6411 ~~the adopted evaluation and appraisal report.~~

6412 ~~(7) The intent of the evaluation and appraisal process is~~
6413 ~~the preparation of a plan update that clearly and concisely~~
6414 ~~achieves the purpose of this section. Toward this end, the~~
6415 ~~sufficiency review of the state land planning agency shall~~
6416 ~~concentrate on whether the evaluation and appraisal report~~
6417 ~~sufficiently fulfills the components of subsection (2). If the~~
6418 ~~state land planning agency determines that the report is~~
6419 ~~insufficient, the governing body shall adopt a revision of the~~
6420 ~~report and submit the revised report for review pursuant to~~
6421 ~~subsection (6).~~

6422 ~~(8) The state land planning agency may delegate the review~~
6423 ~~of evaluation and appraisal reports, including all state land~~
6424 ~~planning agency duties under subsections (4)-(7), to the~~
6425 ~~appropriate regional planning council. When the review has been~~
6426 ~~delegated to a regional planning council, any local government~~
6427 ~~in the region may elect to have its report reviewed by the~~
6428 ~~regional planning council rather than the state land planning~~
6429 ~~agency. The state land planning agency shall by agreement~~
6430 ~~provide for uniform and adequate review of reports and shall~~
6431 ~~retain oversight for any delegation of review to a regional~~
6432 ~~planning council.~~

6433 ~~(9) The state land planning agency may establish a phased~~
6434 ~~schedule for adoption of reports. The schedule shall provide~~
6435 ~~each local government at least 7 years from plan adoption or~~
6436 ~~last established adoption date for a report and shall allot~~
6437 ~~approximately one-seventh of the reports to any 1 year. In order~~
6438 ~~to allow the municipalities to use data and analyses gathered by~~

6439 ~~the counties, the state land planning agency shall schedule~~
6440 ~~municipal report adoption dates between 1 year and 18 months~~
6441 ~~later than the report adoption date for the county in which~~
6442 ~~those municipalities are located. A local government may adopt~~
6443 ~~its report no earlier than 90 days prior to the established~~
6444 ~~adoption date. Small municipalities which were scheduled by~~
6445 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
6446 ~~evaluation and appraisal report after February 2, 1999, shall be~~
6447 ~~rescheduled to adopt their report together with the other~~
6448 ~~municipalities in their county as provided in this subsection.~~

6449 ~~(10) The governing body shall amend its comprehensive plan~~
6450 ~~based on the recommendations in the report and shall update the~~
6451 ~~comprehensive plan based on the components of subsection (2),~~
6452 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
6453 ~~163.3189. Amendments to update a comprehensive plan based on the~~
6454 ~~evaluation and appraisal report shall be adopted during a single~~
6455 ~~amendment cycle within 18 months after the report is determined~~
6456 ~~to be sufficient by the state land planning agency, except the~~
6457 ~~state land planning agency may grant an extension for adoption~~
6458 ~~of a portion of such amendments. The state land planning agency~~
6459 ~~may grant a 6-month extension for the adoption of such~~
6460 ~~amendments if the request is justified by good and sufficient~~
6461 ~~cause as determined by the agency. An additional extension may~~
6462 ~~also be granted if the request will result in greater~~
6463 ~~coordination between transportation and land use, for the~~
6464 ~~purposes of improving Florida's transportation system, as~~
6465 ~~determined by the agency in coordination with the Metropolitan~~
6466 ~~Planning Organization program. Beginning July 1, 2006, failure~~

6467 ~~to timely adopt and transmit update amendments to the~~
6468 ~~comprehensive plan based on the evaluation and appraisal report~~
6469 ~~shall result in a local government being prohibited from~~
6470 ~~adopting amendments to the comprehensive plan until the~~
6471 ~~evaluation and appraisal report update amendments have been~~
6472 ~~adopted and transmitted to the state land planning agency. The~~
6473 ~~prohibition on plan amendments shall commence when the update~~
6474 ~~amendments to the comprehensive plan are past due. The~~
6475 ~~comprehensive plan as amended shall be in compliance as defined~~
6476 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
6477 ~~of the update amendments to the comprehensive plan, the local~~
6478 ~~government shall provide to the state land planning agency and~~
6479 ~~to all agencies designated by rule a complete copy of the~~
6480 ~~updated comprehensive plan.~~

6481 ~~(11) The Administration Commission may impose the~~
6482 ~~sanctions provided by s. 163.3184(11) against any local~~
6483 ~~government that fails to adopt and submit a report, or that~~
6484 ~~fails to implement its report through timely and sufficient~~
6485 ~~amendments to its local plan, except for reasons of excusable~~
6486 ~~delay or valid planning reasons agreed to by the state land~~
6487 ~~planning agency or found present by the Administration~~
6488 ~~Commission. Sanctions for untimely or insufficient plan~~
6489 ~~amendments shall be prospective only and shall begin after a~~
6490 ~~final order has been issued by the Administration Commission and~~
6491 ~~a reasonable period of time has been allowed for the local~~
6492 ~~government to comply with an adverse determination by the~~
6493 ~~Administration Commission through adoption of plan amendments~~
6494 ~~that are in compliance. The state land planning agency may~~

6495 ~~initiate, and an affected person may intervene in, such a~~
 6496 ~~proceeding by filing a petition with the Division of~~
 6497 ~~Administrative Hearings, which shall appoint an administrative~~
 6498 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~
 6499 ~~120.57(1) and shall submit a recommended order to the~~
 6500 ~~Administration Commission. The affected local government shall~~
 6501 ~~be a party to any such proceeding. The commission may implement~~
 6502 ~~this subsection by rule.~~

6503 (5) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt
 6504 rules to implement this section, other than procedural rules or
 6505 a schedule indicating when local governments must comply with
 6506 the requirements of this section.

6507 ~~(13)~~ ~~The state land planning agency shall regularly review~~
 6508 ~~the evaluation and appraisal report process and submit a report~~
 6509 ~~to the Governor, the Administration Commission, the Speaker of~~
 6510 ~~the House of Representatives, the President of the Senate, and~~
 6511 ~~the respective community affairs committees of the Senate and~~
 6512 ~~the House of Representatives. The first report shall be~~
 6513 ~~submitted by December 31, 2004, and subsequent reports shall be~~
 6514 ~~submitted every 5 years thereafter. At least 9 months before the~~
 6515 ~~due date of each report, the Secretary of Community Affairs~~
 6516 ~~shall appoint a technical committee of at least 15 members to~~
 6517 ~~assist in the preparation of the report. The membership of the~~
 6518 ~~technical committee shall consist of representatives of local~~
 6519 ~~governments, regional planning councils, the private sector, and~~
 6520 ~~environmental organizations. The report shall assess the~~
 6521 ~~effectiveness of the evaluation and appraisal report process.~~

6522 ~~(14)~~ ~~The requirement of subsection (10) prohibiting a~~

6523 ~~local government from adopting amendments to the local~~
 6524 ~~comprehensive plan until the evaluation and appraisal report~~
 6525 ~~update amendments have been adopted and transmitted to the state~~
 6526 ~~land planning agency does not apply to a plan amendment proposed~~
 6527 ~~for adoption by the appropriate local government as defined in~~
 6528 ~~s. 163.3178(2)(k) in order to integrate a port comprehensive~~
 6529 ~~master plan with the coastal management element of the local~~
 6530 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
 6531 ~~comprehensive master plan or the proposed plan amendment does~~
 6532 ~~not cause or contribute to the failure of the local government~~
 6533 ~~to comply with the requirements of the evaluation and appraisal~~
 6534 ~~report.~~

6535 Section 21. Paragraph (b) of subsection (2) of section
 6536 163.3217, Florida Statutes, is amended to read:

6537 163.3217 Municipal overlay for municipal incorporation.—

6538 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
 6539 OVERLAY.—

6540 (b)~~1~~. A municipal overlay shall be adopted as an amendment
 6541 to the local government comprehensive plan as prescribed by s.
 6542 163.3184.

6543 ~~2. A county may consider the adoption of a municipal~~
 6544 ~~overlay without regard to the provisions of s. 163.3187(1)~~
 6545 ~~regarding the frequency of adoption of amendments to the local~~
 6546 ~~comprehensive plan.~~

6547 Section 22. Subsection (3) of section 163.3220, Florida
 6548 Statutes, is amended to read:

6549 163.3220 Short title; legislative intent.—

6550 (3) In conformity with, in furtherance of, and to

6551 | implement the Community ~~Local Government Comprehensive~~ Planning
 6552 | and ~~Land Development Regulation~~ Act and the Florida State
 6553 | Comprehensive Planning Act of 1972, it is the intent of the
 6554 | Legislature to encourage a stronger commitment to comprehensive
 6555 | and capital facilities planning, ensure the provision of
 6556 | adequate public facilities for development, encourage the
 6557 | efficient use of resources, and reduce the economic cost of
 6558 | development.

6559 | Section 23. Subsections (2) and (11) of section 163.3221,
 6560 | Florida Statutes, are amended to read:

6561 | 163.3221 Florida Local Government Development Agreement
 6562 | Act; definitions.—As used in ss. 163.3220-163.3243:

6563 | (2) "Comprehensive plan" means a plan adopted pursuant to
 6564 | the Community ~~"Local Government Comprehensive Planning and Land~~
 6565 | ~~Development Regulation~~ Act."

6566 | (11) "Local planning agency" means the agency designated
 6567 | to prepare a comprehensive plan or plan amendment pursuant to
 6568 | the Community ~~"Florida Local Government Comprehensive Planning~~
 6569 | ~~and Land Development Regulation~~ Act."

6570 | Section 24. Section 163.3229, Florida Statutes, is amended
 6571 | to read:

6572 | 163.3229 Duration of a development agreement and
 6573 | relationship to local comprehensive plan.—The duration of a
 6574 | development agreement may ~~shall~~ not exceed 30 ~~20~~ years, unless
 6575 | it is. ~~It may be~~ extended by mutual consent of the governing
 6576 | body and the developer, subject to a public hearing in
 6577 | accordance with s. 163.3225. No development agreement shall be
 6578 | effective or be implemented by a local government unless the

6579 local government's comprehensive plan and plan amendments
 6580 implementing or related to the agreement are ~~found~~ in compliance
 6581 ~~by the state land planning agency in accordance with s.~~
 6582 ~~163.3184, s. 163.3187, or s. 163.3189.~~

6583 Section 25. Section 163.3235, Florida Statutes, is amended
 6584 to read:

6585 163.3235 Periodic review of a development agreement.—A
 6586 local government shall review land subject to a development
 6587 agreement at least once every 12 months to determine if there
 6588 has been demonstrated good faith compliance with the terms of
 6589 the development agreement. ~~For each annual review conducted~~
 6590 ~~during years 6 through 10 of a development agreement, the review~~
 6591 ~~shall be incorporated into a written report which shall be~~
 6592 ~~submitted to the parties to the agreement and the state land~~
 6593 ~~planning agency. The state land planning agency shall adopt~~
 6594 ~~rules regarding the contents of the report, provided that the~~
 6595 ~~report shall be limited to the information sufficient to~~
 6596 ~~determine the extent to which the parties are proceeding in good~~
 6597 ~~faith to comply with the terms of the development agreement. If~~
 6598 the local government finds, on the basis of substantial
 6599 competent evidence, that there has been a failure to comply with
 6600 the terms of the development agreement, the agreement may be
 6601 revoked or modified by the local government.

6602 Section 26. Section 163.3239, Florida Statutes, is amended
 6603 to read:

6604 163.3239 Recording and effectiveness of a development
 6605 agreement.—Within 14 days after a local government enters into a
 6606 development agreement, the local government shall record the

6607 agreement with the clerk of the circuit court in the county
 6608 where the local government is located. ~~A copy of the recorded~~
 6609 ~~development agreement shall be submitted to the state land~~
 6610 ~~planning agency within 14 days after the agreement is recorded.~~
 6611 A development agreement is ~~shall~~ not be effective until it is
 6612 properly recorded in the public records of the county ~~and until~~
 6613 ~~30 days after having been received by the state land planning~~
 6614 ~~agency pursuant to this section.~~ The burdens of the development
 6615 agreement shall be binding upon, and the benefits of the
 6616 agreement shall inure to, all successors in interest to the
 6617 parties to the agreement.

6618 Section 27. Section 163.3243, Florida Statutes, is amended
 6619 to read:

6620 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
 6621 adversely affected person as defined in s. 163.3215(2), ~~or the~~
 6622 ~~state land planning agency~~ may file an action for injunctive
 6623 relief in the circuit court where the local government is
 6624 located to enforce the terms of a development agreement or to
 6625 challenge compliance of the agreement with ~~the provisions of~~ ss.
 6626 163.3220-163.3243.

6627 Section 28. Section 163.3245, Florida Statutes, is amended
 6628 to read:

6629 163.3245 ~~Optional~~ Sector plans.—

6630 (1) In recognition of the benefits of ~~conceptual~~ long-
 6631 range planning for ~~the buildout of an area, and detailed~~
 6632 ~~planning for specific areas, as a demonstration project, the~~
 6633 ~~requirements of s. 380.06 may be addressed as identified by this~~
 6634 ~~section for up to five~~ local governments or combinations of

6635 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
 6636 plans ~~a plan an optional~~ sector plan in accordance with this
 6637 section. This section is intended to promote and encourage long-
 6638 term planning for conservation, development, and agriculture on
 6639 a landscape scale; to further the intent of s. 163.3177(11),
 6640 which supports innovative and flexible planning and development
 6641 strategies, and the purposes of this part~~,~~ and part I of chapter
 6642 380; to facilitate protection of regionally significant
 6643 resources, including, but not limited to, regionally significant
 6644 water courses and wildlife corridors; ~~and to avoid duplication~~
 6645 of effort in terms of the level of data and analysis required
 6646 for a development of regional impact, while ensuring the
 6647 adequate mitigation of impacts to applicable regional resources
 6648 and facilities, including those within the jurisdiction of other
 6649 local governments, as would otherwise be provided. ~~Optional~~
 6650 Sector plans are intended for substantial geographic areas that
 6651 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
 6652 local governmental jurisdictions and are to emphasize urban form
 6653 and protection of regionally significant resources and public
 6654 facilities. ~~A The state land planning agency may approve~~
 6655 ~~optional sector plans of less than 5,000 acres based on local~~
 6656 ~~circumstances if it is determined that the plan would further~~
 6657 ~~the purposes of this part and part I of chapter 380. Preparation~~
 6658 ~~of an optional sector plan is authorized by agreement between~~
 6659 ~~the state land planning agency and the applicable local~~
 6660 ~~governments under s. 163.3171(4). An optional sector plan may be~~
 6661 ~~adopted through one or more comprehensive plan amendments under~~
 6662 ~~s. 163.3184. However, an optional sector plan may not be~~ adopted

6663 ~~authorized~~ in an area of critical state concern.

6664 (2) Upon the request of a local government having

6665 jurisdiction, ~~The state land planning agency may enter into an~~

6666 ~~agreement to authorize preparation of an optional sector plan~~

6667 ~~upon the request of one or more local governments based on~~

6668 ~~consideration of problems and opportunities presented by~~

6669 ~~existing development trends; the effectiveness of current~~

6670 ~~comprehensive plan provisions; the potential to further the~~

6671 ~~state comprehensive plan, applicable strategic regional policy~~

6672 ~~plans, this part, and part I of chapter 380; and those factors~~

6673 ~~identified by s. 163.3177(10)(i).~~ the applicable regional

6674 planning council shall conduct a scoping meeting with affected

6675 local governments and those agencies identified in s.

6676 ~~163.3184(1)(c)(4)~~ before preparation of the sector plan

6677 ~~execution of the agreement authorized by this section.~~ The

6678 purpose of this meeting is to assist the state land planning

6679 agency and the local government in the identification of the

6680 relevant planning issues to be addressed and the data and

6681 resources available to assist in the preparation of the sector

6682 plan subsequent plan amendments. If a scoping meeting is

6683 conducted, the regional planning council shall make written

6684 recommendations to the state land planning agency and affected

6685 local governments on the issues requested by the local

6686 government. The scoping meeting shall be noticed and open to the

6687 public. If the entire planning area proposed for the sector plan

6688 is within the jurisdiction of two or more local governments,

6689 some or all of them may enter into a joint planning agreement

6690 pursuant to s. 163.3171 with respect to, ~~including whether a~~

6691 ~~sustainable sector plan would be appropriate. The agreement must~~
 6692 ~~define the geographic area to be subject to the sector plan, the~~
 6693 ~~planning issues that will be emphasized, procedures ~~requirements~~~~
 6694 ~~for intergovernmental coordination to address~~
 6695 ~~extrajurisdictional impacts, supporting application materials~~
 6696 ~~including data and analysis, ~~and~~ procedures for public~~
 6697 ~~participation, or other issues. An agreement may address~~
 6698 ~~previously adopted sector plans that are consistent with the~~
 6699 ~~standards in this section. Before executing an agreement under~~
 6700 ~~this subsection, the local government shall hold a duly noticed~~
 6701 ~~public workshop to review and explain to the public the optional~~
 6702 ~~sector planning process and the terms and conditions of the~~
 6703 ~~proposed agreement. The local government shall hold a duly~~
 6704 ~~noticed public hearing to execute the agreement. All meetings~~
 6705 ~~between the department and the local government must be open to~~
 6706 ~~the public.~~

6707 (3) ~~Optional~~ Sector planning encompasses two levels:
 6708 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
 6709 master plan for the entire planning area as part of the
 6710 comprehensive plan, and adoption by local development order of
 6711 two or more buildout overlay to the comprehensive plan, having
 6712 ~~no immediate effect on the issuance of development orders or the~~
 6713 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
 6714 ~~detailed specific area plans that implement the ~~conceptual~~ long-~~
 6715 ~~term master plan buildout overlay and authorize issuance of~~
 6716 ~~development orders, and within which s. 380.06 is waived. ~~Until~~~~
 6717 ~~such time as a detailed specific area plan is adopted, the~~
 6718 ~~underlying future land use designations apply.~~

6719 (a) In addition to the other requirements of this chapter,
 6720 a long-term master plan pursuant to this section ~~conceptual~~
 6721 ~~long-term buildout overlay~~ must include maps, illustrations, and
 6722 text supported by data and analysis to address the following:

6723 1. A ~~long-range conceptual~~ framework map that, at a
 6724 minimum, generally depicts ~~identifies anticipated~~ areas of
 6725 urban, agricultural, rural, and conservation land use,
 6726 identifies allowed uses in various parts of the planning area,
 6727 specifies maximum and minimum densities and intensities of use,
 6728 and provides the general framework for the development pattern
 6729 in developed areas with graphic illustrations based on a
 6730 hierarchy of places and functional place-making components.

6731 2. A general identification of the water supplies needed
 6732 and available sources of water, including water resource
 6733 development and water supply development projects, and water
 6734 conservation measures needed to meet the projected demand of the
 6735 future land uses in the long-term master plan.

6736 3. A general identification of the transportation
 6737 facilities to serve the future land uses in the long-term master
 6738 plan, including guidelines to be used to establish each modal
 6739 component intended to optimize mobility.

6740 ~~4.2.~~ A general identification of other regionally
 6741 significant public facilities ~~consistent with chapter 9J-2,~~
 6742 ~~Florida Administrative Code, irrespective of local governmental~~
 6743 ~~jurisdiction~~ necessary to support ~~buildout of the anticipated~~
 6744 future land uses, which may include central utilities provided
 6745 onsite within the planning area, and policies setting forth the
 6746 procedures to be used to mitigate the impacts of future land

6747 uses on public facilities.

6748 ~~5.3.~~ A general identification of regionally significant
6749 natural resources within the planning area based on the best
6750 available data and policies setting forth the procedures for
6751 protection or conservation of specific resources consistent with
6752 the overall conservation and development strategy for the
6753 planning area consistent with chapter 9J-2, Florida
6754 Administrative Code.

6755 ~~6.4.~~ General principles and guidelines addressing that
6756 address the urban form and the interrelationships of anticipated
6757 future land uses; the protection and, as appropriate,
6758 restoration and management of lands identified for permanent
6759 preservation through recordation of conservation easements
6760 consistent with s. 704.06, which shall be phased or staged in
6761 coordination with detailed specific area plans to reflect phased
6762 or staged development within the planning area; and a
6763 discussion, at the applicant's option, of the extent, if any, to
6764 which the plan will address restoring key ecosystems, achieving
6765 a more clean, healthy environment; limiting urban sprawl;
6766 providing a range of housing types; protecting wildlife and
6767 natural areas; advancing the efficient use of land and other
6768 resources; and creating quality communities of a design that
6769 promotes travel by multiple transportation modes; and enhancing
6770 the prospects for the creation of jobs.

