HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
F.S. Section	***Summary***	***HB Section, Page #***
163.3161 (1), *Title of Act*	Changes title to "Community Planning Act"	Section 4, Line 223-225
163.3161 (3), (10), (11) and (12), *Intent and Purpose*	Focuses state role in growth management on protecting the functions of state resources and facilities. Expands recognition of property rights to include actions that constitute an inordinate burden, as defined s. 70.001 (3)(e) and (f). Adds recognition of traditional economic base of Florida to include agriculture, tourism, and military; encourage economic diversification, workforce development and community planning. Local government comprehensive plans found in compliance need *not* be amended to implement new statutory requirements until next EAR, unless otherwise specified in law. However, new plan amendments must comply with the requirements.	Section 4, Lines 234-236, 290-306, 307-311 and 312-318
163.3162 (4) *Agricultural Enclaves*	Agricultural enclaves are presumed not to be urban sprawl as defined in 163.3164, if land uses and their intensities are consistent with industrial, commercial and residential areas that surround the parcel.	Section 5, Lines 326-382
163.3164, *Definitions*	Revises numerous definitions such as "sector plan", "public facilities" and "urban service area." Adds new definitions for "new town", "transit-oriented development" (TOD), "adaptation action area", "antiquated subdivision", "internal trip capture", "level of service", "capital improvement", "deepwater ports", "seasonal population", and "urban sprawl" Deletes "financial feasibility" and "DULA" definition. Note: DULA definition modified in Ch 380.06 – DRI exemption continues in DULAs.	Section 6, Lines 385 - 735
163.3167(8), former (11) deleted, *Scope of Act* ***(see also 163.3177, former (13) deleted)***	Deletes visioning; prohibits referendum requirements for plan amendments or development orders.	Section 7, Lines 844-869, 870-873 (See also Section 12, Lines 2875-2951)
163.3168 (1) - (3), *Planning*	Encourages local governments to use a range of innovative planning tools to	Section 8, Lines 897-921

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
Innovations and Technical Assistance	promote a diverse economy, protect environmentally sensitive areas, and meet the needs of urban, rural and suburban areas, e.g., visioning, sector planning, rural lands stewardship areas (RLSA), urban service areas, urban growth boundaries, mixed use, high density in urban areas. State agencies are directed to provide assistance, upon request. State Land Planning Agency (SLPA) -*formerly DCA, now new Division with Department of Economic Opportunity* - is to coordinate state assistance regarding plan amendments that will "adversely impact" important state facilities and resources.	
163.3177 (1) and (2), former (12) deleted, *Required and Optional Elements*	Substantially rewritten to incorporate provisions of 9J-5 regarding content requirements, including: • Plans are to contain goals, objective and policies • Meaningful and predictable standards for development and to guide content of LDRs • Procedures for monitoring, evaluating implementation of plan • Based on relevant and appropriate data and analysis, data based on professionally accepted sources and methods • Allows use of BEBR medium range population projections or locally generated projections based on professionally accepted methods • Plans must be based on minimum amount of land to accommodate BEBR medium projections for at least 10 year planning period Requires local governments to continue meaningful comprehensive planning process Comprehensive plan must consist of mandatory elements and may include optional ones. *Mandatory elements include:* • *capital improvements,* • *future land use,* • *transportation,* • *infrastructure (potable water, sanitary sewer, storm water, aquifer recharge)* • *conservation,* • *recreation and open space,*	Section 12, Lines 1050-1152, 2741 -2874

DRAFT

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
	• *housing,* • *coastal management for coastal areas,* • *intergovernmental coordination* Deletes public schools facilities element. *Preserves principles for availability of public facilities and services within comprehensive plan elements.*	
163.3177(3), *Capital Improvements Element*	Requires federal, state and local projects to be identified in the schedule of improvements including those for which the local government has <u>*no*</u> fiscal responsibility. Projects required for achieving and maintaining adopted level of service standards are to be identified as funded or unfunded and given a level priority for funding. Deletes financial feasibility related provisions, sanctions and allows updates to the capital improvements schedule by ordinance rather than plan amendment.	Section 12, Lines 1153-1269
163.3177(6)(a), *Future Land Use Element*	The element and plan amendments are to be based on data and analysis of the availability of facilities and services and must include criteria to coordinate future land uses with the availability of facilities and service; the need to modify land uses within antiquated subdivisions. Plans and amendments must discourage urban sprawl, includes 13 indicators of sprawl, discourages sprawl if incorporates 4 or more urban form strategies of 8 listed, including • promotes the efficient and cost effective extension of public facilities and services; • promotes walkable and connected communities, compact development and mix of uses at densities/intensities that support walking, biking and transit; • provides for innovative development patterns such New Towns or TODs Deletes HB 697 requirements for energy efficient land use patterns and reducing GHGs. Adds mapping requirements formerly included in Rule 9J-5 such as mapping of TCEA, TCM or MMTD, if applicable	Section 12, Lines 1303 - 1559