6771 ~~7.5.~~ Identification of general procedures and policies to
6772 facilitate ~~ensure~~ intergovernmental coordination to address
6773 extrajurisdictional impacts from the future land uses ~~long-range~~
6774 ~~conceptual framework map.~~

6775
 6776 A long-term master plan adopted pursuant to this section may be
 6777 based upon a planning period longer than the generally
 6778 applicable planning period of the local comprehensive plan,
 6779 shall specify the projected population within the planning area
 6780 during the chosen planning period, and may include a phasing or
 6781 staging schedule that allocates a portion of the local
 6782 government's future growth to the planning area through the
 6783 planning period. A long-term master plan adopted pursuant to
 6784 this section is not required to demonstrate need based upon
 6785 projected population growth or on any other basis.

6786 (b) In addition to the other requirements of this chapter,
 6787 ~~including those in paragraph (a),~~ the detailed specific area
 6788 plans shall be consistent with the long-term master plan and
 6789 must include conditions and commitments that provide for:

6790 1. Development or conservation of an area of adequate size
 6791 ~~to accommodate a level of development which achieves a~~
 6792 ~~functional relationship between a full range of land uses within~~
 6793 ~~the area and to encompass~~ at least 1,000 acres consistent with
 6794 the long-term master plan. The local government ~~state land~~
 6795 ~~planning agency~~ may approve detailed specific area plans of less
 6796 than 1,000 acres based on local circumstances if it is
 6797 determined that the detailed specific area plan furthers the
 6798 purposes of this part and part I of chapter 380.

6799 2. Detailed identification and analysis of the maximum and
 6800 minimum densities and intensities of use and the distribution,
 6801 extent, and location of future land uses.

6802 3. Detailed identification of water resource development

6803 and water supply development projects and related infrastructure
 6804 and water conservation measures to address water needs of
 6805 development in the detailed specific area plan.

6806 4. Detailed identification of the transportation
 6807 facilities to serve the future land uses in the detailed
 6808 specific area plan.

6809 ~~5.3.~~ Detailed identification of other regionally
 6810 significant public facilities, including public facilities
 6811 outside the jurisdiction of the host local government,
 6812 ~~anticipated~~ impacts of future land uses on those facilities, and
 6813 required improvements consistent with the long-term master plan
 6814 ~~chapter 9J-2, Florida Administrative Code.~~

6815 ~~6.4.~~ Public facilities necessary to serve development in
 6816 the detailed specific area plan ~~for the short term~~, including
 6817 developer contributions in a ~~financially feasible~~ 5-year capital
 6818 improvement schedule of the affected local government.

6819 ~~7.5.~~ Detailed analysis and identification of specific
 6820 measures to ensure ~~assure~~ the protection and, as appropriate,
 6821 restoration and management of lands within the boundary of the
 6822 detailed specific area plan identified for permanent
 6823 preservation through recordation of conservation easements
 6824 consistent with s. 704.06, which easements shall be effective
 6825 before or concurrent with the effective date of the detailed
 6826 specific area plan ~~of regionally significant natural resources~~
 6827 and other important resources both within and outside the host
 6828 jurisdiction, ~~including those regionally significant resources~~
 6829 ~~identified in chapter 9J-2, Florida Administrative Code.~~

6830 ~~8.6.~~ Detailed principles and guidelines addressing that
6831 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
6832 ~~future land uses; and a discussion, at the applicant's option,~~
6833 ~~of the extent, if any, to which the plan will address restoring~~
6834 ~~key ecosystems,~~ achieving a more clean, healthy environment;;
6835 limiting urban sprawl; providing a range of housing types;;
6836 protecting wildlife and natural areas;; advancing the efficient
6837 use of land and other resources;;~~and~~ creating quality
6838 communities of a design that promotes travel by multiple
6839 transportation modes; and enhancing the prospects for the
6840 creation of jobs.

6841 ~~9.7.~~ Identification of specific procedures to facilitate
6842 ~~ensure~~ intergovernmental coordination to address
6843 extrajurisdictional impacts from ~~of~~ the detailed specific area
6844 plan.

6845
6846 A detailed specific area plan adopted by local development order
6847 pursuant to this section may be based upon a planning period
6848 longer than the generally applicable planning period of the
6849 local comprehensive plan and shall specify the projected
6850 population within the specific planning area during the chosen
6851 planning period. A detailed specific area plan adopted pursuant
6852 to this section is not required to demonstrate need based upon
6853 projected population growth or on any other basis. All lands
6854 identified in the long-term master plan for permanent
6855 preservation shall be subject to a recorded conservation
6856 easement consistent with s. 704.06 before or concurrent with the

6857 effective date of the final detailed specific area plan to be
 6858 approved within the planning area.

6859 (c) In its review of a long-term master plan, the state
 6860 land planning agency shall consult with the Department of
 6861 Agriculture and Consumer Services, the Department of
 6862 Environmental Protection, the Fish and Wildlife Conservation
 6863 Commission, and the applicable water management district
 6864 regarding the design of areas for protection and conservation of
 6865 regionally significant natural resources and for the protection
 6866 and, as appropriate, restoration and management of lands
 6867 identified for permanent preservation.

6868 (d) In its review of a long-term master plan, the state
 6869 land planning agency shall consult with the Department of
 6870 Transportation, the applicable metropolitan planning
 6871 organization, and any urban transit agency regarding the
 6872 location, capacity, design, and phasing or staging of major
 6873 transportation facilities in the planning area.

6874 (e) Whenever a local government issues a development order
 6875 approving a detailed specific area plan, a copy of such order
 6876 shall be rendered to the state land planning agency and the
 6877 owner or developer of the property affected by such order, as
 6878 prescribed by rules of the state land planning agency for a
 6879 development order for a development of regional impact. Within
 6880 45 days after the order is rendered, the owner, the developer,
 6881 or the state land planning agency may appeal the order to the
 6882 Florida Land and Water Adjudicatory Commission by filing a
 6883 petition alleging that the detailed specific area plan is not
 6884 consistent with the comprehensive plan or with the long-term

6885 master plan adopted pursuant to this section. The appellant
 6886 shall furnish a copy of the petition to the opposing party, as
 6887 the case may be, and to the local government that issued the
 6888 order. The filing of the petition stays the effectiveness of the
 6889 order until after completion of the appeal process. However, if
 6890 a development order approving a detailed specific area plan has
 6891 been challenged by an aggrieved or adversely affected party in a
 6892 judicial proceeding pursuant to s. 163.3215, and a party to such
 6893 proceeding serves notice to the state land planning agency, the
 6894 state land planning agency shall dismiss its appeal to the
 6895 commission and shall have the right to intervene in the pending
 6896 judicial proceeding pursuant to s. 163.3215. Proceedings for
 6897 administrative review of an order approving a detailed specific
 6898 area plan shall be conducted consistent with s. 380.07(6). The
 6899 commission shall issue a decision granting or denying permission
 6900 to develop pursuant to the long-term master plan and the
 6901 standards of this part and may attach conditions or restrictions
 6902 to its decisions.

6903 (f)~~(e)~~ This subsection does may not be construed to
 6904 prevent preparation and approval of the ~~optional~~ sector plan and
 6905 detailed specific area plan concurrently or in the same
 6906 submission.

6907 (4) Upon the long-term master plan becoming legally
 6908 effective:

6909 (a) Any long-range transportation plan developed by a
 6910 metropolitan planning organization pursuant to s. 339.175(7)
 6911 must be consistent, to the maximum extent feasible, with the
 6912 long-term master plan, including, but not limited to, the

6913 projected population and the approved uses and densities and
6914 intensities of use and their distribution within the planning
6915 area. The transportation facilities identified in adopted plans
6916 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
6917 in coordination with the adopted M.P.O. long-range
6918 transportation plan.

6919 (b) The water needs, sources and water resource
6920 development, and water supply development projects identified in
6921 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
6922 be incorporated into the applicable district and regional water
6923 supply plans adopted in accordance with ss. 373.036 and 373.709.
6924 Accordingly, and notwithstanding the permit durations stated in
6925 s. 373.236, an applicant may request and the applicable district
6926 may issue consumptive use permits for durations commensurate
6927 with the long-term master plan or detailed specific area plan,
6928 considering the ability of the master plan area to contribute to
6929 regional water supply availability and the need to maximize
6930 reasonable-beneficial use of the water resource. The permitting
6931 criteria in s. 373.223 shall be applied based upon the projected
6932 population and the approved densities and intensities of use and
6933 their distribution in the long-term master plan; however, the
6934 allocation of the water may be phased over the permit duration
6935 to correspond to actual projected needs. This paragraph does not
6936 supersede the public interest test set forth in s. 373.223. The
6937 ~~host local government shall submit a monitoring report to the~~
6938 ~~state land planning agency and applicable regional planning~~
6939 ~~council on an annual basis after adoption of a detailed specific~~
6940 ~~area plan. The annual monitoring report must provide summarized~~

6941 ~~information on development orders issued, development that has~~
 6942 ~~occurred, public facility improvements made, and public facility~~
 6943 ~~improvements anticipated over the upcoming 5 years.~~

6944 (5) When ~~a plan amendment adopting~~ a detailed specific
 6945 area plan has become effective for a portion of the planning
 6946 area governed by a long-term master plan adopted pursuant to
 6947 this section ~~under ss. 163.3184 and 163.3189(2), the provisions~~
 6948 ~~of~~ s. 380.06 does ~~de~~ not apply to development within the
 6949 geographic area of the detailed specific area plan. However, any
 6950 development-of-regional-impact development order that is vested
 6951 from the detailed specific area plan may be enforced pursuant to
 6952 ~~under~~ s. 380.11.

6953 (a) The local government adopting the detailed specific
 6954 area plan is primarily responsible for monitoring and enforcing
 6955 the detailed specific area plan. Local governments may ~~shall~~ not
 6956 issue any permits or approvals or provide any extensions of
 6957 services to development that are not consistent with the
 6958 detailed specific ~~sector~~ area plan.

6959 (b) If the state land planning agency has reason to
 6960 believe that a violation of any detailed specific area plan, ~~or~~
 6961 ~~of any agreement entered into under this section,~~ has occurred
 6962 or is about to occur, it may institute an administrative or
 6963 judicial proceeding to prevent, abate, or control the conditions
 6964 or activity creating the violation, using the procedures in s.
 6965 380.11.

6966 (c) In instituting an administrative or judicial
 6967 proceeding involving a ~~an optional~~ sector plan or detailed
 6968 specific area plan, including a proceeding pursuant to paragraph

6969 (b), the complaining party shall comply with the requirements of
6970 s. 163.3215(4), (5), (6), and (7), except as provided by
6971 paragraph (3) (e).

6972 (d) The detailed specific area plan shall establish a
6973 buildout date until which the approved development is not
6974 subject to downzoning, unit density reduction, or intensity
6975 reduction, unless the local government can demonstrate that
6976 implementation of the plan is not continuing in good faith based
6977 on standards established by plan policy, that substantial
6978 changes in the conditions underlying the approval of the
6979 detailed specific area plan have occurred, that the detailed
6980 specific area plan was based on substantially inaccurate
6981 information provided by the applicant, or that the change is
6982 clearly established to be essential to the public health,
6983 safety, or welfare.

6984 (6) Concurrent with or subsequent to review and adoption
6985 of a long-term master plan pursuant to paragraph (3) (a), an
6986 applicant may apply for master development approval pursuant to
6987 s. 380.06(21) for the entire planning area in order to establish
6988 a buildout date until which the approved uses and densities and
6989 intensities of use of the master plan are not subject to
6990 downzoning, unit density reduction, or intensity reduction,
6991 unless the local government can demonstrate that implementation
6992 of the master plan is not continuing in good faith based on
6993 standards established by plan policy, that substantial changes
6994 in the conditions underlying the approval of the master plan
6995 have occurred, that the master plan was based on substantially
6996 inaccurate information provided by the applicant, or that change

6997 is clearly established to be essential to the public health,
 6998 safety, or welfare. Review of the application for master
 6999 development approval shall be at a level of detail appropriate
 7000 for the long-term and conceptual nature of the long-term master
 7001 plan and, to the maximum extent possible, may only consider
 7002 information provided in the application for a long-term master
 7003 plan. Notwithstanding s. 380.06, an increment of development in
 7004 such an approved master development plan must be approved by a
 7005 detailed specific area plan pursuant to paragraph (3)(b) and is
 7006 exempt from review pursuant to s. 380.06.

7007 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
 7008 ~~the department shall provide a status report to the Legislative~~
 7009 ~~Committee on Intergovernmental Relations regarding each optional~~
 7010 ~~sector plan authorized under this section.~~

7011 (7) A developer within an area subject to a long-term
 7012 master plan that meets the requirements of paragraph (3)(a) and
 7013 subsection (6) or a detailed specific area plan that meets the
 7014 requirements of paragraph (3)(b) may enter into a development
 7015 agreement with a local government pursuant to ss. 163.3220-
 7016 163.3243. The duration of such a development agreement may be
 7017 through the planning period of the long-term master plan or the
 7018 detailed specific area plan, as the case may be, notwithstanding
 7019 the limit on the duration of a development agreement pursuant to
 7020 s. 163.3229.

7021 (8) Any owner of property within the planning area of a
 7022 proposed long-term master plan may withdraw his consent to the
 7023 master plan at any time prior to local government adoption, and
 7024 the local government shall exclude such parcels from the adopted

7025 master plan. Thereafter, the long-term master plan, any detailed
 7026 specific area plan, and the exemption from development-of-
 7027 regional-impact review under this section do not apply to the
 7028 subject parcels. After adoption of a long-term master plan, an
 7029 owner may withdraw his or her property from the master plan only
 7030 with the approval of the local government by plan amendment
 7031 adopted and reviewed pursuant to s. 163.3184.

7032 (9) The adoption of a long-term master plan or a detailed
 7033 specific area plan pursuant to this section does not limit the
 7034 right to continue existing agricultural or silvicultural uses or
 7035 other natural resource-based operations or to establish similar
 7036 new uses that are consistent with the plans approved pursuant to
 7037 this section.

7038 (10) The state land planning agency may enter into an
 7039 agreement with a local government that, on or before July 1,
 7040 2011, adopted a large-area comprehensive plan amendment
 7041 consisting of at least 15,000 acres that meets the requirements
 7042 for a long-term master plan in paragraph (3) (a), after notice
 7043 and public hearing by the local government, and thereafter,
 7044 notwithstanding s. 380.06, this part, or any planning agreement
 7045 or plan policy, the large-area plan shall be implemented through
 7046 detailed specific area plans that meet the requirements of
 7047 paragraph (3) (b) and shall otherwise be subject to this section.

7048 (11) Notwithstanding this section, a detailed specific
 7049 area plan to implement a conceptual long-term buildout overlay,
 7050 adopted by a local government and found in compliance before
 7051 July 1, 2011, shall be governed by this section.

7052 (12) Notwithstanding s. 380.06, this part, or any planning

7053 agreement or plan policy, a landowner or developer who has
 7054 received approval of a master development-of-regional-impact
 7055 development order pursuant to s. 380.06(21) may apply to
 7056 implement this order by filing one or more applications to
 7057 approve a detailed specific area plan pursuant to paragraph
 7058 (3) (b) .

7059 (13)(7) This section may not be construed to abrogate the
 7060 rights of any person under this chapter.

7061 Section 29. Subsections (9), (12), and (14) of section
 7062 163.3246, Florida Statutes, are amended to read:

7063 163.3246 Local government comprehensive planning
 7064 certification program.—

7065 (9) (a) Upon certification all comprehensive plan
 7066 amendments associated with the area certified must be adopted
 7067 and reviewed in the manner described in s. ~~ss.~~ 163.3184(5)-
 7068 (11)(1), (2), (7), (14), (15), and (16) and 163.3187, such that
 7069 state and regional agency review is eliminated. Plan amendments
 7070 that qualify as small scale development amendments may follow
 7071 the small scale review process in s. 163.3187. The department
 7072 may not issue any objections, recommendations, and comments
 7073 report on proposed plan amendments or a notice of intent on
 7074 adopted plan amendments; however, affected persons, as defined
 7075 by s. 163.3184(1) (a), may file a petition for administrative
 7076 review pursuant to the requirements of s. 163.3184(5)
 7077 163.3187(3)(a) to challenge the compliance of an adopted plan
 7078 amendment.

7079 (b) Plan amendments that change the boundaries of the
 7080 certification area; propose a rural land stewardship area

7081 pursuant to s. 163.3248 ~~163.3177(11)~~ (d); propose a an optional
 7082 sector plan pursuant to s. 163.3245; ~~propose a school facilities~~
 7083 ~~element~~; update a comprehensive plan based on an evaluation and
 7084 appraisal review report; impact lands outside the certification
 7085 boundary; implement new statutory requirements that require
 7086 specific comprehensive plan amendments; or increase hurricane
 7087 evacuation times or the need for shelter capacity on lands
 7088 within the coastal high-hazard area shall be reviewed pursuant
 7089 to s. ss. 163.3184 and ~~163.3187~~.

7090 (12) A local government's certification shall be reviewed
 7091 by the local government and the department as part of the
 7092 evaluation and appraisal process pursuant to s. 163.3191. Within
 7093 1 year after the deadline for the local government to update its
 7094 comprehensive plan based on the evaluation and appraisal report,
 7095 the department shall renew or revoke the certification. The
 7096 local government's ~~failure to adopt a timely evaluation and~~
 7097 ~~appraisal report, failure to adopt an evaluation and appraisal~~
 7098 ~~report found to be sufficient, or failure to timely adopt~~
 7099 necessary amendments to update its comprehensive plan based on
 7100 an evaluation and appraisal, which are ~~report~~ found to be in
 7101 compliance by the department, shall be cause for revoking the
 7102 certification agreement. The department's decision to renew or
 7103 revoke shall be considered agency action subject to challenge
 7104 under s. 120.569.

7105 ~~(14) The Office of Program Policy Analysis and Government~~
 7106 ~~Accountability shall prepare a report evaluating the~~
 7107 ~~certification program, which shall be submitted to the Governor,~~

7108 ~~the President of the Senate, and the Speaker of the House of~~
 7109 ~~Representatives by December 1, 2007.~~

7110 Section 30. Section 163.32465, Florida Statutes, is
 7111 repealed.

7112 Section 31. Subsection (6) is added to section 163.3247,
 7113 Florida Statutes, to read:

7114 163.3247 Century Commission for a Sustainable Florida.—

7115 (6) EXPIRATION.—This section is repealed and the
 7116 commission is abolished June 30, 2013.

7117 Section 32. Section 163.3248, Florida Statutes, is created
 7118 to read:

7119 163.3248 Rural land stewardship areas.—

7120 (1) Rural land stewardship areas are designed to establish
 7121 a long-term incentive based strategy to balance and guide the
 7122 allocation of land so as to accommodate future land uses in a
 7123 manner that protects the natural environment, stimulate economic
 7124 growth and diversification, and encourage the retention of land
 7125 for agriculture and other traditional rural land uses.

7126 (2) Upon written request by one or more landowners of the
 7127 subject lands to designate lands as a rural land stewardship
 7128 area, or pursuant to a private-sector-initiated comprehensive
 7129 plan amendment filed by, or with the consent of the owners of
 7130 the subject lands, local governments may adopt a future land use
 7131 overlay to designate all or portions of lands classified in the
 7132 future land use element as predominantly agricultural, rural,
 7133 open, open-rural, or a substantively equivalent land use, as a
 7134 rural land stewardship area within which planning and economic
 7135 incentives are applied to encourage the implementation of

7136 innovative and flexible planning and development strategies and
7137 creative land use planning techniques to support a diverse
7138 economic and employment base. The future land use overlay may
7139 not require a demonstration of need based on population
7140 projections or any other factors.

7141 (3) Rural land stewardship areas may be used to further
7142 the following broad principles of rural sustainability:
7143 restoration and maintenance of the economic value of rural land;
7144 control of urban sprawl; identification and protection of
7145 ecosystems, habitats, and natural resources; promotion and
7146 diversification of economic activity and employment
7147 opportunities within the rural areas; maintenance of the
7148 viability of the state's agricultural economy; and protection of
7149 private property rights in rural areas of the state. Rural land
7150 stewardship areas may be multicounty in order to encourage
7151 coordinated regional stewardship planning.

7152 (4) A local government or one or more property owners may
7153 request assistance and participation in the development of a
7154 plan for the rural land stewardship area from the state land
7155 planning agency, the Department of Agriculture and Consumer
7156 Services, the Fish and Wildlife Conservation Commission, the
7157 Department of Environmental Protection, the appropriate water
7158 management district, the Department of Transportation, the
7159 regional planning council, private land owners, and
7160 stakeholders.

7161 (5) A rural land stewardship area shall be not less than
7162 10,000 acres, shall be located outside of municipalities and
7163 established urban service areas, and shall be designated by plan

7164 amendment by each local government with jurisdiction over the
7165 rural land stewardship area. The plan amendment or amendments
7166 designating a rural land stewardship area are subject to review
7167 pursuant to s. 163.3184 and shall provide for the following:

7168 (a) Criteria for the designation of receiving areas which
7169 shall, at a minimum, provide for the following: adequacy of
7170 suitable land to accommodate development so as to avoid conflict
7171 with significant environmentally sensitive areas, resources, and
7172 habitats; compatibility between and transition from higher
7173 density uses to lower intensity rural uses; and the
7174 establishment of receiving area service boundaries that provide
7175 for a transition from receiving areas and other land uses within
7176 the rural land stewardship area through limitations on the
7177 extension of services.

7178 (b) Innovative planning and development strategies to be
7179 applied within rural land stewardship areas pursuant to this
7180 section.

7181 (c) A process for the implementation of innovative
7182 planning and development strategies within the rural land
7183 stewardship area, including those described in this subsection,
7184 which provide for a functional mix of land uses through the
7185 adoption by the local government of zoning and land development
7186 regulations applicable to the rural land stewardship area.

7187 (d) A mix of densities and intensities that would not be
7188 characterized as urban sprawl through the use of innovative
7189 strategies and creative land use techniques.

7190 (6) A receiving area may be designated only pursuant to
7191 procedures established in the local government's land

7192 development regulations. If receiving area designation requires
 7193 the approval of the county board of county commissioners, such
 7194 approval shall be by resolution with a simple majority vote.
 7195 Before the commencement of development within a stewardship
 7196 receiving area, a listed species survey must be performed for
 7197 the area proposed for development. If listed species occur on
 7198 the receiving area development site, the applicant must
 7199 coordinate with each appropriate local, state, or federal agency
 7200 to determine if adequate provisions have been made to protect
 7201 those species in accordance with applicable regulations. In
 7202 determining the adequacy of provisions for the protection of
 7203 listed species and their habitats, the rural land stewardship
 7204 area shall be considered as a whole, and the potential impacts
 7205 and protective measures taken within areas to be developed as
 7206 receiving areas shall be considered in conjunction with and
 7207 compensated by lands set aside and protective measures taken
 7208 within the designated sending areas.

7209 (7) Upon the adoption of a plan amendment creating a rural
 7210 land stewardship area, the local government shall, by ordinance,
 7211 establish a rural land stewardship overlay zoning district,
 7212 which shall provide the methodology for the creation,
 7213 conveyance, and use of transferable rural land use credits,
 7214 hereinafter referred to as stewardship credits, the assignment
 7215 and application of which does not constitute a right to develop
 7216 land or increase the density of land, except as provided by this
 7217 section. The total amount of stewardship credits within the
 7218 rural land stewardship area must enable the realization of the
 7219 long-term vision and goals for the rural land stewardship area,

7220 which may take into consideration the anticipated effect of the
7221 proposed receiving areas. The estimated amount of receiving area
7222 shall be projected based on available data, and the development
7223 potential represented by the stewardship credits created within
7224 the rural land stewardship area must correlate to that amount.

7225 (8) Stewardship credits are subject to the following
7226 limitations:

7227 (a) Stewardship credits may exist only within a rural land
7228 stewardship area.

7229 (b) Stewardship credits may be created only from lands
7230 designated as stewardship sending areas and may be used only on
7231 lands designated as stewardship receiving areas and then solely
7232 for the purpose of implementing innovative planning and
7233 development strategies and creative land use planning techniques
7234 adopted by the local government pursuant to this section.

7235 (c) Stewardship credits assigned to a parcel of land
7236 within a rural land stewardship area shall cease to exist if the
7237 parcel of land is removed from the rural land stewardship area
7238 by plan amendment.

7239 (d) Neither the creation of the rural land stewardship
7240 area by plan amendment nor the adoption of the rural land
7241 stewardship zoning overlay district by the local government may
7242 displace the underlying permitted uses or the density or
7243 intensity of land uses assigned to a parcel of land within the
7244 rural land stewardship area that existed before adoption of the
7245 plan amendment or zoning overlay district; however, once
7246 stewardship credits have been transferred from a designated
7247 sending area for use within a designated receiving area, the

7248 underlying density assigned to the designated sending area
 7249 ceases to exist.

7250 (e) The underlying permitted uses, density, or intensity
 7251 on each parcel of land located within a rural land stewardship
 7252 area may not be increased or decreased by the local government,
 7253 except as a result of the conveyance or stewardship credits, as
 7254 long as the parcel remains within the rural land stewardship
 7255 area.

7256 (f) Stewardship credits shall cease to exist on a parcel
 7257 of land where the underlying density assigned to the parcel of
 7258 land is used.

7259 (g) An increase in the density or intensity of use on a
 7260 parcel of land located within a designated receiving area may
 7261 occur only through the assignment or use of stewardship credits
 7262 and do not require a plan amendment. A change in the type of
 7263 agricultural use on property within a rural land stewardship
 7264 area is not considered a change in use or intensity of use and
 7265 does not require any transfer of stewardship credits.

7266 (h) A change in the density or intensity of land use on
 7267 parcels located within receiving areas shall be specified in a
 7268 development order that reflects the total number of stewardship
 7269 credits assigned to the parcel of land and the infrastructure
 7270 and support services necessary to provide for a functional mix
 7271 of land uses corresponding to the plan of development.

7272 (i) Land within a rural land stewardship area may be
 7273 removed from the rural land stewardship area through a plan
 7274 amendment.

7275 (j) Stewardship credits may be assigned at different
7276 ratios of credits per acre according to the natural resource or
7277 other beneficial use characteristics of the land and according
7278 to the land use remaining after the transfer of credits, with
7279 the highest number of credits per acre assigned to the most
7280 environmentally valuable land or, in locations where the
7281 retention of open space and agricultural land is a priority, to
7282 such lands.

7283 (k) Stewardship credits may be transferred from a sending
7284 area only after a stewardship easement is placed on the sending
7285 area land with assigned stewardship credits. A stewardship
7286 easement is a covenant or restrictive easement running with the
7287 land which specifies the allowable uses and development
7288 restrictions for the portion of a sending area from which
7289 stewardship credits have been transferred. The stewardship
7290 easement must be jointly held by the county and the Department
7291 of Environmental Protection, the Department of Agriculture and
7292 Consumer Services, a water management district, or a recognized
7293 statewide land trust.

7294 (9) Owners of land within rural land stewardship sending
7295 areas should be provided other incentives, in addition to the
7296 use or conveyance of stewardship credits, to enter into rural
7297 land stewardship agreements, pursuant to existing law and rules
7298 adopted thereto, with state agencies, water management
7299 districts, the Fish and Wildlife Conservation Commission, and
7300 local governments to achieve mutually agreed upon objectives.
7301 Such incentives may include, but are not limited to, the
7302 following:

7303 (a) Opportunity to accumulate transferable wetland and
 7304 species habitat mitigation credits for use or sale.

7305 (b) Extended permit agreements.

7306 (c) Opportunities for recreational leases and ecotourism.

7307 (d) Compensation for the achievement of specified land
 7308 management activities of public benefit, including, but not
 7309 limited to, facility siting and corridors, recreational leases,
 7310 water conservation and storage, water reuse, wastewater
 7311 recycling, water supply and water resource development, nutrient
 7312 reduction, environmental restoration and mitigation, public
 7313 recreation, listed species protection and recovery, and wildlife
 7314 corridor management and enhancement.

7315 (e) Option agreements for sale to public entities or
 7316 private land conservation entities, in either fee or easement,
 7317 upon achievement of specified conservation objectives.

7318 (10) This section constitutes an overlay of land use
 7319 options that provide economic and regulatory incentives for
 7320 landowners outside of established and planned urban service
 7321 areas to conserve and manage vast areas of land for the benefit
 7322 of the state's citizens and natural environment while
 7323 maintaining and enhancing the asset value of their landholdings.
 7324 It is the intent of the Legislature that this section be
 7325 implemented pursuant to law and rulemaking is not authorized.

7326 (11) It is the intent of the Legislature that the rural
 7327 land stewardship area located in Collier County, which was
 7328 established pursuant to the requirements of a final order by the
 7329 Governor and Cabinet, duly adopted as a growth management plan
 7330 amendment by Collier County, and found in compliance with this

7331 chapter, be recognized as a statutory rural land stewardship
 7332 area and be afforded the incentives in this section.

7333 Section 33. Paragraph (a) of subsection (2) of section
 7334 163.360, Florida Statutes, is amended to read:

7335 163.360 Community redevelopment plans.—

7336 (2) The community redevelopment plan shall:

7337 (a) Conform to the comprehensive plan for the county or
 7338 municipality as prepared by the local planning agency under the
 7339 Community Local Government Comprehensive Planning and Land
 7340 Development Regulation Act.

7341 Section 34. Paragraph (a) of subsection (3) and subsection
 7342 (8) of section 163.516, Florida Statutes, are amended to read:

7343 163.516 Safe neighborhood improvement plans.—

7344 (3) The safe neighborhood improvement plan shall:

7345 (a) Be consistent with the adopted comprehensive plan for
 7346 the county or municipality pursuant to the Community Local
 7347 Government Comprehensive Planning and Land Development
 7348 Regulation Act. No district plan shall be implemented unless the
 7349 local governing body has determined said plan is consistent.

7350 (8) Pursuant to s. ss. 163.3184, ~~163.3187, and 163.3189,~~
 7351 the governing body of a municipality or county shall hold two
 7352 public hearings to consider the board-adopted safe neighborhood
 7353 improvement plan as an amendment or modification to the
 7354 municipality's or county's adopted local comprehensive plan.

7355 Section 35. Paragraph (f) of subsection (6), subsection
 7356 (9), and paragraph (c) of subsection (11) of section 171.203,
 7357 Florida Statutes, are amended to read:

7358 171.203 Interlocal service boundary agreement.—The

7359 governing body of a county and one or more municipalities or
 7360 independent special districts within the county may enter into
 7361 an interlocal service boundary agreement under this part. The
 7362 governing bodies of a county, a municipality, or an independent
 7363 special district may develop a process for reaching an
 7364 interlocal service boundary agreement which provides for public
 7365 participation in a manner that meets or exceeds the requirements
 7366 of subsection (13), or the governing bodies may use the process
 7367 established in this section.

7368 (6) An interlocal service boundary agreement may address
 7369 any issue concerning service delivery, fiscal responsibilities,
 7370 or boundary adjustment. The agreement may include, but need not
 7371 be limited to, provisions that:

7372 (f) Establish a process for land use decisions consistent
 7373 with part II of chapter 163, including those made jointly by the
 7374 governing bodies of the county and the municipality, or allow a
 7375 municipality to adopt land use changes consistent with part II
 7376 of chapter 163 for areas that are scheduled to be annexed within
 7377 the term of the interlocal agreement; however, the county
 7378 comprehensive plan and land development regulations shall
 7379 control until the municipality annexes the property and amends
 7380 its comprehensive plan accordingly. ~~Comprehensive plan~~
 7381 ~~amendments to incorporate the process established by this~~
 7382 ~~paragraph are exempt from the twice-per-year limitation under s.~~
 7383 ~~163.3187.~~

7384 (9) Each local government that is a party to the
 7385 interlocal service boundary agreement shall amend the
 7386 intergovernmental coordination element of its comprehensive

7387 plan, as described in s. 163.3177(6)(h)1., no later than 6
 7388 months following entry of the interlocal service boundary
 7389 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~
 7390 ~~required by this subsection are exempt from the twice-per-year~~
 7391 ~~limitation under s. 163.3187.~~

7392 (11)

7393 ~~(c) Any amendment required by paragraph (a) is exempt from~~
 7394 ~~the twice-per-year limitation under s. 163.3187.~~

7395 Section 36. Section 186.513, Florida Statutes, is amended
 7396 to read:

7397 186.513 Reports.—Each regional planning council shall
 7398 prepare and furnish an annual report on its activities to the
 7399 state land planning agency as defined in s. 163.3164(20) and the
 7400 local general-purpose governments within its boundaries and,
 7401 upon payment as may be established by the council, to any
 7402 interested person. The regional planning councils shall make a
 7403 joint report and recommendations to appropriate legislative
 7404 committees.

7405 Section 37. Section 186.515, Florida Statutes, is amended
 7406 to read:

7407 186.515 Creation of regional planning councils under
 7408 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
 7409 186.515 is intended to repeal or limit the provisions of chapter
 7410 163; however, the local general-purpose governments serving as
 7411 voting members of the governing body of a regional planning
 7412 council created pursuant to ss. 186.501-186.507, 186.513, and
 7413 186.515 are not authorized to create a regional planning council
 7414 pursuant to chapter 163 unless an agency, other than a regional

7415 planning council created pursuant to ss. 186.501-186.507,
 7416 186.513, and 186.515, is designated to exercise the powers and
 7417 duties in any one or more of ss. 163.3164(19) and 380.031(15);
 7418 in which case, such a regional planning council is also without
 7419 authority to exercise the powers and duties in s. 163.3164(19)-
 7420 or s. 380.031(15).

7421 Section 38. Subsection (1) of section 189.415, Florida
 7422 Statutes, is amended to read:

7423 189.415 Special district public facilities report.-

7424 (1) It is declared to be the policy of this state to
 7425 foster coordination between special districts and local general-
 7426 purpose governments as those local general-purpose governments
 7427 develop comprehensive plans under the Community Local Government
 7428 ~~Comprehensive Planning and Land Development Regulation Act~~,
 7429 pursuant to part II of chapter 163.

7430 Section 39. Subsection (3) of section 190.004, Florida
 7431 Statutes, is amended to read:

7432 190.004 Preemption; sole authority.-

7433 (3) The establishment of an independent community
 7434 development district as provided in this act is not a
 7435 development order within the meaning of chapter 380. All
 7436 governmental planning, environmental, and land development laws,
 7437 regulations, and ordinances apply to all development of the land
 7438 within a community development district. Community development
 7439 districts do not have the power of a local government to adopt a
 7440 comprehensive plan, building code, or land development code, as
 7441 those terms are defined in the Community Local Government
 7442 ~~Comprehensive Planning and Land Development Regulation Act~~. A

7443 | district shall take no action which is inconsistent with
 7444 | applicable comprehensive plans, ordinances, or regulations of
 7445 | the applicable local general-purpose government.

7446 | Section 40. Paragraph (a) of subsection (1) of section
 7447 | 190.005, Florida Statutes, is amended to read:

7448 | 190.005 Establishment of district.—

7449 | (1) The exclusive and uniform method for the establishment
 7450 | of a community development district with a size of 1,000 acres
 7451 | or more shall be pursuant to a rule, adopted under chapter 120
 7452 | by the Florida Land and Water Adjudicatory Commission, granting
 7453 | a petition for the establishment of a community development
 7454 | district.

7455 | (a) A petition for the establishment of a community
 7456 | development district shall be filed by the petitioner with the
 7457 | Florida Land and Water Adjudicatory Commission. The petition
 7458 | shall contain:

7459 | 1. A metes and bounds description of the external
 7460 | boundaries of the district. Any real property within the
 7461 | external boundaries of the district which is to be excluded from
 7462 | the district shall be specifically described, and the last known
 7463 | address of all owners of such real property shall be listed. The
 7464 | petition shall also address the impact of the proposed district
 7465 | on any real property within the external boundaries of the
 7466 | district which is to be excluded from the district.

7467 | 2. The written consent to the establishment of the
 7468 | district by all landowners whose real property is to be included
 7469 | in the district or documentation demonstrating that the
 7470 | petitioner has control by deed, trust agreement, contract, or

7471 option of 100 percent of the real property to be included in the
7472 district, and when real property to be included in the district
7473 is owned by a governmental entity and subject to a ground lease
7474 as described in s. 190.003(14), the written consent by such
7475 governmental entity.

7476 3. A designation of five persons to be the initial members
7477 of the board of supervisors, who shall serve in that office
7478 until replaced by elected members as provided in s. 190.006.

7479 4. The proposed name of the district.

7480 5. A map of the proposed district showing current major
7481 trunk water mains and sewer interceptors and outfalls if in
7482 existence.

7483 6. Based upon available data, the proposed timetable for
7484 construction of the district services and the estimated cost of
7485 constructing the proposed services. These estimates shall be
7486 submitted in good faith but are ~~shall~~ not be binding and may be
7487 subject to change.

7488 7. A designation of the future general distribution,
7489 location, and extent of public and private uses of land proposed
7490 for the area within the district by the future land use plan
7491 element of the effective local government comprehensive plan of
7492 which all mandatory elements have been adopted by the applicable
7493 general-purpose local government in compliance with the
7494 Community ~~Local Government Comprehensive Planning and Land~~
7495 ~~Development Regulation Act.~~

7496 8. A statement of estimated regulatory costs in accordance
7497 with the requirements of s. 120.541.

7498 Section 41. Paragraph (i) of subsection (6) of section

7499 | 193.501, Florida Statutes, is amended to read:

7500 | 193.501 Assessment of lands subject to a conservation
7501 | easement, environmentally endangered lands, or lands used for
7502 | outdoor recreational or park purposes when land development
7503 | rights have been conveyed or conservation restrictions have been
7504 | covenanted.—

7505 | (6) The following terms whenever used as referred to in
7506 | this section have the following meanings unless a different
7507 | meaning is clearly indicated by the context:

7508 | (i) "Qualified as environmentally endangered" means land
7509 | that has unique ecological characteristics, rare or limited
7510 | combinations of geological formations, or features of a rare or
7511 | limited nature constituting habitat suitable for fish, plants,
7512 | or wildlife, and which, if subject to a development moratorium
7513 | or one or more conservation easements or development
7514 | restrictions appropriate to retaining such land or water areas
7515 | predominantly in their natural state, would be consistent with
7516 | the conservation, recreation and open space, and, if applicable,
7517 | coastal protection elements of the comprehensive plan adopted by
7518 | formal action of the local governing body pursuant to s.
7519 | 163.3161, the Community Local Government Comprehensive Planning
7520 | ~~and Land Development Regulation~~ Act; or surface waters and
7521 | wetlands, as determined by the methodology ratified in s.
7522 | 373.4211.

7523 | Section 42. Subsection (15) of section 287.042, Florida
7524 | Statutes, is amended to read:

7525 | 287.042 Powers, duties, and functions.—The department
7526 | shall have the following powers, duties, and functions:

7527 (15) To enter into joint agreements with governmental
 7528 agencies, as defined in s. 163.3164(10), for the purpose of
 7529 pooling funds for the purchase of commodities or information
 7530 technology that can be used by multiple agencies.

7531 (a) Each agency that has been appropriated or has existing
 7532 funds for such purchase, shall, upon contract award by the
 7533 department, transfer their portion of the funds into the
 7534 department's Operating Trust Fund for payment by the department.
 7535 The funds shall be transferred by the Executive Office of the
 7536 Governor pursuant to the agency budget amendment request
 7537 provisions in chapter 216.

7538 (b) Agencies that sign the joint agreements are
 7539 financially obligated for their portion of the agreed-upon
 7540 funds. If an agency becomes more than 90 days delinquent in
 7541 paying the funds, the department shall certify to the Chief
 7542 Financial Officer the amount due, and the Chief Financial
 7543 Officer shall transfer the amount due to the Operating Trust
 7544 Fund of the department from any of the agency's available funds.
 7545 The Chief Financial Officer shall report these transfers and the
 7546 reasons for the transfers to the Executive Office of the
 7547 Governor and the legislative appropriations committees.

7548 Section 43. Subsection (4) of section 288.063, Florida
 7549 Statutes, is amended to read:

7550 288.063 Contracts for transportation projects.—

7551 (4) The Office of Tourism, Trade, and Economic Development
 7552 may adopt criteria by which transportation projects are to be
 7553 reviewed and certified in accordance with s. 288.061. In
 7554 approving transportation projects for funding, the Office of

7555 Tourism, Trade, and Economic Development shall consider factors
 7556 including, but not limited to, the cost per job created or
 7557 retained considering the amount of transportation funds
 7558 requested; the average hourly rate of wages for jobs created;
 7559 the reliance on the program as an inducement for the project's
 7560 location decision; the amount of capital investment to be made
 7561 by the business; the demonstrated local commitment; the location
 7562 of the project in an enterprise zone designated pursuant to s.
 7563 290.0055; the location of the project in a spaceport territory
 7564 as defined in s. 331.304; the unemployment rate of the
 7565 surrounding area; and the poverty rate of the community; ~~and the~~
 7566 ~~adoption of an economic element as part of its local~~
 7567 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
 7568 Office of Tourism, Trade, and Economic Development may contact
 7569 any agency it deems appropriate for additional input regarding
 7570 the approval of projects.