DRAFT

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
163.3177(6)(b), *Transportation Element*	Purpose is for planning for a multimodal transportation system coordinated with future land use, must address system needs, level of service and availability of transportation facilities and services, correcting existing deficiencies and meeting identified needs. Local governments within MPO must address all modes of travel (including public transportation, pedestrian and bicycle travel); airports and aviation development, rail, seaports, access to facilities and intermodal terminals; compatibility around airports; land uses to promote public transportation; evacuation of coastal population. Local governments *not* within MPO are only required to address traffic circulation, transit, ports and aviation. Local governments *not* within MPO and with population of 50,000 or less only address traffic circulation. Municipalities greater than 50,000 and counties greater than 75,000 must in addition to traffic circulation must address public transit, ports and aviation, and recreational traffic. Local governments may address airports and aviation development by incorporating airport master plans and must address land use compatibility, be consistent with transportation element and MPO long range plan; aviation related development addressed In the airport master plan is not a DRI, and existing DRIs no longer a DRI by this provision can rescind their DRI development order.	Section 12, Lines 1560-1682
163.3177(6)(g), *Coastal Management*	Coastal Management allows for including an adaptation action plan in the coastal mgt element to improve resilience of areas experiencing coastal flooding due to high tides, storm surge or are vulnerable to sea level rise.	Section 12, Lines 1973-1986

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
163.3177(6)(h), *Intergovernmental Coordination*	Deletes references to campus master plans and airport master plans. Must include coordination mechanisms to address impacts in adjacent jurisdictions. Plans must ensure coordination in establishing level of service standards with state, regional or local entities having responsibility for such facilities.	Section 12, Lines 2060-2072
163.3180, *Concurrency*	Deletes transportation, schools, parks and recreation facilities from concurrency – requires plan amendment to rescind existing requirements which is *not* subject to state review. Allows optional concurrency for other public facilities. For optional concurrency, must provide standards to guide application, including adopted level of service standards that can be reasonably met and must establish a concurrency management system. Deletes transportation concurrency exemptions, alternatives (TMAs, LTCMS) and multi-modal transportation district provisions. Includes specific requirements for optional transportation concurrency e.g. • locals are encouraged to develop techniques to address negative impacts of transportation concurrency on future development, such as, urban infill, de-minimus impacts, • locals are encouraged to develop tools that complement its application, such as, exemptions for desired development, multimodal strategies, area-wide LOS, reduced fees, • locals are encouraged to adopt common methodologies for measuring impacts on transportation facilities, • locals must consult with FDOT on SIS, • exempts public transit facilities from transportation concurrency, • allow DRIs and other development orders to use of prop share to meet concurrency	Section 15, Lines 3350-3377, 3456-3533, 3621-4003, 4521-4536
163.3180, *Proportionate Share Mitigation*	Modifies the calculation of proportionate share formula to specify the developer does not pay for improvements needed for deficient roads.	Section 15, Lines 3557 -3620, 4423 – 4520

DRAFT

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
	Assumes improvements needed to correct current or projected deficiencies are in place. There is no distinction between prop share and prop fair share. Deletes the requirement to adopt an ordinance for assessing prop fair share mitigation option.	
163.3182, *Transportation Sufficiency Plans*	Replaces transportation "backlogs" with "deficiencies" and provides for transportation "sufficiency" plans to be adopted within 6 months of creating a transportation development authority to eliminate within 10 years all identified transportation deficiencies using authorized funds.	Section 16, 4541 - 4775
163.3184, *Process for Comprehensive Plan and Plan Amendment Adoption*	Specifies reviewing agencies, which includes FDOT and State Land Planning Agency (new Division with Department of Economic Opportunity, formerly DCA) Existing review process (now called *state coordinated review*) retained for specified amendments including: • ACSC amendments, • Sector plans, • RLSA, • EAR amendments, and • New plans for newly incorporated cities. Small scale amendments follow the *small scale amendments* process. All other amendments follow the *expedited review* process. Under expedited review state agencies only comment on *important state resources and facilities* that will be adversely impacted by the amendment, if adopted. FDOT comments are specifically limited to issues within the agency's jurisdiction as it relates to transportation resources and facilities of statewide importance.	Section 17
163.3184, *Expedited Review*	Summary of *Expedited Review* process • Local governments hold public hearing must transit to review agencies within 10 days (includes State Land Planning Agency (SLPA), FDOT and others) • Review agencies have 30 days to comment from receipt of amendment • Local governments must adopt within 180 days or deemed withdrawn	Section 17