7571 Section 44. Paragraph (a) of subsection (2), subsection
 7572 (10), and paragraph (d) of subsection (12) of section 288.975,
 7573 Florida Statutes, are amended to read:

7574 288.975 Military base reuse plans.—

7575 (2) As used in this section, the term:

7576 (a) "Affected local government" means a local government
 7577 adjoining the host local government and any other unit of local
 7578 government that is not a host local government but that is
 7579 identified in a proposed military base reuse plan as providing,
 7580 operating, or maintaining one or more public facilities as
 7581 defined in s. 163.3164~~(24)~~ on lands within or serving a military
 7582 base designated for closure by the Federal Government.

7583 (10) Within 60 days after receipt of a proposed military
 7584 base reuse plan, these entities shall review and provide
 7585 comments to the host local government. The commencement of this
 7586 review period shall be advertised in newspapers of general
 7587 circulation within the host local government and any affected
 7588 local government to allow for public comment. No later than 180
 7589 days after receipt and consideration of all comments, and the
 7590 holding of at least two public hearings, the host local
 7591 government shall adopt the military base reuse plan. The host
 7592 local government shall comply with the notice requirements set
 7593 forth in s. 163.3184 (11) ~~(15)~~ to ensure full public participation
 7594 in this planning process.

7595 (12) Following receipt of a petition, the petitioning
 7596 party or parties and the host local government shall seek
 7597 resolution of the issues in dispute. The issues in dispute shall
 7598 be resolved as follows:

7599 (d) Within 45 days after receiving the report from the
 7600 state land planning agency, the Administration Commission shall
 7601 take action to resolve the issues in dispute. In deciding upon a
 7602 proper resolution, the Administration Commission shall consider
 7603 the nature of the issues in dispute, any requests for a formal
 7604 administrative hearing pursuant to chapter 120, the compliance
 7605 of the parties with this section, the extent of the conflict
 7606 between the parties, the comparative hardships and the public
 7607 interest involved. If the Administration Commission incorporates
 7608 in its final order a term or condition that requires any local
 7609 government to amend its local government comprehensive plan, the
 7610 local government shall amend its plan within 60 days after the

7611 issuance of the order. ~~Such amendment or amendments shall be~~
 7612 ~~exempt from the limitation of the frequency of plan amendments~~
 7613 ~~contained in s. 163.3187(1), and~~ A public hearing on such
 7614 amendment or amendments pursuant to s. 163.3184(11)~~(15)~~(b)1. is
 7615 ~~shall~~ not be required. The final order of the Administration
 7616 Commission is subject to appeal pursuant to s. 120.68. If the
 7617 order of the Administration Commission is appealed, the time for
 7618 the local government to amend its plan shall be tolled during
 7619 the pendency of any local, state, or federal administrative or
 7620 judicial proceeding relating to the military base reuse plan.

7621 Section 45. Subsection (4) of section 290.0475, Florida
 7622 Statutes, is amended to read:

7623 290.0475 Rejection of grant applications; penalties for
 7624 failure to meet application conditions.—Applications received
 7625 for funding under all program categories shall be rejected
 7626 without scoring only in the event that any of the following
 7627 circumstances arise:

7628 (4) The application is not consistent with the local
 7629 government's comprehensive plan adopted pursuant to s.
 7630 163.3184~~(7)~~.

7631 Section 46. Paragraph (c) of subsection (3) of section
 7632 311.07, Florida Statutes, is amended to read:

7633 311.07 Florida seaport transportation and economic
 7634 development funding.—

7635 (3)

7636 (c) To be eligible for consideration by the council
 7637 pursuant to this section, a project must be consistent with the
 7638 port comprehensive master plan which is incorporated as part of

7639 the approved local government comprehensive plan as required by
 7640 s. 163.3178(2)(k) or other provisions of the Community ~~Local~~
 7641 ~~Government Comprehensive Planning and Land Development~~
 7642 ~~Regulation Act~~, part II of chapter 163.

7643 Section 47. Subsection (1) of section 331.319, Florida
 7644 Statutes, is amended to read:

7645 331.319 Comprehensive planning; building and safety
 7646 codes.—The board of directors may:

7647 (1) Adopt, and from time to time review, amend,
 7648 supplement, or repeal, a comprehensive general plan for the
 7649 physical development of the area within the spaceport territory
 7650 in accordance with the objectives and purposes of this act and
 7651 consistent with the comprehensive plans of the applicable county
 7652 or counties and municipality or municipalities adopted pursuant
 7653 to the Community ~~Local Government Comprehensive Planning and~~
 7654 ~~Land Development Regulation Act~~, part II of chapter 163.

7655 Section 48. Paragraph (e) of subsection (5) of section
 7656 339.155, Florida Statutes, is amended to read:

7657 339.155 Transportation planning.—

7658 (5) ADDITIONAL TRANSPORTATION PLANS.—

7659 (e) The regional transportation plan developed pursuant to
 7660 this section must, at a minimum, identify regionally significant
 7661 transportation facilities located within a regional
 7662 transportation area and contain a prioritized list of regionally
 7663 significant projects. ~~The level of service standards for~~
 7664 ~~facilities to be funded under this subsection shall be adopted~~
 7665 ~~by the appropriate local government in accordance with s.~~
 7666 ~~163.3180(10).~~ The projects shall be adopted into the capital

7667 improvements schedule of the local government comprehensive plan
 7668 pursuant to s. 163.3177(3).

7669 Section 49. Paragraph (a) of subsection (4) of section
 7670 339.2819, Florida Statutes, is amended to read:

7671 339.2819 Transportation Regional Incentive Program.—

7672 (4) (a) Projects to be funded with Transportation Regional
 7673 Incentive Program funds shall, at a minimum:

7674 1. Support those transportation facilities that serve
 7675 national, statewide, or regional functions and function as an
 7676 integrated regional transportation system.

7677 2. Be identified in the capital improvements element of a
 7678 comprehensive plan that has been determined to be in compliance
 7679 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
 7680 ~~a long-term concurrency management system adopted by a local~~
 7681 ~~government in accordance with s. 163.3180(9)~~. Further, the
 7682 project shall be in compliance with local government
 7683 comprehensive plan policies relative to corridor management.

7684 3. Be consistent with the Strategic Intermodal System Plan
 7685 developed under s. 339.64.

7686 4. Have a commitment for local, regional, or private
 7687 financial matching funds as a percentage of the overall project
 7688 cost.

7689 Section 50. Subsection (5) of section 369.303, Florida
 7690 Statutes, is amended to read:

7691 369.303 Definitions.—As used in this part:

7692 (5) "Land development regulation" means a regulation
 7693 covered by the definition in s. 163.3164(23) and any of the
 7694 types of regulations described in s. 163.3202.

7695 Section 51. Subsections (5) and (7) of section 369.321,
7696 Florida Statutes, are amended to read:

7697 369.321 Comprehensive plan amendments.—Except as otherwise
7698 expressly provided, by January 1, 2006, each local government
7699 within the Wekiva Study Area shall amend its local government
7700 comprehensive plan to include the following:

7701 (5) Comprehensive plans and comprehensive plan amendments
7702 adopted by the local governments to implement this section shall
7703 be reviewed by the Department of Community Affairs pursuant to
7704 s. 163.3184, ~~and shall be exempt from the provisions of s.~~
7705 ~~163.3187(1).~~

7706 (7) During the period prior to the adoption of the
7707 comprehensive plan amendments required by this act, any local
7708 comprehensive plan amendment adopted by a city or county that
7709 applies to land located within the Wekiva Study Area shall
7710 protect surface and groundwater resources and be reviewed by the
7711 Department of Community Affairs, ~~pursuant to chapter 163 and~~
7712 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
7713 data, including the information presented to the Wekiva River
7714 Basin Coordinating Committee.

7715 Section 52. Subsection (1) of section 378.021, Florida
7716 Statutes, is amended to read:

7717 378.021 Master reclamation plan.—

7718 (1) The Department of Environmental Protection shall amend
7719 the master reclamation plan that provides guidelines for the
7720 reclamation of lands mined or disturbed by the severance of
7721 phosphate rock prior to July 1, 1975, which lands are not
7722 subject to mandatory reclamation under part II of chapter 211.

7723 In amending the master reclamation plan, the Department of
 7724 Environmental Protection shall continue to conduct an onsite
 7725 evaluation of all lands mined or disturbed by the severance of
 7726 phosphate rock prior to July 1, 1975, which lands are not
 7727 subject to mandatory reclamation under part II of chapter 211.
 7728 The master reclamation plan when amended by the Department of
 7729 Environmental Protection shall be consistent with local
 7730 government plans prepared pursuant to the Community Local
 7731 ~~Government Comprehensive Planning and Land Development~~
 7732 ~~Regulation Act~~.

7733 Section 53. Subsection (10) of section 380.031, Florida
 7734 Statutes, is amended to read:

7735 380.031 Definitions.—As used in this chapter:

7736 (10) "Local comprehensive plan" means any or all local
 7737 comprehensive plans or elements or portions thereof prepared,
 7738 adopted, or amended pursuant to the Community Local Government
 7739 ~~Comprehensive Planning and Land Development Regulation Act~~, as
 7740 amended.

7741 Section 54. Paragraph (d) of subsection (2), paragraph (b)
 7742 of subsection (6), paragraphs (c) and (e) of subsection (19),
 7743 subsection (24), paragraph (e) of subsection (28), and
 7744 paragraphs (a), (d), and (e) of subsection (29) of section
 7745 380.06, Florida Statutes, are amended, and subsection (30) is
 7746 added to that section, to read:

7747 380.06 Developments of regional impact.—

7748 (2) STATEWIDE GUIDELINES AND STANDARDS.—

7749 (d) The guidelines and standards shall be applied as
 7750 follows:

7751 1. Fixed thresholds.—

7752 a. A development that is below 100 percent of all

7753 numerical thresholds in the guidelines and standards shall not

7754 be required to undergo development-of-regional-impact review.

7755 b. A development that is at or above 120 percent of any

7756 numerical threshold shall be required to undergo development-of-

7757 regional-impact review.

7758 c. Projects certified under s. 403.973 which create at

7759 least 100 jobs and meet the criteria of the Office of Tourism,

7760 Trade, and Economic Development as to their impact on an area's

7761 economy, employment, and prevailing wage and skill levels that

7762 are at or below 100 percent of the numerical thresholds for

7763 industrial plants, industrial parks, distribution, warehousing

7764 or wholesaling facilities, office development or multiuse

7765 projects other than residential, as described in s.

7766 380.0651(3)(c), ~~(d)~~, and (f) ~~(h)~~, are not required to undergo

7767 development-of-regional-impact review.

7768 2. Rebuttable presumption.—It shall be presumed that a

7769 development that is at 100 percent or between 100 and 120

7770 percent of a numerical threshold shall be required to undergo

7771 development-of-regional-impact review.

7772 Section 55. Paragraph (b) of subsection (6), paragraph (g)

7773 of subsection (15), paragraphs (b), (c), and (e) of subsection

7774 (19), subsection (24), paragraph (e) of subsection (28), and

7775 paragraphs (a), (d), and (e) of subsection (29) of section

7776 380.06, Florida Statutes, are amended, and subsection (30) is

7777 added to that section, to read:

7778 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT

7779 PLAN AMENDMENTS.—

7780 (b) Any local government comprehensive plan amendments
 7781 related to a proposed development of regional impact, including
 7782 any changes proposed under subsection (19), may be initiated by
 7783 a local planning agency or the developer and must be considered
 7784 by the local governing body at the same time as the application
 7785 for development approval using the procedures provided for local
 7786 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable
 7787 local ordinances, without regard to ~~statutory or local ordinance~~
 7788 limits on the frequency of consideration of amendments to the
 7789 local comprehensive plan. ~~Nothing in~~ This paragraph does not
 7790 ~~shall be deemed to~~ require favorable consideration of a plan
 7791 amendment solely because it is related to a development of
 7792 regional impact. The procedure for processing such comprehensive
 7793 plan amendments is as follows:

7794 1. If a developer seeks a comprehensive plan amendment
 7795 related to a development of regional impact, the developer must
 7796 so notify in writing the regional planning agency, the
 7797 applicable local government, and the state land planning agency
 7798 no later than the date of preapplication conference or the
 7799 submission of the proposed change under subsection (19).

7800 2. When filing the application for development approval or
 7801 the proposed change, the developer must include a written
 7802 request for comprehensive plan amendments that would be
 7803 necessitated by the development-of-regional-impact approvals
 7804 sought. That request must include data and analysis upon which
 7805 the applicable local government can determine whether to
 7806 transmit the comprehensive plan amendment pursuant to s.

7807 163.3184.

7808 3. The local government must advertise a public hearing on
 7809 the transmittal within 30 days after filing the application for
 7810 development approval or the proposed change and must make a
 7811 determination on the transmittal within 60 days after the
 7812 initial filing unless that time is extended by the developer.

7813 4. If the local government approves the transmittal,
 7814 procedures set forth in s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~ must be
 7815 followed.

7816 5. Notwithstanding subsection (11) or subsection (19), the
 7817 local government may not hold a public hearing on the
 7818 application for development approval or the proposed change or
 7819 on the comprehensive plan amendments sooner than 30 days from
 7820 receipt of the response from the state land planning agency
 7821 pursuant to s. 163.3184 (4) (d) ~~(6)~~. ~~The 60-day time period for~~
 7822 ~~local governments to adopt, adopt with changes, or not adopt~~
 7823 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~
 7824 ~~concurrent plan amendments provided for in this subsection.~~

7825 6. The local government must hear both the application for
 7826 development approval or the proposed change and the
 7827 comprehensive plan amendments at the same hearing. However, the
 7828 local government must take action separately on the application
 7829 for development approval or the proposed change and on the
 7830 comprehensive plan amendments.

7831 7. Thereafter, the appeal process for the local government
 7832 development order must follow the provisions of s. 380.07, and
 7833 the compliance process for the comprehensive plan amendments
 7834 must follow the provisions of s. 163.3184.

7835 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—
 7836 (g) A local government shall not issue permits for
 7837 development subsequent to the buildout date contained in the
 7838 development order unless:
 7839 1. The proposed development has been evaluated
 7840 cumulatively with existing development under the substantial
 7841 deviation provisions of subsection (19) subsequent to the
 7842 termination or expiration date;
 7843 2. The proposed development is consistent with an
 7844 abandonment of development order that has been issued in
 7845 accordance with the provisions of subsection (26);
 7846 3. The development of regional impact is essentially built
 7847 out, in that all the mitigation requirements in the development
 7848 order have been satisfied, all developers are in compliance with
 7849 all applicable terms and conditions of the development order
 7850 except the buildout date, and the amount of proposed development
 7851 that remains to be built is less than 40 ~~20~~ percent of any
 7852 applicable development-of-regional-impact threshold; or
 7853 4. The project has been determined to be an essentially
 7854 built-out development of regional impact through an agreement
 7855 executed by the developer, the state land planning agency, and
 7856 the local government, in accordance with s. 380.032, which will
 7857 establish the terms and conditions under which the development
 7858 may be continued. If the project is determined to be essentially
 7859 built out, development may proceed pursuant to the s. 380.032
 7860 agreement after the termination or expiration date contained in
 7861 the development order without further development-of-regional-
 7862 impact review subject to the local government comprehensive plan

7863 and land development regulations or subject to a modified
 7864 development-of-regional-impact analysis. As used in this
 7865 paragraph, an "essentially built-out" development of regional
 7866 impact means:

7867 a. The developers are in compliance with all applicable
 7868 terms and conditions of the development order except the
 7869 buildout date; and

7870 b.(I) The amount of development that remains to be built
 7871 is less than the substantial deviation threshold specified in
 7872 paragraph (19)(b) for each individual land use category, or, for
 7873 a multiuse development, the sum total of all unbuilt land uses
 7874 as a percentage of the applicable substantial deviation
 7875 threshold is equal to or less than 100 percent; or

7876 (II) The state land planning agency and the local
 7877 government have agreed in writing that the amount of development
 7878 to be built does not create the likelihood of any additional
 7879 regional impact not previously reviewed.

7880
 7881 The single-family residential portions of a development may be
 7882 considered "essentially built out" if all of the workforce
 7883 housing obligations and all of the infrastructure and horizontal
 7884 development have been completed, at least 50 percent of the
 7885 dwelling units have been completed, and more than 80 percent of
 7886 the lots have been conveyed to third-party individual lot owners
 7887 or to individual builders who own no more than 40 lots at the
 7888 time of the determination. The mobile home park portions of a
 7889 development may be considered "essentially built out" if all the
 7890 infrastructure and horizontal development has been completed,

7891 and at least 50 percent of the lots are leased to individual
 7892 mobile home owners.

7893 (19) SUBSTANTIAL DEVIATIONS.—

7894 (b) Any proposed change to a previously approved
 7895 development of regional impact or development order condition
 7896 which, either individually or cumulatively with other changes,
 7897 exceeds any of the following criteria shall constitute a
 7898 substantial deviation and shall cause the development to be
 7899 subject to further development-of-regional-impact review without
 7900 the necessity for a finding of same by the local government:

7901 1. An increase in the number of parking spaces at an
 7902 attraction or recreational facility by 15 ~~10~~ percent or 500 ~~330~~
 7903 spaces, whichever is greater, or an increase in the number of
 7904 spectators that may be accommodated at such a facility by 15 ~~10~~
 7905 percent or 1,500 ~~1,100~~ spectators, whichever is greater.

7906 2. A new runway, a new terminal facility, a 25-percent
 7907 lengthening of an existing runway, or a 25-percent increase in
 7908 the number of gates of an existing terminal, but only if the
 7909 increase adds at least three additional gates.

7910 ~~3. An increase in industrial development area by 10~~
 7911 ~~percent or 35 acres, whichever is greater.~~

7912 ~~4. An increase in the average annual acreage mined by 10~~
 7913 ~~percent or 11 acres, whichever is greater, or an increase in the~~
 7914 ~~average daily water consumption by a mining operation by 10~~
 7915 ~~percent or 330,000 gallons, whichever is greater. A net increase~~
 7916 ~~in the size of the mine by 10 percent or 825 acres, whichever is~~
 7917 ~~less. For purposes of calculating any net increases in size,~~
 7918 ~~only additions and deletions of lands that have not been mined~~

7919 ~~shall be considered. An increase in the size of a heavy mineral~~
 7920 ~~mine as defined in s. 378.403(7) will only constitute a~~
 7921 ~~substantial deviation if the average annual acreage mined is~~
 7922 ~~more than 550 acres and consumes more than 3.3 million gallons~~
 7923 ~~of water per day.~~

7924 3.5. An increase in land area for office development by 15
 7925 ~~10~~ percent or an increase of gross floor area of office
 7926 development by 15 ~~10~~ percent or 100,000 ~~66,000~~ gross square
 7927 feet, whichever is greater.

7928 4.6. An increase in the number of dwelling units by 10
 7929 percent or 55 dwelling units, whichever is greater.

7930 5.7. An increase in the number of dwelling units by 50
 7931 percent or 200 units, whichever is greater, provided that 15
 7932 percent of the proposed additional dwelling units are dedicated
 7933 to affordable workforce housing, subject to a recorded land use
 7934 restriction that shall be for a period of not less than 20 years
 7935 and that includes resale provisions to ensure long-term
 7936 affordability for income-eligible homeowners and renters and
 7937 provisions for the workforce housing to be commenced prior to
 7938 the completion of 50 percent of the market rate dwelling. For
 7939 purposes of this subparagraph, the term "affordable workforce
 7940 housing" means housing that is affordable to a person who earns
 7941 less than 120 percent of the area median income, or less than
 7942 140 percent of the area median income if located in a county in
 7943 which the median purchase price for a single-family existing
 7944 home exceeds the statewide median purchase price of a single-
 7945 family existing home. For purposes of this subparagraph, the
 7946 term "statewide median purchase price of a single-family

7947 existing home" means the statewide purchase price as determined
 7948 in the Florida Sales Report, Single-Family Existing Homes,
 7949 released each January by the Florida Association of Realtors and
 7950 the University of Florida Real Estate Research Center.

7951 6.8. An increase in commercial development by 60,000
 7952 ~~55,000~~ square feet of gross floor area or of parking spaces
 7953 provided for customers for 425 ~~330~~ cars or a 10-percent increase
 7954 ~~of either of these~~, whichever is greater.

7955 ~~9. An increase in hotel or motel rooms by 10 percent or 83~~
 7956 ~~rooms, whichever is greater.~~

7957 ~~7.10.~~ An increase in a recreational vehicle park area by
 7958 10 percent or 110 vehicle spaces, whichever is less.

7959 8.11. A decrease in the area set aside for open space of 5
 7960 percent or 20 acres, whichever is less.

7961 9.12. A proposed increase to an approved multiuse
 7962 development of regional impact where the sum of the increases of
 7963 each land use as a percentage of the applicable substantial
 7964 deviation criteria is equal to or exceeds 110 percent. The
 7965 percentage of any decrease in the amount of open space shall be
 7966 treated as an increase for purposes of determining when 110
 7967 percent has been reached or exceeded.

7968 ~~10.13.~~ A 15-percent increase in the number of external
 7969 vehicle trips generated by the development above that which was
 7970 projected during the original development-of-regional-impact
 7971 review.

7972 11.14. Any change which would result in development of any
 7973 area which was specifically set aside in the application for
 7974 development approval or in the development order for

7975 preservation or special protection of endangered or threatened
 7976 plants or animals designated as endangered, threatened, or
 7977 species of special concern and their habitat, any species
 7978 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 7979 archaeological and historical sites designated as significant by
 7980 the Division of Historical Resources of the Department of State.
 7981 The refinement of the boundaries and configuration of such areas
 7982 shall be considered under sub-subparagraph (e)2.j.

7983
 7984 The substantial deviation numerical standards in subparagraphs
 7985 3., 6., and ~~5., 8., 9., and 12.~~, excluding residential uses, and
 7986 in subparagraph 10. ~~13.~~, are increased by 100 percent for a
 7987 project certified under s. 403.973 which creates jobs and meets
 7988 criteria established by the Office of Tourism, Trade, and
 7989 Economic Development as to its impact on an area's economy,
 7990 employment, and prevailing wage and skill levels. The
 7991 substantial deviation numerical standards in subparagraphs 3.,
 7992 4. ~~5.~~, 6., ~~7., 8., 9., 12.,~~ and 10. ~~13.~~ are increased by 50
 7993 percent for a project located wholly within an urban infill and
 7994 redevelopment area designated on the applicable adopted local
 7995 comprehensive plan future land use map and not located within
 7996 the coastal high hazard area.

7997 (c) An extension of the date of buildout of a development,
 7998 or any phase thereof, by more than 7 years is presumed to create
 7999 a substantial deviation subject to further development-of-
 8000 regional-impact review.

8001 1. An extension of the date of buildout, or any phase
 8002 thereof, of more than 5 years but not more than 7 years is

8003 presumed not to create a substantial deviation. The extension of
8004 the date of buildout of an areawide development of regional
8005 impact by more than 5 years but less than 10 years is presumed
8006 not to create a substantial deviation. These presumptions may be
8007 rebutted by clear and convincing evidence at the public hearing
8008 held by the local government. An extension of 5 years or less is
8009 not a substantial deviation.

8010 2. In recognition of the 2011 real estate market
8011 conditions, at the option of the developer, all commencement,
8012 phase, buildout, and expiration dates for projects that are
8013 currently valid developments of regional impact are extended for
8014 4 years regardless of any previous extension. Associated
8015 mitigation requirements are extended for the same period unless
8016 a governmental entity notifies the developer by December 1,
8017 2011, that it has entered into a contract for construction of a
8018 facility with some or all of development's mitigation funds
8019 specified in the development order or a written agreement with
8020 the developer. The 4-year extension is not a substantial
8021 deviation, is not subject to further development-of-regional-
8022 impact review, and may not be considered when determining
8023 whether a subsequent extension is a substantial deviation under
8024 this subsection. The developer must notify the local government
8025 in writing by December 31, 2011, in order to receive the 4-year
8026 extension.

8027
8028 For the purpose of calculating when a buildout or phase date has
8029 been exceeded, the time shall be tolled during the pendency of
8030 administrative or judicial proceedings relating to development

8031 permits. Any extension of the buildout date of a project or a
8032 phase thereof shall automatically extend the commencement date
8033 of the project, the termination date of the development order,
8034 the expiration date of the development of regional impact, and
8035 the phases thereof if applicable by a like period of time. ~~In~~
8036 ~~recognition of the 2007 real estate market conditions, all~~
8037 ~~phase, buildout, and expiration dates for projects that are~~
8038 ~~developments of regional impact and under active construction on~~
8039 ~~July 1, 2007, are extended for 3 years regardless of any prior~~
8040 ~~extension. The 3-year extension is not a substantial deviation,~~
8041 ~~is not subject to further development-of-regional-impact review,~~
8042 ~~and may not be considered when determining whether a subsequent~~
8043 ~~extension is a substantial deviation under this subsection.~~

8044 (e)1. Except for a development order rendered pursuant to
8045 subsection (22) or subsection (25), a proposed change to a
8046 development order that individually or cumulatively with any
8047 previous change is less than any numerical criterion contained
8048 in subparagraphs (b)1.-10.1.-13. and does not exceed any other
8049 criterion, or that involves an extension of the buildout date of
8050 a development, or any phase thereof, of less than 5 years is not
8051 subject to the public hearing requirements of subparagraph
8052 (f)3., and is not subject to a determination pursuant to
8053 subparagraph (f)5. Notice of the proposed change shall be made
8054 to the regional planning council and the state land planning
8055 agency. Such notice shall include a description of previous
8056 individual changes made to the development, including changes
8057 previously approved by the local government, and shall include
8058 appropriate amendments to the development order.

- 8059 2. The following changes, individually or cumulatively
 8060 with any previous changes, are not substantial deviations:
- 8061 a. Changes in the name of the project, developer, owner,
 8062 or monitoring official.
 - 8063 b. Changes to a setback that do not affect noise buffers,
 8064 environmental protection or mitigation areas, or archaeological
 8065 or historical resources.
 - 8066 c. Changes to minimum lot sizes.
 - 8067 d. Changes in the configuration of internal roads that do
 8068 not affect external access points.
 - 8069 e. Changes to the building design or orientation that stay
 8070 approximately within the approved area designated for such
 8071 building and parking lot, and which do not affect historical
 8072 buildings designated as significant by the Division of
 8073 Historical Resources of the Department of State.
 - 8074 f. Changes to increase the acreage in the development,
 8075 provided that no development is proposed on the acreage to be
 8076 added.
 - 8077 g. Changes to eliminate an approved land use, provided
 8078 that there are no additional regional impacts.
 - 8079 h. Changes required to conform to permits approved by any
 8080 federal, state, or regional permitting agency, provided that
 8081 these changes do not create additional regional impacts.
 - 8082 i. Any renovation or redevelopment of development within a
 8083 previously approved development of regional impact which does
 8084 not change land use or increase density or intensity of use.
 - 8085 j. Changes that modify boundaries and configuration of
 8086 areas described in subparagraph (b) 11.14. due to science-based

8087 refinement of such areas by survey, by habitat evaluation, by
8088 other recognized assessment methodology, or by an environmental
8089 assessment. In order for changes to qualify under this sub-
8090 subparagraph, the survey, habitat evaluation, or assessment must
8091 occur prior to the time a conservation easement protecting such
8092 lands is recorded and must not result in any net decrease in the
8093 total acreage of the lands specifically set aside for permanent
8094 preservation in the final development order.

8095 k. Any other change which the state land planning agency,
8096 in consultation with the regional planning council, agrees in
8097 writing is similar in nature, impact, or character to the
8098 changes enumerated in sub-subparagraphs a.-j. and which does not
8099 create the likelihood of any additional regional impact.

8100
8101 This subsection does not require the filing of a notice of
8102 proposed change but shall require an application to the local
8103 government to amend the development order in accordance with the
8104 local government's procedures for amendment of a development
8105 order. In accordance with the local government's procedures,
8106 including requirements for notice to the applicant and the
8107 public, the local government shall either deny the application
8108 for amendment or adopt an amendment to the development order
8109 which approves the application with or without conditions.
8110 Following adoption, the local government shall render to the
8111 state land planning agency the amendment to the development
8112 order. The state land planning agency may appeal, pursuant to s.
8113 380.07(3), the amendment to the development order if the
8114 amendment involves sub-subparagraph g., sub-subparagraph h.,

8115 sub-subparagraph j., or sub-subparagraph k., and it believes the
8116 change creates a reasonable likelihood of new or additional
8117 regional impacts.

8118 3. Except for the change authorized by sub-subparagraph
8119 2.f., any addition of land not previously reviewed or any change
8120 not specified in paragraph (b) or paragraph (c) shall be
8121 presumed to create a substantial deviation. This presumption may
8122 be rebutted by clear and convincing evidence.

8123 4. Any submittal of a proposed change to a previously
8124 approved development shall include a description of individual
8125 changes previously made to the development, including changes
8126 previously approved by the local government. The local
8127 government shall consider the previous and current proposed
8128 changes in deciding whether such changes cumulatively constitute
8129 a substantial deviation requiring further development-of-
8130 regional-impact review.

8131 5. The following changes to an approved development of
8132 regional impact shall be presumed to create a substantial
8133 deviation. Such presumption may be rebutted by clear and
8134 convincing evidence.

8135 a. A change proposed for 15 percent or more of the acreage
8136 to a land use not previously approved in the development order.
8137 Changes of less than 15 percent shall be presumed not to create
8138 a substantial deviation.

8139 b. Notwithstanding any provision of paragraph (b) to the
8140 contrary, a proposed change consisting of simultaneous increases
8141 and decreases of at least two of the uses within an authorized
8142 multiuse development of regional impact which was originally

8143 approved with three or more uses specified in s. 380.0651(3)(c),
 8144 (d), (e), and (f) and residential use.

8145 6. If a local government agrees to a proposed change, a
 8146 change in the transportation proportionate share calculation and
 8147 mitigation plan in an adopted development order as a result of
 8148 recalculation of the proportionate share contribution meeting
 8149 the requirements of s. 163.3180(5)(h) in effect as of the date
 8150 of such change shall be presumed not to create a substantial
 8151 deviation. For purposes of this subsection, the proposed change
 8152 in the proportionate share calculation or mitigation plan shall
 8153 not be considered an additional regional transportation impact.

8154 (e)1. Except for a development order rendered pursuant to
 8155 subsection (22) or subsection (25), a proposed change to a
 8156 development order that individually or cumulatively with any
 8157 previous change is less than any numerical criterion contained
 8158 in subparagraphs (b)1.-13. and does not exceed any other
 8159 criterion, or that involves an extension of the buildout date of
 8160 a development, or any phase thereof, of less than 5 years is not
 8161 subject to the public hearing requirements of subparagraph
 8162 (f)3., and is not subject to a determination pursuant to
 8163 subparagraph (f)5. Notice of the proposed change shall be made
 8164 to the regional planning council and the state land planning
 8165 agency. Such notice shall include a description of previous
 8166 individual changes made to the development, including changes
 8167 previously approved by the local government, and shall include
 8168 appropriate amendments to the development order.

8169 2. The following changes, individually or cumulatively
 8170 with any previous changes, are not substantial deviations:

- 8171 | a. Changes in the name of the project, developer, owner,
8172 | or monitoring official.
- 8173 | b. Changes to a setback that do not affect noise buffers,
8174 | environmental protection or mitigation areas, or archaeological
8175 | or historical resources.
- 8176 | c. Changes to minimum lot sizes.
- 8177 | d. Changes in the configuration of internal roads that do
8178 | not affect external access points.
- 8179 | e. Changes to the building design or orientation that stay
8180 | approximately within the approved area designated for such
8181 | building and parking lot, and which do not affect historical
8182 | buildings designated as significant by the Division of
8183 | Historical Resources of the Department of State.
- 8184 | f. Changes to increase the acreage in the development,
8185 | provided that no development is proposed on the acreage to be
8186 | added.
- 8187 | g. Changes to eliminate an approved land use, provided
8188 | that there are no additional regional impacts.
- 8189 | h. Changes required to conform to permits approved by any
8190 | federal, state, or regional permitting agency, provided that
8191 | these changes do not create additional regional impacts.
- 8192 | i. Any renovation or redevelopment of development within a
8193 | previously approved development of regional impact which does
8194 | not change land use or increase density or intensity of use.
- 8195 | j. Changes that modify boundaries and configuration of
8196 | areas described in subparagraph (b)14. due to science-based
8197 | refinement of such areas by survey, by habitat evaluation, by
8198 | other recognized assessment methodology, or by an environmental

8199 assessment. In order for changes to qualify under this sub-
8200 subparagraph, the survey, habitat evaluation, or assessment must
8201 occur prior to the time a conservation easement protecting such
8202 lands is recorded and must not result in any net decrease in the
8203 total acreage of the lands specifically set aside for permanent
8204 preservation in the final development order.

8205 k. Any other change which the state land planning agency,
8206 in consultation with the regional planning council, agrees in
8207 writing is similar in nature, impact, or character to the
8208 changes enumerated in sub-subparagraphs a.-j. and which does not
8209 create the likelihood of any additional regional impact.

8210
8211 This subsection does not require the filing of a notice of
8212 proposed change but shall require an application to the local
8213 government to amend the development order in accordance with the
8214 local government's procedures for amendment of a development
8215 order. In accordance with the local government's procedures,
8216 including requirements for notice to the applicant and the
8217 public, the local government shall either deny the application
8218 for amendment or adopt an amendment to the development order
8219 which approves the application with or without conditions.
8220 Following adoption, the local government shall render to the
8221 state land planning agency the amendment to the development
8222 order. The state land planning agency may appeal, pursuant to s.
8223 380.07(3), the amendment to the development order if the
8224 amendment involves sub-subparagraph g., sub-subparagraph h.,
8225 sub-subparagraph j., or sub-subparagraph k., and it believes the

8226 change creates a reasonable likelihood of new or additional
8227 regional impacts.

8228 3. Except for the change authorized by sub-subparagraph
8229 2.f., any addition of land not previously reviewed or any change
8230 not specified in paragraph (b) or paragraph (c) shall be
8231 presumed to create a substantial deviation. This presumption may
8232 be rebutted by clear and convincing evidence.

8233 4. Any submittal of a proposed change to a previously
8234 approved development shall include a description of individual
8235 changes previously made to the development, including changes
8236 previously approved by the local government. The local
8237 government shall consider the previous and current proposed
8238 changes in deciding whether such changes cumulatively constitute
8239 a substantial deviation requiring further development-of-
8240 regional-impact review.

8241 5. The following changes to an approved development of
8242 regional impact shall be presumed to create a substantial
8243 deviation. Such presumption may be rebutted by clear and
8244 convincing evidence.

8245 a. A change proposed for 15 percent or more of the acreage
8246 to a land use not previously approved in the development order.
8247 Changes of less than 15 percent shall be presumed not to create
8248 a substantial deviation.

8249 b. Notwithstanding any provision of paragraph (b) to the
8250 contrary, a proposed change consisting of simultaneous increases
8251 and decreases of at least two of the uses within an authorized
8252 multiuse development of regional impact which was originally
8253 approved with three or more uses specified in s. 380.0651(3)(c),

8254 (d), and (e), ~~and (f)~~ and residential use.

8255 (24) STATUTORY EXEMPTIONS.—

8256 (a) Any proposed hospital is exempt from ~~the provisions of~~
8257 this section.

8258 (b) Any proposed electrical transmission line or
8259 electrical power plant is exempt from ~~the provisions of~~ this
8260 section.

8261 (c) Any proposed addition to an existing sports facility
8262 complex is exempt from ~~the provisions of~~ this section if the
8263 addition meets the following characteristics:

8264 1. It would not operate concurrently with the scheduled
8265 hours of operation of the existing facility.

8266 2. Its seating capacity would be no more than 75 percent
8267 of the capacity of the existing facility.

8268 3. The sports facility complex property is owned by a
8269 public body prior to July 1, 1983.

8270

8271 This exemption does not apply to any pari-mutuel facility.

8272 (d) Any proposed addition or cumulative additions
8273 subsequent to July 1, 1988, to an existing sports facility
8274 complex owned by a state university is exempt if the increased
8275 seating capacity of the complex is no more than 30 percent of
8276 the capacity of the existing facility.

8277 (e) Any addition of permanent seats or parking spaces for
8278 an existing sports facility located on property owned by a
8279 public body prior to July 1, 1973, is exempt from ~~the provisions~~
8280 ~~of~~ this section if future additions do not expand existing
8281 permanent seating or parking capacity more than 15 percent

8282 annually in excess of the prior year's capacity.

8283 (f) Any increase in the seating capacity of an existing
8284 sports facility having a permanent seating capacity of at least
8285 50,000 spectators is exempt from ~~the provisions of~~ this section,
8286 provided that such an increase does not increase permanent
8287 seating capacity by more than 5 percent per year and not to
8288 exceed a total of 10 percent in any 5-year period, and provided
8289 that the sports facility notifies the appropriate local
8290 government within which the facility is located of the increase
8291 at least 6 months prior to the initial use of the increased
8292 seating, in order to permit the appropriate local government to
8293 develop a traffic management plan for the traffic generated by
8294 the increase. Any traffic management plan shall be consistent
8295 with the local comprehensive plan, the regional policy plan, and
8296 the state comprehensive plan.

8297 (g) Any expansion in the permanent seating capacity or
8298 additional improved parking facilities of an existing sports
8299 facility is exempt from ~~the provisions of~~ this section, if the
8300 following conditions exist:

8301 1.a. The sports facility had a permanent seating capacity
8302 on January 1, 1991, of at least 41,000 spectator seats;

8303 b. The sum of such expansions in permanent seating
8304 capacity does not exceed a total of 10 percent in any 5-year
8305 period and does not exceed a cumulative total of 20 percent for
8306 any such expansions; or

8307 c. The increase in additional improved parking facilities
8308 is a one-time addition and does not exceed 3,500 parking spaces
8309 serving the sports facility; and

8310 2. The local government having jurisdiction of the sports
 8311 facility includes in the development order or development permit
 8312 approving such expansion under this paragraph a finding of fact
 8313 that the proposed expansion is consistent with the
 8314 transportation, water, sewer and stormwater drainage provisions
 8315 of the approved local comprehensive plan and local land
 8316 development regulations relating to those provisions.

8317
 8318 Any owner or developer who intends to rely on this statutory
 8319 exemption shall provide to the department a copy of the local
 8320 government application for a development permit. Within 45 days
 8321 of receipt of the application, the department shall render to
 8322 the local government an advisory and nonbinding opinion, in
 8323 writing, stating whether, in the department's opinion, the
 8324 prescribed conditions exist for an exemption under this
 8325 paragraph. The local government shall render the development
 8326 order approving each such expansion to the department. The
 8327 owner, developer, or department may appeal the local government
 8328 development order pursuant to s. 380.07, within 45 days after
 8329 the order is rendered. The scope of review shall be limited to
 8330 the determination of whether the conditions prescribed in this
 8331 paragraph exist. If any sports facility expansion undergoes
 8332 development-of-regional-impact review, all previous expansions
 8333 which were exempt under this paragraph shall be included in the
 8334 development-of-regional-impact review.

8335 (h) Expansion to port harbors, spoil disposal sites,
 8336 navigation channels, turning basins, harbor berths, and other
 8337 related inwater harbor facilities of ports listed in s.

8338 403.021(9)(b), port transportation facilities and projects
 8339 listed in s. 311.07(3)(b), and intermodal transportation
 8340 facilities identified pursuant to s. 311.09(3) are exempt from
 8341 ~~the provisions of~~ this section when such expansions, projects,
 8342 or facilities are consistent with comprehensive master plans
 8343 that are in compliance with ~~the provisions of~~ s. 163.3178.

8344 (i) Any proposed facility for the storage of any petroleum
 8345 product or any expansion of an existing facility is exempt from
 8346 ~~the provisions of~~ this section.

8347 (j) Any renovation or redevelopment within the same land
 8348 parcel which does not change land use or increase density or
 8349 intensity of use.

8350 (k) Waterport and marina development, including dry
 8351 storage facilities, are exempt from ~~the provisions of~~ this
 8352 section.

8353 (l) Any proposed development within an urban service
 8354 boundary established under s. 163.3177(14), which is not
 8355 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
 8356 ~~provisions of~~ this section if the local government having
 8357 jurisdiction over the area where the development is proposed has
 8358 adopted the urban service boundary, has entered into a binding
 8359 agreement with jurisdictions that would be impacted and with the
 8360 Department of Transportation regarding the mitigation of impacts
 8361 on state and regional transportation facilities, ~~and has adopted~~
 8362 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

8363 (m) Any proposed development within a rural land
 8364 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ is
 8365 ~~exempt from the provisions of this section if the local~~

8366 ~~government that has adopted the rural land stewardship area has~~
 8367 ~~entered into a binding agreement with jurisdictions that would~~
 8368 ~~be impacted and the Department of Transportation regarding the~~
 8369 ~~mitigation of impacts on state and regional transportation~~
 8370 ~~facilities, and has adopted a proportionate share methodology~~
 8371 ~~pursuant to s. 163.3180(16).~~

8372 (n) The establishment, relocation, or expansion of any
 8373 military installation as defined in s. 163.3175, is exempt from
 8374 this section.