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
	(timeframe may be extended by agreement and notice to SLPA) • Adopted amendment must be transmitted to SLPA w/in 10 days of public hearing adopting the amendment • SLPA has 5 days to review for completeness • Within 30 days of SLPA determining the amendment is complete, SLPA or affected person may challenge (there is no notice of intent issued no compliance review by SLPA) • Plan amendment takes effect w/in 31 days, unless challenged • If amendment challenged, takes effect upon issuance of final order finding amendment in compliance • Affected person (FDOT challenge), local government determination is fairly debatable • SLPA challenge, local government determination is presumed correct unless shown by preponderance of evidence the amendment is not in compliance • Local government determination that elements are consistent with each other is sustained if fairly debatable • Challenges filed by SLPA determining adverse impacts to important state resources or facilities must be proved by clear and convincing evidence • Administrative law judge must issue Recommended Order to SLPA within 45 days • If SLPA determines amendment not in compliance must go to Administration Commission • If SLPA determines amendment in compliance, DCA issued Final Order within 30 days of receipt of Recommended Order • May enter into compliance agreements	
163.3187, *Small Scale Amendments*	Process remains the same, but some requirements are modified, including: • deletes density cap, • allows text amendments that directly relate to a small scale map amendment, and • removes the prohibition on using the small scale amendment process where the same property owner is granted a change in last 12 months or where the same owner has property within 200 ft and was granted a	Section 18, Lines

DRAFT

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
	small scale amendment in the last 12 months. The SLPA may *not* intervene in small scale amendment challenges. This section also eliminates the twice per year limitation on plan amendments.	
163.3191, *Evaluation and Appraisal Reports (EAR)*	Reduces current requirements (e.g., EAR sufficiency review deleted). Local governments evaluate once every 7 years whether changes to the plan are needed to reflect changes in the state requirements since the last update of the plan and notify the state land planning agency of their assessment. If they determine changes are needed, within 1 year must transit the EAR amendment for review. If the local government fails to notify the state land planning agency, or fails to update the plan, as may be required, may not amend the plan	Section 20, Lines 6224 - 6246
163. 324*, Optional Sector Plans*	Removes pilot program and establishes 15,000 acre minimum on sector plans; expands criteria for eligibility and the scope of the process; SLPA must consult with FDOT, the applicable MPO and any urban transit agency during review of long-term master plan. The consultation addresses the location, capacity, design and phasing or staging of major transportation facilities. The detailed specific area plan, approved by local development order, must be consistent with the long term master plan and a copy is rendered to the SLPA which may be appealed if they allege it is inconsistent with the long term master plan. Aggrieved or adversely affected parties may challenge the development order in circuit court s. 163.3215. MPO long range plans are to be consistent, to the maximum extent possible, with the long term master plan.	Section 28
163.32465, Alternative State Review	Repealed	Section 30, Lines 7153-7154
163.3247, *Century Commission*	Abolishes the Century Commission effective 30 June 2013	Section 31, Lines 7155-7159

DRAFT

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
163.3248, *Rural Land Stewardship Areas (RLSA)*	Modifies the provisions governing RLSAs (e.g., eliminates DCA agreement requirement, create RLSA overlay zoning district by local ordinance); FDOT is added to the list of agencies providing technical assistance. Eliminates requirement for entering into an agreement to mitigate impacts to SIS for RLSAs.	Section 32
380.06, *Development of Regional Impact*	Retains DRI exemption and adds new language from SB 360 for DULAs; projects are exempt if 85% of the acreage and square footage lies within DULA exemption area. Creates new DRI exemptions: industrial, hotel, mining and any land use not listed with a DRI threshold. Increases substantial deviation thresholds for attractions, commercial and office land uses. If the local government agrees, may file a proposed change to recalculate prop share mitigation based on new formula. Shall be presumed not to create a substantial deviation and shall not be considered as an additional regional impact. Locals may deny change based on local issues. Amends criteria under aggregation test (when 2 are reviewed as a single development) – voluntary sharing of infrastructure for a unified development plan is deleted Doubles essentially built out threshold for abandonment of DRIs – un built development must be less than 40% of the applicable threshold (previously 20%) Provides 4 year extension for commencement, phase, built out and expiration dates, regardless of previous extension; requires developer notice to local government	Section 54, Lines
New Section, Review of Administrative and Judicial Proceedings	Provides 60 days for State Land Planning Agency to review pending cases and 30 days to dismiss or amend petition based on revised provisions of this act.	Section 74, Lines 9454 - 9570

HB 7207 Enrolled (2nd Engrossed) Chapter No. 2011-139 Transportation Summary		
New Section, *FDOT Report on Proportionate Share*	Provides for an FDOT report to Florida Legislature by December 15, 2011, on recommended changes or alternative to proportionate share as defined in statute. The recommendations are to be designed to ensure development contributions are assessed in a predictable, equitable, and fair manner and developed in consultation with developers and local governments.	Section 77, Lines 9584 -9595
New Sections, *Permit Extension*	Permit Extensions - Renews permit extensions provided for in HB 7001 (Ch 2010-147) reenactment of SB 360 (Ch 2009-96). Provides an additional 2 year extension for WMD, DEP, local government development orders and concurrency certificates. This is in addition to previous extension provided in Section 74, but not to exceed 4 years. Does not apply to extensions granted under 380.06(19)(c)2.	Section 73, Lines Section 79, Lines 9601 - 9659
Effective Date	Upon becoming law – June 2, 2011	Sections 80-81, Lines 9660-9664

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