8375 (o) Any self-storage warehousing that does not allow
 8376 retail or other services is exempt from this section.

8377 (p) Any proposed nursing home or assisted living facility
 8378 is exempt from this section.

8379 (q) Any development identified in an airport master plan
 8380 and adopted into the comprehensive plan pursuant to s.
 8381 163.3177(6) (k) is exempt from this section.

8382 (r) Any development identified in a campus master plan and
 8383 adopted pursuant to s. 1013.30 is exempt from this section.

8384 (s) Any development in a detailed specific area plan which
 8385 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
 8386 ~~the comprehensive plan~~ is exempt from this section.

8387 (t) Any proposed solid mineral mine and any proposed
 8388 addition to, expansion of, or change to an existing solid
 8389 mineral mine is exempt from this section. Proposed changes to
 8390 any previously approved solid mineral mine development-of-
 8391 regional-impact development orders having vested rights is not
 8392 subject to further review or approval as a development-of-
 8393 regional-impact or notice-of-proposed-change review or approval

8394 pursuant to subsection (19), except for those applications
 8395 pending as of July 1, 2011, which shall be governed by s.
 8396 380.115(2). Notwithstanding the foregoing, however, pursuant to
 8397 s. 380.115(1), previously approved solid mineral mine
 8398 development-of-regional-impact development orders shall continue
 8399 to enjoy vested rights and continue to be effective unless
 8400 rescinded by the developer. All local government regulations of
 8401 proposed solid mineral mines shall be applicable to any new
 8402 solid mineral mine or to any proposed addition to, expansion of,
 8403 or change to an existing solid mineral mine.

8404 (u) Notwithstanding any provisions in an agreement with or
 8405 among a local government, regional agency, or the state land
 8406 planning agency or in a local government's comprehensive plan to
 8407 the contrary, a project no longer subject to development-of-
 8408 regional-impact review under revised thresholds is not required
 8409 to undergo such review.

8410 (v) ~~(t)~~ Any development within a county with a research and
 8411 education authority created by special act and that is also
 8412 within a research and development park that is operated or
 8413 managed by a research and development authority pursuant to part
 8414 V of chapter 159 is exempt from this section.

8415
 8416 If a use is exempt from review as a development of regional
 8417 impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a
 8418 larger project that is subject to review as a development of
 8419 regional impact, the impact of the exempt use must be included
 8420 in the review of the larger project, unless such exempt use
 8421 involves a development of regional impact that includes a

8422 landowner, tenant, or user that has entered into a funding
 8423 agreement with the Office of Tourism, Trade, and Economic
 8424 Development under the Innovation Incentive Program and the
 8425 agreement contemplates a state award of at least \$50 million.

8426 (28) PARTIAL STATUTORY EXEMPTIONS.—

8427 (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to
 8428 an authorized development of regional impact does ~~shall~~ not
 8429 apply to those projects partially exempt from the development-
 8430 of-regional-impact review process under paragraphs (a)-(d).

8431 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

8432 (a) The following are exempt from this section:

8433 1. Any proposed development in a municipality that has an
 8434 average of at least 1,000 people per square mile of land area
 8435 and a minimum total population of at least 5,000 ~~qualifies as a~~
 8436 ~~dense urban land area as defined in s. 163.3164;~~

8437 2. Any proposed development within a county, including the
 8438 municipalities located in the county, that has an average of at
 8439 least 1,000 people per square mile of land area ~~qualifies as a~~
 8440 ~~dense urban land area as defined in s. 163.3164~~ and that is
 8441 located within an urban service area as defined in s. 163.3164
 8442 which has been adopted into the comprehensive plan; ~~or~~

8443 3. Any proposed development within a county, including the
 8444 municipalities located therein, which has a population of at
 8445 least 900,000, that has an average of at least 1,000 people per
 8446 square mile of land area ~~which qualifies as a dense urban land~~
 8447 ~~area under s. 163.3164,~~ but which does not have an urban service
 8448 area designated in the comprehensive plan; or

8449 4. Any proposed development within a county, including the
8450 municipalities located therein, which has a population of at
8451 least 1 million and is located within an urban service area as
8452 defined in s. 163.3164 which has been adopted into the
8453 comprehensive plan.

8454

8455 The Office of Economic and Demographic Research within the
8456 Legislature shall annually calculate the population and density
8457 criteria needed to determine which jurisdictions meet the
8458 density criteria in subparagraphs 1.-4. by using the most recent
8459 land area data from the decennial census conducted by the Bureau
8460 of the Census of the United States Department of Commerce and
8461 the latest available population estimates determined pursuant to
8462 s. 186.901. If any local government has had an annexation,
8463 contraction, or new incorporation, the Office of Economic and
8464 Demographic Research shall determine the population density
8465 using the new jurisdictional boundaries as recorded in
8466 accordance with s. 171.091. The Office of Economic and
8467 Demographic Research shall annually submit to the state land
8468 planning agency by July 1 a list of jurisdictions that meet the
8469 total population and density criteria. The state land planning
8470 agency shall publish the list of jurisdictions on its Internet
8471 website within 7 days after the list is received. The
8472 designation of jurisdictions that meet the criteria of
8473 subparagraphs 1.-4. is effective upon publication on the state
8474 land planning agency's Internet website. If a municipality that
8475 has previously met the criteria no longer meets the criteria,
8476 the state land planning agency shall maintain the municipality

8477 on the list and indicate the year the jurisdiction last met the
8478 criteria. However, any proposed development of regional impact
8479 not within the established boundaries of a municipality at the
8480 time the municipality last met the criteria must meet the
8481 requirements of this section until such time as the municipality
8482 as a whole meets the criteria. Any county that meets the
8483 criteria shall remain on the list in accordance with the
8484 provisions of this paragraph. Any jurisdiction that was placed
8485 on the dense urban land area list before the effective date of
8486 this act shall remain on the list in accordance with the
8487 provisions of this paragraph.

8488 (d) A development that is located partially outside an
8489 area that is exempt from the development-of-regional-impact
8490 program must undergo development-of-regional-impact review
8491 pursuant to this section. However, if the total acreage that is
8492 included within the area exempt from development-of-regional-
8493 impact review exceeds 85 percent of the total acreage and square
8494 footage of the approved development of regional impact, the
8495 development-of-regional-impact development order may be
8496 rescinded in both local governments pursuant to s. 380.115(1),
8497 unless the portion of the development outside the exempt area
8498 meets the threshold criteria of a development-of-regional-
8499 impact.

8500 (e) In an area that is exempt under paragraphs (a)-(c),
8501 any previously approved development-of-regional-impact
8502 development orders shall continue to be effective, but the
8503 developer has the option to be governed by s. 380.115(1). A
8504 pending application for development approval shall be governed

8505 by s. 380.115(2). ~~A development that has a pending application~~
 8506 ~~for a comprehensive plan amendment and that elects not to~~
 8507 ~~continue development-of-regional-impact review is exempt from~~
 8508 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~
 8509 ~~for the year following the effective date of the exemption.~~

8510 Section 56. Subsection (3) and paragraph (a) of subsection
 8511 (4) of section 380.0651, Florida Statutes, are amended to read:

8512 380.0651 Statewide guidelines and standards.—

8513 (3) The following statewide guidelines and standards shall
 8514 be applied in the manner described in s. 380.06(2) to determine
 8515 whether the following developments shall be required to undergo
 8516 development-of-regional-impact review:

8517 (a) Airports.—

8518 1. Any of the following airport construction projects
 8519 shall be a development of regional impact:

8520 a. A new commercial service or general aviation airport
 8521 with paved runways.

8522 b. A new commercial service or general aviation paved
 8523 runway.

8524 c. A new passenger terminal facility.

8525 2. Lengthening of an existing runway by 25 percent or an
 8526 increase in the number of gates by 25 percent or three gates,
 8527 whichever is greater, on a commercial service airport or a
 8528 general aviation airport with regularly scheduled flights is a
 8529 development of regional impact. However, expansion of existing
 8530 terminal facilities at a nonhub or small hub commercial service
 8531 airport shall not be a development of regional impact.

8532 3. Any airport development project which is proposed for
 8533 safety, repair, or maintenance reasons alone and would not have
 8534 the potential to increase or change existing types of aircraft
 8535 activity is not a development of regional impact.
 8536 Notwithstanding subparagraphs 1. and 2., renovation,
 8537 modernization, or replacement of airport airside or terminal
 8538 facilities that may include increases in square footage of such
 8539 facilities but does not increase the number of gates or change
 8540 the existing types of aircraft activity is not a development of
 8541 regional impact.

8542 (b) Attractions and recreation facilities.—Any sports,
 8543 entertainment, amusement, or recreation facility, including, but
 8544 not limited to, a sports arena, stadium, racetrack, tourist
 8545 attraction, amusement park, or pari-mutuel facility, the
 8546 construction or expansion of which:

- 8547 1. For single performance facilities:
 - 8548 a. Provides parking spaces for more than 2,500 cars; or
 - 8549 b. Provides more than 10,000 permanent seats for
 - 8550 spectators.
- 8551 2. For serial performance facilities:
 - 8552 a. Provides parking spaces for more than 1,000 cars; or
 - 8553 b. Provides more than 4,000 permanent seats for
 - 8554 spectators.

8555
 8556 For purposes of this subsection, "serial performance facilities"
 8557 means those using their parking areas or permanent seating more
 8558 than one time per day on a regular or continuous basis.

8559 ~~3. For multiscreen movie theaters of at least 8 screens~~
 8560 ~~and 2,500 seats:~~

8561 ~~a. Provides parking spaces for more than 1,500 cars; or~~
 8562 ~~b. Provides more than 6,000 permanent seats for~~
 8563 ~~spectators.~~

8564 ~~(c) Industrial plants, industrial parks, and distribution,~~
 8565 ~~warehousing or wholesaling facilities. Any proposed industrial,~~
 8566 ~~manufacturing, or processing plant, or distribution,~~
 8567 ~~warehousing, or wholesaling facility, excluding wholesaling~~
 8568 ~~developments which deal primarily with the general public~~
 8569 ~~onsite, under common ownership, or any proposed industrial,~~
 8570 ~~manufacturing, or processing activity or distribution,~~
 8571 ~~warehousing, or wholesaling activity, excluding wholesaling~~
 8572 ~~activities which deal primarily with the general public onsite,~~
 8573 ~~which:~~

8574 ~~1. Provides parking for more than 2,500 motor vehicles; or~~
 8575 ~~2. Occupies a site greater than 320 acres.~~

8576 (c)~~(d)~~ Office development.—Any proposed office building or
 8577 park operated under common ownership, development plan, or
 8578 management that:

8579 1. Encompasses 300,000 or more square feet of gross floor
 8580 area; or

8581 2. Encompasses more than 600,000 square feet of gross
 8582 floor area in a county with a population greater than 500,000
 8583 and only in a geographic area specifically designated as highly
 8584 suitable for increased threshold intensity in the approved local
 8585 comprehensive plan.

8586 (d)~~(e)~~ Retail and service development.—Any proposed
 8587 retail, service, or wholesale business establishment or group of
 8588 establishments which deals primarily with the general public
 8589 onsite, operated under one common property ownership,
 8590 development plan, or management that:

8591 1. Encompasses more than 400,000 square feet of gross
 8592 area; or

8593 2. Provides parking spaces for more than 2,500 cars.

8594 ~~(f) Hotel or motel development.—~~

8595 1. ~~Any proposed hotel or motel development that is planned~~
 8596 ~~to create or accommodate 350 or more units; or~~

8597 2. ~~Any proposed hotel or motel development that is planned~~
 8598 ~~to create or accommodate 750 or more units, in a county with a~~
 8599 ~~population greater than 500,000.~~

8600 (e)~~(g)~~ Recreational vehicle development.—Any proposed
 8601 recreational vehicle development planned to create or
 8602 accommodate 500 or more spaces.

8603 (f)~~(h)~~ Multiuse development.—Any proposed development with
 8604 two or more land uses where the sum of the percentages of the
 8605 appropriate thresholds identified in chapter 28-24, Florida
 8606 Administrative Code, or this section for each land use in the
 8607 development is equal to or greater than 145 percent. Any
 8608 proposed development with three or more land uses, one of which
 8609 is residential and contains at least 100 dwelling units or 15
 8610 percent of the applicable residential threshold, whichever is
 8611 greater, where the sum of the percentages of the appropriate
 8612 thresholds identified in chapter 28-24, Florida Administrative
 8613 Code, or this section for each land use in the development is

8614 equal to or greater than 160 percent. This threshold is in
8615 addition to, and does not preclude, a development from being
8616 required to undergo development-of-regional-impact review under
8617 any other threshold.

8618 (g)~~(i)~~ Residential development.—No rule may be adopted
8619 concerning residential developments which treats a residential
8620 development in one county as being located in a less populated
8621 adjacent county unless more than 25 percent of the development
8622 is located within 2 or less miles of the less populated adjacent
8623 county. The residential thresholds of adjacent counties with
8624 less population and a lower threshold shall not be controlling
8625 on any development wholly located within areas designated as
8626 rural areas of critical economic concern.

8627 (h)~~(j)~~ Workforce housing.—The applicable guidelines for
8628 residential development and the residential component for
8629 multiuse development shall be increased by 50 percent where the
8630 developer demonstrates that at least 15 percent of the total
8631 residential dwelling units authorized within the development of
8632 regional impact will be dedicated to affordable workforce
8633 housing, subject to a recorded land use restriction that shall
8634 be for a period of not less than 20 years and that includes
8635 resale provisions to ensure long-term affordability for income-
8636 eligible homeowners and renters and provisions for the workforce
8637 housing to be commenced prior to the completion of 50 percent of
8638 the market rate dwelling. For purposes of this paragraph, the
8639 term "affordable workforce housing" means housing that is
8640 affordable to a person who earns less than 120 percent of the
8641 area median income, or less than 140 percent of the area median

8642 income if located in a county in which the median purchase price
8643 for a single-family existing home exceeds the statewide median
8644 purchase price of a single-family existing home. For the
8645 purposes of this paragraph, the term "statewide median purchase
8646 price of a single-family existing home" means the statewide
8647 purchase price as determined in the Florida Sales Report,
8648 Single-Family Existing Homes, released each January by the
8649 Florida Association of Realtors and the University of Florida
8650 Real Estate Research Center.

8651 (i)~~(k)~~ Schools.—

8652 1. The proposed construction of any public, private, or
8653 proprietary postsecondary educational campus which provides for
8654 a design population of more than 5,000 full-time equivalent
8655 students, or the proposed physical expansion of any public,
8656 private, or proprietary postsecondary educational campus having
8657 such a design population that would increase the population by
8658 at least 20 percent of the design population.

8659 2. As used in this paragraph, "full-time equivalent
8660 student" means enrollment for 15 or more quarter hours during a
8661 single academic semester. In career centers or other
8662 institutions which do not employ semester hours or quarter hours
8663 in accounting for student participation, enrollment for 18
8664 contact hours shall be considered equivalent to one quarter
8665 hour, and enrollment for 27 contact hours shall be considered
8666 equivalent to one semester hour.

8667 3. This paragraph does not apply to institutions which are
8668 the subject of a campus master plan adopted by the university
8669 board of trustees pursuant to s. 1013.30.

8670 (4) Two or more developments, represented by their owners
 8671 or developers to be separate developments, shall be aggregated
 8672 and treated as a single development under this chapter when they
 8673 are determined to be part of a unified plan of development and
 8674 are physically proximate to one other.

8675 (a) The criteria of three ~~two~~ of the following
 8676 subparagraphs must be met in order for the state land planning
 8677 agency to determine that there is a unified plan of development:

8678 1.a. The same person has retained or shared control of the
 8679 developments;

8680 b. The same person has ownership or a significant legal or
 8681 equitable interest in the developments; or

8682 c. There is common management of the developments
 8683 controlling the form of physical development or disposition of
 8684 parcels of the development.

8685 2. There is a reasonable closeness in time between the
 8686 completion of 80 percent or less of one development and the
 8687 submission to a governmental agency of a master plan or series
 8688 of plans or drawings for the other development which is
 8689 indicative of a common development effort.

8690 3. A master plan or series of plans or drawings exists
 8691 covering the developments sought to be aggregated which have
 8692 been submitted to a local general-purpose government, water
 8693 management district, the Florida Department of Environmental
 8694 Protection, or the Division of Florida Condominiums, Timeshares,
 8695 and Mobile Homes for authorization to commence development. The
 8696 existence or implementation of a utility's master utility plan
 8697 required by the Public Service Commission or general-purpose

8698 | local government or a master drainage plan shall not be the sole
 8699 | determinant of the existence of a master plan.

8700 | ~~4. The voluntary sharing of infrastructure that is~~
 8701 | ~~indicative of a common development effort or is designated~~
 8702 | ~~specifically to accommodate the developments sought to be~~
 8703 | ~~aggregated, except that which was implemented because it was~~
 8704 | ~~required by a local general purpose government; water management~~
 8705 | ~~district; the Department of Environmental Protection; the~~
 8706 | ~~Division of Florida Condominiums, Timeshares, and Mobile Homes;~~
 8707 | ~~or the Public Service Commission.~~

8708 | ~~4.5.~~ There is a common advertising scheme or promotional
 8709 | plan in effect for the developments sought to be aggregated.

8710 | Section 57. Subsection (17) of section 331.303, Florida
 8711 | Statutes, is amended to read:

8712 | 331.303 Definitions.—

8713 | (17) "Spaceport launch facilities" means industrial
 8714 | facilities as described in s. 380.0651(3)(c), Florida Statutes
 8715 | 2010, and include any launch pad, launch control center, and
 8716 | fixed launch-support equipment.

8717 | Section 58. Subsection (1) of section 380.115, Florida
 8718 | Statutes, is amended to read:

8719 | 380.115 Vested rights and duties; effect of size
 8720 | reduction, changes in guidelines and standards.—

8721 | (1) A change in a development-of-regional-impact guideline
 8722 | and standard does not abridge or modify any vested or other
 8723 | right or any duty or obligation pursuant to any development
 8724 | order or agreement that is applicable to a development of
 8725 | regional impact. A development that has received a development-

8726 of-regional-impact development order pursuant to s. 380.06, but
8727 is no longer required to undergo development-of-regional-impact
8728 review by operation of a change in the guidelines and standards
8729 or has reduced its size below the thresholds in s. 380.0651, or
8730 a development that is exempt pursuant to s. 380.06(29) shall be
8731 governed by the following procedures:

8732 (a) The development shall continue to be governed by the
8733 development-of-regional-impact development order and may be
8734 completed in reliance upon and pursuant to the development order
8735 unless the developer or landowner has followed the procedures
8736 for rescission in paragraph (b). Any proposed changes to those
8737 developments which continue to be governed by a development
8738 order shall be approved pursuant to s. 380.06(19) as it existed
8739 prior to a change in the development-of-regional-impact
8740 guidelines and standards, except that all percentage criteria
8741 shall be doubled and all other criteria shall be increased by 10
8742 percent. The development-of-regional-impact development order
8743 may be enforced by the local government as provided by ss.
8744 380.06(17) and 380.11.

8745 (b) If requested by the developer or landowner, the
8746 development-of-regional-impact development order shall be
8747 rescinded by the local government having jurisdiction upon a
8748 showing that all required mitigation related to the amount of
8749 development that existed on the date of rescission has been
8750 completed.

8751 Section 59. Paragraph (a) of subsection (8) of section
8752 380.061, Florida Statutes, is amended to read:

8753 380.061 The Florida Quality Developments program.—

8754 (8) (a) Any local government comprehensive plan amendments
 8755 related to a Florida Quality Development may be initiated by a
 8756 local planning agency and considered by the local governing body
 8757 at the same time as the application for development approval,
 8758 ~~using the procedures provided for local plan amendment in s.~~
 8759 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
 8760 ~~regard to statutory or local ordinance limits on the frequency~~
 8761 ~~of consideration of amendments to the local comprehensive plan.~~
 8762 Nothing in this subsection shall be construed to require
 8763 favorable consideration of a Florida Quality Development solely
 8764 because it is related to a development of regional impact.

8765 Section 60. Paragraph (a) of subsection (2) and subsection
 8766 (10) of section 380.065, Florida Statutes, are amended to read:
 8767 380.065 Certification of local government review of
 8768 development.—

8769 (2) When a petition is filed, the state land planning
 8770 agency shall have no more than 90 days to prepare and submit to
 8771 the Administration Commission a report and recommendations on
 8772 the proposed certification. In deciding whether to grant
 8773 certification, the Administration Commission shall determine
 8774 whether the following criteria are being met:

8775 (a) The petitioning local government has adopted and
 8776 effectively implemented a local comprehensive plan and
 8777 development regulations which comply with ss. 163.3161-163.3215,
 8778 the Community Local Government Comprehensive Planning and Land
 8779 Development Regulation Act.

8780 ~~(10) The department shall submit an annual progress report~~
 8781 ~~to the President of the Senate and the Speaker of the House of~~

8782 ~~Representatives by March 1 on the certification of local~~
 8783 ~~governments, stating which local governments have been~~
 8784 ~~certified. For those local governments which have applied for~~
 8785 ~~certification but for which certification has been denied, the~~
 8786 ~~department shall specify the reasons certification was denied.~~

8787 Section 61. Section 380.0685, Florida Statutes, is amended
 8788 to read:

8789 380.0685 State park in area of critical state concern in
 8790 county which creates land authority; surcharge on admission and
 8791 overnight occupancy.—The Department of Environmental Protection
 8792 shall impose and collect a surcharge of 50 cents per person per
 8793 day, or \$5 per annual family auto entrance permit, on admission
 8794 to all state parks in areas of critical state concern located in
 8795 a county which creates a land authority pursuant to s.
 8796 380.0663(1), and a surcharge of \$2.50 per night per campsite,
 8797 cabin, or other overnight recreational occupancy unit in state
 8798 parks in areas of critical state concern located in a county
 8799 which creates a land authority pursuant to s. 380.0663(1);
 8800 however, no surcharge shall be imposed or collected under this
 8801 section for overnight use by nonprofit groups of organized group
 8802 camps, primitive camping areas, or other facilities intended
 8803 primarily for organized group use. Such surcharges shall be
 8804 imposed within 90 days after any county creating a land
 8805 authority notifies the Department of Environmental Protection
 8806 that the land authority has been created. The proceeds from such
 8807 surcharges, less a collection fee that shall be kept by the
 8808 Department of Environmental Protection for the actual cost of
 8809 collection, not to exceed 2 percent, shall be transmitted to the

8810 land authority of the county from which the revenue was
 8811 generated. Such funds shall be used to purchase property in the
 8812 area or areas of critical state concern in the county from which
 8813 the revenue was generated. An amount not to exceed 10 percent
 8814 may be used for administration and other costs incident to such
 8815 purchases. However, the proceeds of the surcharges imposed and
 8816 collected pursuant to this section in a state park or parks
 8817 located wholly within a municipality, less the costs of
 8818 collection as provided herein, shall be transmitted to that
 8819 municipality for use by the municipality for land acquisition or
 8820 for beach renourishment or restoration, including, but not
 8821 limited to, costs associated with any design, permitting,
 8822 monitoring, and mitigation of such work, as well as the work
 8823 itself. However, these funds may not be included in any
 8824 calculation used for providing state matching funds for local
 8825 contributions for beach renourishment or restoration. The
 8826 surcharges levied under this section shall remain imposed as
 8827 long as the land authority is in existence.

8828 Section 62. Subsection (3) of section 380.115, Florida
 8829 Statutes, is amended to read:

8830 380.115 Vested rights and duties; effect of size
 8831 reduction, changes in guidelines and standards.—

8832 (3) A landowner that has filed an application for a
 8833 development-of-regional-impact review prior to the adoption of a
 8834 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
 8835 have the application reviewed pursuant to s. 380.06,
 8836 comprehensive plan provisions in force prior to adoption of the
 8837 sector plan, and any requested comprehensive plan amendments

8838 that accompany the application.

8839 Section 63. Subsection (1) of section 403.50665, Florida
8840 Statutes, is amended to read:

8841 403.50665 Land use consistency.—

8842 (1) The applicant shall include in the application a
8843 statement on the consistency of the site and any associated
8844 facilities that constitute a "development," as defined in s.
8845 380.04, with existing land use plans and zoning ordinances that
8846 were in effect on the date the application was filed and a full
8847 description of such consistency. This information shall include
8848 an identification of those associated facilities that the
8849 applicant believes are exempt from the requirements of land use
8850 plans and zoning ordinances under ~~the provisions of the~~
8851 Community Local Government Comprehensive Planning and Land
8852 Development Regulation Act provisions of chapter 163 and s.
8853 380.04(3).

8854 Section 64. Subsection (13) and paragraph (a) of
8855 subsection (14) of section 403.973, Florida Statutes, are
8856 amended to read:

8857 403.973 Expedited permitting; amendments to comprehensive
8858 plans.—

8859 (13) Notwithstanding any other provisions of law:

8860 ~~(a) Local comprehensive plan amendments for projects~~
8861 ~~qualified under this section are exempt from the twice-a-year~~
8862 ~~limits provision in s. 163.3187; and~~

8863 ~~(b)~~ Projects qualified under this section are not subject
8864 to interstate highway level-of-service standards adopted by the
8865 Department of Transportation for concurrency purposes. The

8866 memorandum of agreement specified in subsection (5) must include
 8867 a process by which the applicant will be assessed a fair share
 8868 of the cost of mitigating the project's significant traffic
 8869 impacts, as defined in chapter 380 and related rules. The
 8870 agreement must also specify whether the significant traffic
 8871 impacts on the interstate system will be mitigated through the
 8872 implementation of a project or payment of funds to the
 8873 Department of Transportation. Where funds are paid, the
 8874 Department of Transportation must include in the 5-year work
 8875 program transportation projects or project phases, in an amount
 8876 equal to the funds received, to mitigate the traffic impacts
 8877 associated with the proposed project.

8878 (14) (a) Challenges to state agency action in the expedited
 8879 permitting process for projects processed under this section are
 8880 subject to the summary hearing provisions of s. 120.574, except
 8881 that the administrative law judge's decision, as provided in s.
 8882 120.574(2) (f), shall be in the form of a recommended order and
 8883 do ~~shall~~ not constitute the final action of the state agency. In
 8884 those proceedings where the action of only one agency of the
 8885 state other than the Department of Environmental Protection is
 8886 challenged, the agency of the state shall issue the final order
 8887 within 45 working days after receipt of the administrative law
 8888 judge's recommended order, and the recommended order shall
 8889 inform the parties of their right to file exceptions or
 8890 responses to the recommended order in accordance with the
 8891 uniform rules of procedure pursuant to s. 120.54. In those
 8892 proceedings where the actions of more than one agency of the
 8893 state are challenged, the Governor shall issue the final order

8894 within 45 working days after receipt of the administrative law
 8895 judge's recommended order, and the recommended order shall
 8896 inform the parties of their right to file exceptions or
 8897 responses to the recommended order in accordance with the
 8898 uniform rules of procedure pursuant to s. 120.54. This paragraph
 8899 does not apply to the issuance of department licenses required
 8900 under any federally delegated or approved permit program. In
 8901 such instances, the department shall enter the final order. The
 8902 participating agencies of the state may opt at the preliminary
 8903 hearing conference to allow the administrative law judge's
 8904 decision to constitute the final agency action. ~~If a~~
 8905 ~~participating local government agrees to participate in the~~
 8906 ~~summary hearing provisions of s. 120.574 for purposes of review~~
 8907 ~~of local government comprehensive plan amendments, s.~~
 8908 ~~163.3184(9) and (10) apply.~~

8909 Section 65. Subsections (9) and (10) of section 420.5095,
 8910 Florida Statutes, are amended to read:

8911 420.5095 Community Workforce Housing Innovation Pilot
 8912 Program.—

8913 (9) Notwithstanding s. 163.3184 (4) (b) - (d) (3) - (6), any
 8914 local government comprehensive plan amendment to implement a
 8915 Community Workforce Housing Innovation Pilot Program project
 8916 found consistent with ~~the provisions of~~ this section shall be
 8917 expedited as provided in this subsection. At least 30 days prior
 8918 to adopting a plan amendment under this subsection, the local
 8919 government shall notify the state land planning agency of its
 8920 intent to adopt such an amendment, and the notice shall include
 8921 its evaluation related to site suitability and availability of

8922 facilities and services. The public notice of the hearing
 8923 required by s. 163.3184 (11) ~~(15)~~ (b) 2. shall include a statement
 8924 that the local government intends to use the expedited adoption
 8925 process authorized by this subsection. Such amendments shall
 8926 require only a single public hearing before the governing board,
 8927 which shall be an adoption hearing as described in s.
 8928 163.3184 (4) ~~(e)~~ ~~(7)~~. ~~The state land planning agency shall issue~~
 8929 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~
 8930 ~~after determining that the amendment package is complete. Any~~
 8931 further proceedings shall be governed by s. ss. 163.3184(5) -
 8932 (13) ~~(9)~~ ~~(16)~~. ~~Amendments proposed under this section are not~~
 8933 ~~subject to s. 163.3187(1), which limits the adoption of a~~
 8934 ~~comprehensive plan amendment to no more than two times during~~
 8935 ~~any calendar year.~~

8936 (10) The processing of approvals of development orders or
 8937 development permits, as defined in s. 163.3164 ~~(7)~~ and ~~(8)~~, for
 8938 innovative community workforce housing projects shall be
 8939 expedited.

8940 Section 66. Subsection (5) of section 420.615, Florida
 8941 Statutes, is amended to read:

8942 420.615 Affordable housing land donation density bonus
 8943 incentives.—

8944 (5) The local government, as part of the approval process,
 8945 shall adopt a comprehensive plan amendment, pursuant to part II
 8946 of chapter 163, for the receiving land that incorporates the
 8947 density bonus. Such amendment shall be adopted in the manner as
 8948 required for small-scale amendments pursuant to s. 163.3187, is
 8949 not subject to the requirements of s. 163.3184 (4) ~~(b)~~ ~~(d)~~ ~~(3)~~ ~~(6)~~,

8950 | ~~and is exempt from the limitation on the frequency of plan~~
 8951 | ~~amendments as provided in s. 163.3187.~~

8952 | Section 67. Subsection (16) of section 420.9071, Florida
 8953 | Statutes, is amended to read:

8954 | 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
 8955 | term:

8956 | (16) "Local housing incentive strategies" means local
 8957 | regulatory reform or incentive programs to encourage or
 8958 | facilitate affordable housing production, which include at a
 8959 | minimum, assurance that permits as defined in s. 163.3164(7) ~~and~~
 8960 | ~~(8)~~ for affordable housing projects are expedited to a greater
 8961 | degree than other projects; an ongoing process for review of
 8962 | local policies, ordinances, regulations, and plan provisions
 8963 | that increase the cost of housing prior to their adoption; and a
 8964 | schedule for implementing the incentive strategies. Local
 8965 | housing incentive strategies may also include other regulatory
 8966 | reforms, such as those enumerated in s. 420.9076 or those
 8967 | recommended by the affordable housing advisory committee in its
 8968 | triennial evaluation of the implementation of affordable housing
 8969 | incentives, and adopted by the local governing body.

8970 | Section 68. Paragraph (a) of subsection (4) of section
 8971 | 420.9076, Florida Statutes, is amended to read:

8972 | 420.9076 Adoption of affordable housing incentive
 8973 | strategies; committees.—

8974 | (4) Triennially, the advisory committee shall review the
 8975 | established policies and procedures, ordinances, land
 8976 | development regulations, and adopted local government
 8977 | comprehensive plan of the appointing local government and shall

8978 recommend specific actions or initiatives to encourage or
 8979 facilitate affordable housing while protecting the ability of
 8980 the property to appreciate in value. The recommendations may
 8981 include the modification or repeal of existing policies,
 8982 procedures, ordinances, regulations, or plan provisions; the
 8983 creation of exceptions applicable to affordable housing; or the
 8984 adoption of new policies, procedures, regulations, ordinances,
 8985 or plan provisions, including recommendations to amend the local
 8986 government comprehensive plan and corresponding regulations,
 8987 ordinances, and other policies. At a minimum, each advisory
 8988 committee shall submit a report to the local governing body that
 8989 includes recommendations on, and triennially thereafter
 8990 evaluates the implementation of, affordable housing incentives
 8991 in the following areas:

8992 (a) The processing of approvals of development orders or
 8993 permits, as defined in s. 163.3164 ~~(7) and (8)~~, for affordable
 8994 housing projects is expedited to a greater degree than other
 8995 projects.

8996
 8997 The advisory committee recommendations may also include other
 8998 affordable housing incentives identified by the advisory
 8999 committee. Local governments that receive the minimum allocation
 9000 under the State Housing Initiatives Partnership Program shall
 9001 perform the initial review but may elect to not perform the
 9002 triennial review.

9003 Section 69. Subsection (1) of section 720.403, Florida
 9004 Statutes, is amended to read:

9005 720.403 Preservation of residential communities; revival

9006 of declaration of covenants.—

9007 (1) Consistent with required and optional elements of
 9008 local comprehensive plans and other applicable provisions of the
 9009 Community ~~Local Government Comprehensive Planning and Land~~
 9010 ~~Development Regulation~~ Act, homeowners are encouraged to
 9011 preserve existing residential communities, promote available and
 9012 affordable housing, protect structural and aesthetic elements of
 9013 their residential community, and, as applicable, maintain roads
 9014 and streets, easements, water and sewer systems, utilities,
 9015 drainage improvements, conservation and open areas, recreational
 9016 amenities, and other infrastructure and common areas that serve
 9017 and support the residential community by the revival of a
 9018 previous declaration of covenants and other governing documents
 9019 that may have ceased to govern some or all parcels in the
 9020 community.

9021 Section 70. Subsection (6) of section 1013.30, Florida
 9022 Statutes, is amended to read:

9023 1013.30 University campus master plans and campus
 9024 development agreements.—

9025 (6) Before a campus master plan is adopted, a copy of the
 9026 draft master plan must be sent for review or made available
 9027 electronically to the host and any affected local governments,
 9028 the state land planning agency, the Department of Environmental
 9029 Protection, the Department of Transportation, the Department of
 9030 State, the Fish and Wildlife Conservation Commission, and the
 9031 applicable water management district and regional planning
 9032 council. At the request of a governmental entity, a hard copy of
 9033 the draft master plan shall be submitted within 7 business days

9034 of an electronic copy being made available. These agencies must
 9035 be given 90 days after receipt of the campus master plans in
 9036 which to conduct their review and provide comments to the
 9037 university board of trustees. The commencement of this review
 9038 period must be advertised in newspapers of general circulation
 9039 within the host local government and any affected local
 9040 government to allow for public comment. Following receipt and
 9041 consideration of all comments and the holding of an informal
 9042 information session and at least two public hearings within the
 9043 host jurisdiction, the university board of trustees shall adopt
 9044 the campus master plan. It is the intent of the Legislature that
 9045 the university board of trustees comply with the notice
 9046 requirements set forth in s. 163.3184 (11) ~~(15)~~ to ensure full
 9047 public participation in this planning process. The informal
 9048 public information session must be held before the first public
 9049 hearing. The first public hearing shall be held before the draft
 9050 master plan is sent to the agencies specified in this
 9051 subsection. The second public hearing shall be held in
 9052 conjunction with the adoption of the draft master plan by the
 9053 university board of trustees. Campus master plans developed
 9054 under this section are not rules and are not subject to chapter
 9055 120 except as otherwise provided in this section.

9056 Section 71. Section 1013.33, Florida Statutes, are amended
 9057 to read:

9058 1013.33 Coordination of planning with local governing
 9059 bodies.—

9060 (1) It is the policy of this state to require the
 9061 coordination of planning between boards and local governing

9062 bodies to ensure that plans for the construction and opening of
9063 public educational facilities are facilitated and coordinated in
9064 time and place with plans for residential development,
9065 concurrently with other necessary services. Such planning shall
9066 include the integration of the educational facilities plan and
9067 applicable policies and procedures of a board with the local
9068 comprehensive plan and land development regulations of local
9069 governments. The planning must include the consideration of
9070 allowing students to attend the school located nearest their
9071 homes when a new housing development is constructed near a
9072 county boundary and it is more feasible to transport the
9073 students a short distance to an existing facility in an adjacent
9074 county than to construct a new facility or transport students
9075 longer distances in their county of residence. The planning must
9076 also consider the effects of the location of public education
9077 facilities, including the feasibility of keeping central city
9078 facilities viable, in order to encourage central city
9079 redevelopment and the efficient use of infrastructure and to
9080 discourage uncontrolled urban sprawl. In addition, all parties
9081 to the planning process must consult with state and local road
9082 departments to assist in implementing the Safe Paths to Schools
9083 program administered by the Department of Transportation.

9084 (2) (a) The school board, county, and nonexempt
9085 municipalities located within the geographic area of a school
9086 district shall enter into an interlocal agreement that jointly
9087 establishes the specific ways in which the plans and processes
9088 of the district school board and the local governments are to be
9089 coordinated. The interlocal agreements shall be submitted to the

9090 state land planning agency and the Office of Educational
9091 Facilities in accordance with a schedule published by the state
9092 land planning agency.

9093 (b) The schedule must establish staggered due dates for
9094 submission of interlocal agreements that are executed by both
9095 the local government and district school board, commencing on
9096 March 1, 2003, and concluding by December 1, 2004, and must set
9097 the same date for all governmental entities within a school
9098 district. However, if the county where the school district is
9099 located contains more than 20 municipalities, the state land
9100 planning agency may establish staggered due dates for the
9101 submission of interlocal agreements by these municipalities. The
9102 schedule must begin with those areas where both the number of
9103 districtwide capital-outlay full-time-equivalent students equals
9104 80 percent or more of the current year's school capacity and the
9105 projected 5-year student growth rate is 1,000 or greater, or
9106 where the projected 5-year student growth rate is 10 percent or
9107 greater.

9108 (c) If the student population has declined over the 5-year
9109 period preceding the due date for submittal of an interlocal
9110 agreement by the local government and the district school board,
9111 the local government and district school board may petition the
9112 state land planning agency for a waiver of one or more of the
9113 requirements of subsection (3). The waiver must be granted if
9114 the procedures called for in subsection (3) are unnecessary
9115 because of the school district's declining school age
9116 population, considering the district's 5-year work program
9117 prepared pursuant to s. 1013.35. The state land planning agency

9118 | may modify or revoke the waiver upon a finding that the
 9119 | conditions upon which the waiver was granted no longer exist.
 9120 | The district school board and local governments must submit an
 9121 | interlocal agreement within 1 year after notification by the
 9122 | state land planning agency that the conditions for a waiver no
 9123 | longer exist.

9124 | (d) Interlocal agreements between local governments and
 9125 | district school boards adopted pursuant to s. 163.3177 before
 9126 | the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be
 9127 | updated and executed pursuant to the requirements of subsections
 9128 | (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal
 9129 | agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must
 9130 | be submitted to the state land planning agency within 30 days
 9131 | after execution by the parties for review consistent with
 9132 | subsections (3) and (4). Local governments and the district
 9133 | school board in each school district are encouraged to adopt a
 9134 | single interlocal agreement in which all join as parties. The
 9135 | state land planning agency shall assemble and make available
 9136 | model interlocal agreements meeting the requirements of
 9137 | subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments
 9138 | and, jointly with the Department of Education, the district
 9139 | school boards of the requirements of subsections (2)-(7) ~~(2)-~~
 9140 | ~~(9)~~, the dates for compliance, and the sanctions for
 9141 | noncompliance. The state land planning agency shall be available
 9142 | to informally review proposed interlocal agreements. If the
 9143 | state land planning agency has not received a proposed
 9144 | interlocal agreement for informal review, the state land
 9145 | planning agency shall, at least 60 days before the deadline for

9146 submission of the executed agreement, renotify the local
 9147 government and the district school board of the upcoming
 9148 deadline and the potential for sanctions.

9149 (3) At a minimum, the interlocal agreement must address
 9150 interlocal agreement requirements in s. 163.31777 and, if
 9151 applicable, s. 163.3180(6)-(13)(g), except for exempt local
 9152 governments as provided in s. 163.3177(12), and must address the
 9153 following issues:

9154 (a) A process by which each local government and the
 9155 district school board agree and base their plans on consistent
 9156 projections of the amount, type, and distribution of population
 9157 growth and student enrollment. The geographic distribution of
 9158 jurisdiction-wide growth forecasts is a major objective of the
 9159 process.

9160 (b) A process to coordinate and share information relating
 9161 to existing and planned public school facilities, including
 9162 school renovations and closures, and local government plans for
 9163 development and redevelopment.

9164 (c) Participation by affected local governments with the
 9165 district school board in the process of evaluating potential
 9166 school closures, significant renovations to existing schools,
 9167 and new school site selection before land acquisition. Local
 9168 governments shall advise the district school board as to the
 9169 consistency of the proposed closure, renovation, or new site
 9170 with the local comprehensive plan, including appropriate
 9171 circumstances and criteria under which a district school board
 9172 may request an amendment to the comprehensive plan for school
 9173 siting.

9174 (d) A process for determining the need for and timing of
 9175 onsite and offsite improvements to support new construction,
 9176 proposed expansion, or redevelopment of existing schools. The
 9177 process shall address identification of the party or parties
 9178 responsible for the improvements.

9179 (e) A process for the school board to inform the local
 9180 government regarding the effect of comprehensive plan amendments
 9181 on school capacity. The capacity reporting must be consistent
 9182 with laws and rules regarding measurement of school facility
 9183 capacity and must also identify how the district school board
 9184 will meet the public school demand based on the facilities work
 9185 program adopted pursuant to s. 1013.35.

9186 (f) Participation of the local governments in the
 9187 preparation of the annual update to the school board's 5-year
 9188 district facilities work program and educational plant survey
 9189 prepared pursuant to s. 1013.35.

9190 (g) A process for determining where and how joint use of
 9191 either school board or local government facilities can be shared
 9192 for mutual benefit and efficiency.

9193 (h) A procedure for the resolution of disputes between the
 9194 district school board and local governments, which may include
 9195 the dispute resolution processes contained in chapters 164 and
 9196 186.

9197 (i) An oversight process, including an opportunity for
 9198 public participation, for the implementation of the interlocal
 9199 agreement.

9200 (4) (a) The Office of Educational Facilities shall submit
 9201 any comments or concerns regarding the executed interlocal

9202 agreement to the state land planning agency within 30 days after
9203 receipt of the executed interlocal agreement. The state land
9204 planning agency shall review the executed interlocal agreement
9205 to determine whether it is consistent with the requirements of
9206 subsection (3), the adopted local government comprehensive plan,
9207 and other requirements of law. Within 60 days after receipt of
9208 an executed interlocal agreement, the state land planning agency
9209 shall publish a notice of intent in the Florida Administrative
9210 Weekly and shall post a copy of the notice on the agency's
9211 Internet site. The notice of intent must state that the
9212 interlocal agreement is consistent or inconsistent with the
9213 requirements of subsection (3) and this subsection as
9214 appropriate.

9215 (b) The state land planning agency's notice is subject to
9216 challenge under chapter 120; however, an affected person, as
9217 defined in s. 163.3184(1)(a), has standing to initiate the
9218 administrative proceeding, and this proceeding is the sole means
9219 available to challenge the consistency of an interlocal
9220 agreement required by this section with the criteria contained
9221 in subsection (3) and this subsection. In order to have
9222 standing, each person must have submitted oral or written
9223 comments, recommendations, or objections to the local government
9224 or the school board before the adoption of the interlocal
9225 agreement by the district school board and local government. The
9226 district school board and local governments are parties to any
9227 such proceeding. In this proceeding, when the state land
9228 planning agency finds the interlocal agreement to be consistent
9229 with the criteria in subsection (3) and this subsection, the

9230 interlocal agreement must be determined to be consistent with
9231 subsection (3) and this subsection if the local government's and
9232 school board's determination of consistency is fairly debatable.
9233 When the state land planning agency finds the interlocal
9234 agreement to be inconsistent with the requirements of subsection
9235 (3) and this subsection, the local government's and school
9236 board's determination of consistency shall be sustained unless
9237 it is shown by a preponderance of the evidence that the
9238 interlocal agreement is inconsistent.

9239 (c) If the state land planning agency enters a final order
9240 that finds that the interlocal agreement is inconsistent with
9241 the requirements of subsection (3) or this subsection, the state
9242 land planning agency shall forward it to the Administration
9243 Commission, which may impose sanctions against the local
9244 government pursuant to s. 163.3184(11) and may impose sanctions
9245 against the district school board by directing the Department of
9246 Education to withhold an equivalent amount of funds for school
9247 construction available pursuant to ss. 1013.65, 1013.68,
9248 1013.70, and 1013.72.

9249 (5) If an executed interlocal agreement is not timely
9250 submitted to the state land planning agency for review, the
9251 state land planning agency shall, within 15 working days after
9252 the deadline for submittal, issue to the local government and
9253 the district school board a notice to show cause why sanctions
9254 should not be imposed for failure to submit an executed
9255 interlocal agreement by the deadline established by the agency.
9256 The agency shall forward the notice and the responses to the
9257 Administration Commission, which may enter a final order citing

9258 | the failure to comply and imposing sanctions against the local
 9259 | government and district school board by directing the
 9260 | appropriate agencies to withhold at least 5 percent of state
 9261 | funds pursuant to s. 163.3184(11) and by directing the
 9262 | Department of Education to withhold from the district school
 9263 | board at least 5 percent of funds for school construction
 9264 | available pursuant to ss. 1013.65, 1013.68, 1013.70, and
 9265 | 1013.72.

9266 | (6) Any local government transmitting a public school
 9267 | element to implement school concurrency pursuant to the
 9268 | requirements of s. 163.3180 before the effective date of this
 9269 | section is not required to amend the element or any interlocal
 9270 | agreement to conform with the provisions of subsections (2)-(6)
 9271 | ~~(2)-(8)~~ if the element is adopted prior to or within 1 year
 9272 | after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and
 9273 | remains in effect.

9274 | ~~(7) Except as provided in subsection (8), municipalities~~
 9275 | ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 9276 | ~~from the requirements of subsections (2), (3), and (4).~~

9277 | ~~(8) At the time of the evaluation and appraisal report,~~
 9278 | ~~each exempt municipality shall assess the extent to which it~~
 9279 | ~~continues to meet the criteria for exemption under s.~~
 9280 | ~~163.3177(12). If the municipality continues to meet these~~
 9281 | ~~criteria, the municipality shall continue to be exempt from the~~
 9282 | ~~interlocal agreement requirement. Each municipality exempt under~~
 9283 | ~~s. 163.3177(12) must comply with the provisions of subsections~~
 9284 | ~~(2)-(8) within 1 year after the district school board proposes,~~
 9285 | ~~in its 5-year district facilities work program, a new school~~

9286 ~~within the municipality's jurisdiction.~~

9287 (7)~~(9)~~ A board and the local governing body must share and
9288 coordinate information related to existing and planned school
9289 facilities; proposals for development, redevelopment, or
9290 additional development; and infrastructure required to support
9291 the school facilities, concurrent with proposed development. A
9292 school board shall use information produced by the demographic,
9293 revenue, and education estimating conferences pursuant to s.
9294 216.136 when preparing the district educational facilities plan
9295 pursuant to s. 1013.35, as modified and agreed to by the local
9296 governments, when provided by interlocal agreement, and the
9297 Office of Educational Facilities, in consideration of local
9298 governments' population projections, to ensure that the district
9299 educational facilities plan not only reflects enrollment
9300 projections but also considers applicable municipal and county
9301 growth and development projections. The projections must be
9302 apportioned geographically with assistance from the local
9303 governments using local government trend data and the school
9304 district student enrollment data. A school board is precluded
9305 from siting a new school in a jurisdiction where the school
9306 board has failed to provide the annual educational facilities
9307 plan for the prior year required pursuant to s. 1013.35 unless
9308 the failure is corrected.

9309 (8)~~(10)~~ The location of educational facilities shall be
9310 consistent with the comprehensive plan of the appropriate local
9311 governing body developed under part II of chapter 163 and
9312 consistent with the plan's implementing land development
9313 regulations.

9314 (9)~~(11)~~ To improve coordination relative to potential
 9315 educational facility sites, a board shall provide written notice
 9316 to the local government that has regulatory authority over the
 9317 use of the land consistent with an interlocal agreement entered
 9318 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior
 9319 to acquiring or leasing property that may be used for a new
 9320 public educational facility. The local government, upon receipt
 9321 of this notice, shall notify the board within 45 days if the
 9322 site proposed for acquisition or lease is consistent with the
 9323 land use categories and policies of the local government's
 9324 comprehensive plan. This preliminary notice does not constitute
 9325 the local government's determination of consistency pursuant to
 9326 subsection (10) ~~(12)~~.

9327 (10)~~(12)~~ As early in the design phase as feasible and
 9328 consistent with an interlocal agreement entered pursuant to
 9329 subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before
 9330 commencing construction, the district school board shall in
 9331 writing request a determination of consistency with the local
 9332 government's comprehensive plan. The local governing body that
 9333 regulates the use of land shall determine, in writing within 45
 9334 days after receiving the necessary information and a school
 9335 board's request for a determination, whether a proposed
 9336 educational facility is consistent with the local comprehensive
 9337 plan and consistent with local land development regulations. If
 9338 the determination is affirmative, school construction may
 9339 commence and further local government approvals are not
 9340 required, except as provided in this section. Failure of the
 9341 local governing body to make a determination in writing within

9342 90 days after a district school board's request for a
 9343 determination of consistency shall be considered an approval of
 9344 the district school board's application. Campus master plans and
 9345 development agreements must comply with the provisions of ss.
 9346 1013.30 and 1013.63.

9347 (11)~~(13)~~ A local governing body may not deny the site
 9348 applicant based on adequacy of the site plan as it relates
 9349 solely to the needs of the school. If the site is consistent
 9350 with the comprehensive plan's land use policies and categories
 9351 in which public schools are identified as allowable uses, the
 9352 local government may not deny the application but it may impose
 9353 reasonable development standards and conditions in accordance
 9354 with s. 1013.51(1) and consider the site plan and its adequacy
 9355 as it relates to environmental concerns, health, safety and
 9356 welfare, and effects on adjacent property. Standards and
 9357 conditions may not be imposed which conflict with those
 9358 established in this chapter or the Florida Building Code, unless
 9359 mutually agreed and consistent with the interlocal agreement
 9360 required by subsections (2)-(6) ~~(2)-(8)~~.

9361 (12)~~(14)~~ This section does not prohibit a local governing
 9362 body and district school board from agreeing and establishing an
 9363 alternative process for reviewing a proposed educational
 9364 facility and site plan, and offsite impacts, pursuant to an
 9365 interlocal agreement adopted in accordance with subsections (2)-
 9366 (6) ~~(2)-(8)~~.

9367 (13)~~(15)~~ Existing schools shall be considered consistent
 9368 with the applicable local government comprehensive plan adopted
 9369 under part II of chapter 163. If a board submits an application

9370 to expand an existing school site, the local governing body may
 9371 impose reasonable development standards and conditions on the
 9372 expansion only, and in a manner consistent with s. 1013.51(1).
 9373 Standards and conditions may not be imposed which conflict with
 9374 those established in this chapter or the Florida Building Code,
 9375 unless mutually agreed. Local government review or approval is
 9376 not required for:

9377 (a) The placement of temporary or portable classroom
 9378 facilities; or

9379 (b) Proposed renovation or construction on existing school
 9380 sites, with the exception of construction that changes the
 9381 primary use of a facility, includes stadiums, or results in a
 9382 greater than 5 percent increase in student capacity, or as
 9383 mutually agreed upon, pursuant to an interlocal agreement
 9384 adopted in accordance with subsections (2)-(6)~~(8)~~.

9385 Section 72. Paragraph (b) of subsection (2) of section
 9386 1013.35, Florida Statutes, is amended to read:

9387 1013.35 School district educational facilities plan;
 9388 definitions; preparation, adoption, and amendment; long-term
 9389 work programs.—

9390 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 9391 FACILITIES PLAN.—

9392 (b) The plan must also include a financially feasible
 9393 district facilities work program for a 5-year period. The work
 9394 program must include:

9395 1. A schedule of major repair and renovation projects
 9396 necessary to maintain the educational facilities and ancillary
 9397 facilities of the district.

9398 2. A schedule of capital outlay projects necessary to
 9399 ensure the availability of satisfactory student stations for the
 9400 projected student enrollment in K-12 programs. This schedule
 9401 shall consider:

9402 a. The locations, capacities, and planned utilization
 9403 rates of current educational facilities of the district. The
 9404 capacity of existing satisfactory facilities, as reported in the
 9405 Florida Inventory of School Houses must be compared to the
 9406 capital outlay full-time-equivalent student enrollment as
 9407 determined by the department, including all enrollment used in
 9408 the calculation of the distribution formula in s. 1013.64.

9409 b. The proposed locations of planned facilities, whether
 9410 those locations are consistent with the comprehensive plans of
 9411 all affected local governments, and recommendations for
 9412 infrastructure and other improvements to land adjacent to
 9413 existing facilities. The provisions of ss. 1013.33(10), (11),
 9414 and (12), ~~(13), and (14)~~ and 1013.36 must be addressed for new
 9415 facilities planned within the first 3 years of the work plan, as
 9416 appropriate.

9417 c. Plans for the use and location of relocatable
 9418 facilities, leased facilities, and charter school facilities.

9419 d. Plans for multitrack scheduling, grade level
 9420 organization, block scheduling, or other alternatives that
 9421 reduce the need for additional permanent student stations.

9422 e. Information concerning average class size and
 9423 utilization rate by grade level within the district which will
 9424 result if the tentative district facilities work program is
 9425 fully implemented.

9426 f. The number and percentage of district students planned
9427 to be educated in relocatable facilities during each year of the
9428 tentative district facilities work program. For determining
9429 future needs, student capacity may not be assigned to any
9430 relocatable classroom that is scheduled for elimination or
9431 replacement with a permanent educational facility in the current
9432 year of the adopted district educational facilities plan and in
9433 the district facilities work program adopted under this section.
9434 Those relocatable classrooms clearly identified and scheduled
9435 for replacement in a school-board-adopted, financially feasible,
9436 5-year district facilities work program shall be counted at zero
9437 capacity at the time the work program is adopted and approved by
9438 the school board. However, if the district facilities work
9439 program is changed and the relocatable classrooms are not
9440 replaced as scheduled in the work program, the classrooms must
9441 be reentered into the system and be counted at actual capacity.
9442 Relocatable classrooms may not be perpetually added to the work
9443 program or continually extended for purposes of circumventing
9444 this section. All relocatable classrooms not identified and
9445 scheduled for replacement, including those owned, lease-
9446 purchased, or leased by the school district, must be counted at
9447 actual student capacity. The district educational facilities
9448 plan must identify the number of relocatable student stations
9449 scheduled for replacement during the 5-year survey period and
9450 the total dollar amount needed for that replacement.

9451 g. Plans for the closure of any school, including plans
9452 for disposition of the facility or usage of facility space, and
9453 anticipated revenues.

9454 h. Projects for which capital outlay and debt service
 9455 funds accruing under s. 9(d), Art. XII of the State Constitution
 9456 are to be used shall be identified separately in priority order
 9457 on a project priority list within the district facilities work
 9458 program.

9459 3. The projected cost for each project identified in the
 9460 district facilities work program. For proposed projects for new
 9461 student stations, a schedule shall be prepared comparing the
 9462 planned cost and square footage for each new student station, by
 9463 elementary, middle, and high school levels, to the low, average,
 9464 and high cost of facilities constructed throughout the state
 9465 during the most recent fiscal year for which data is available
 9466 from the Department of Education.

9467 4. A schedule of estimated capital outlay revenues from
 9468 each currently approved source which is estimated to be
 9469 available for expenditure on the projects included in the
 9470 district facilities work program.

9471 5. A schedule indicating which projects included in the
 9472 district facilities work program will be funded from current
 9473 revenues projected in subparagraph 4.

9474 6. A schedule of options for the generation of additional
 9475 revenues by the district for expenditure on projects identified
 9476 in the district facilities work program which are not funded
 9477 under subparagraph 5. Additional anticipated revenues may
 9478 include effort index grants, SIT Program awards, and Classrooms
 9479 First funds.

9480 Section 73. Rules 9J-5 and 9J-11.023, Florida
 9481 Administrative Code, are repealed, and the Department of State

9482 is directed to remove those rules from the Florida
9483 Administrative Code.

9484 Section 74. (1) Any permit or any other authorization
9485 that was extended beyond January 1, 2012, under section 14 of
9486 chapter 2009-96, Laws of Florida, as reauthorized by section 47
9487 of chapter 2010-147, Laws of Florida, and was ineligible for the
9488 permit extension granted by section 46 of chapter 2010-147, Laws
9489 of Florida, solely because of its extended expiration date, is
9490 extended and renewed for an additional period of 2 years after
9491 its previously scheduled expiration date. This extension is in
9492 addition to the 2-year permit extension provided under section
9493 14 of chapter 2009-96, Laws of Florida. This section does not
9494 prohibit conversion from the construction phase to the operation
9495 phase upon completion of construction.

9496 (2) The commencement and completion dates for any required
9497 mitigation associated with a phased construction project shall
9498 be extended such that mitigation takes place in the same
9499 timeframe relative to the phase as originally permitted.

9500 (3) The holder of a valid permit or other authorization
9501 that is eligible for the 2-year extension shall notify the
9502 authorizing agency in writing by December 31, 2011, identifying
9503 the specific authorization for which the holder intends to use
9504 the extension and the anticipated timeframe for acting on the
9505 authorization.

9506 (4) The extension provided for in subsection (1) does not
9507 apply to:

9508 (a) A permit or other authorization under any programmatic
 9509 or regional general permit issued by the Army Corps of
 9510 Engineers.

9511 (b) A permit or other authorization held by an owner or
 9512 operator determined to be in significant noncompliance with the
 9513 conditions of the permit or authorization as established through
 9514 the issuance of a warning letter or notice of violation, the
 9515 initiation of formal enforcement, or other equivalent action by
 9516 the authorizing agency.

9517 (c) A permit or other authorization, if granted an
 9518 extension, that would delay or prevent compliance with a court
 9519 order.

9520 (5) Permits extended under this section shall continue to
 9521 be governed by rules in effect at the time the permit was
 9522 issued, except if it is demonstrated that the rules in effect at
 9523 the time the permit was issued would create an immediate threat
 9524 to public safety or health. This subsection applies to any
 9525 modification of the plans, terms, and conditions of the permit
 9526 that lessens the environmental impact, except that any such
 9527 modification may not extend the time limit beyond 2 additional
 9528 years.

9529 (6) This section does not impair the authority of a county
 9530 or municipality to require the owner of a property that has
 9531 notified the county or municipality of the owner's intention to
 9532 receive the extension of time granted pursuant to this section
 9533 to maintain and secure the property in a safe and sanitary
 9534 condition in compliance with applicable laws and ordinances.

9535 Section 75. (1) The state land planning agency, within 60
 9536 days after the effective date of this act, shall review any
 9537 administrative or judicial proceeding filed by the agency and
 9538 pending on the effective date of this act to determine whether
 9539 the issues raised by the state land planning agency are
 9540 consistent with the revised provisions of part II of chapter
 9541 163, Florida Statutes. For each proceeding, if the agency
 9542 determines that issues have been raised that are not consistent
 9543 with the revised provisions of part II of chapter 163, Florida
 9544 Statutes, the agency shall dismiss the proceeding. If the state
 9545 land planning agency determines that one or more issues have
 9546 been raised that are consistent with the revised provisions of
 9547 part II of chapter 163, Florida Statutes, the agency shall amend
 9548 its petition within 30 days after the determination to plead
 9549 with particularity as to the manner in which the plan or plan
 9550 amendment fails to meet the revised provisions of part II of
 9551 chapter 163, Florida Statutes. If the agency fails to timely
 9552 file such amended petition, the proceeding shall be dismissed.

9553 (2) In all proceedings that were initiated by the state
 9554 land planning agency before the effective date of this act, and
 9555 continue after that date, the local government's determination
 9556 that the comprehensive plan or plan amendment is in compliance
 9557 is presumed to be correct, and the local government's
 9558 determination shall be sustained unless it is shown by a
 9559 preponderance of the evidence that the comprehensive plan or
 9560 plan amendment is not in compliance.

9561 Section 76. All local governments shall be governed by the
 9562 revised provisions of s. 163.3191, Florida Statutes,

9563 notwithstanding a local government's previous failure to timely
9564 adopt its evaluation and appraisal report or evaluation and
9565 appraisal report-based amendments by the due dates established
9566 in Rule 9J-42, Florida Administrative Code.

9567 Section 77. The Division of Statutory Revision is directed
9568 to replace the phrase "the effective date of this act" wherever
9569 it occurs in this act with the date this act becomes a law.

9570 Section 78. This act shall take effect upon becoming a
9571 law.