

HOUSE AMENDMENT

Bill No. HB 1865 CS

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

A

Representative(s) Johnson offered the following:

Substitute Amendment for Amendment (699673) (with title amendment)

Remove the entire body and insert:

Section 1. Popular name.--This act may be cited as the "Sustainable Florida Act of 2005."

Section 2. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

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

(32) "Financial feasibility" means sufficient revenues are currently available or will be available from committed or planned funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal

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16 funds, tax revenues, impact fees, and developer contributions,
17 which are adequate to fund the projected costs of the capital
18 improvements and as otherwise identified within this act
19 necessary to ensure that adopted level-of-service standards are
20 achieved and maintained within the 5-year schedule of capital
21 improvements.

22 Section 3. Section 163.3172, Florida Statutes, is created
23 to read:

24 163.3172 Urban infill and redevelopment.--In recognition
25 that urban infill and redevelopment is a high state priority,
26 the Legislature determines that local governments should not
27 adopt charter provisions, ordinances, or land development
28 regulations that discourage this state priority, unless the
29 charter provisions, ordinances, or land development regulations
30 are to limit impacts to coastal high-hazard areas, historic
31 districts, or aviation operations. Higher density urban
32 development is appropriate in urban core areas and should be
33 encouraged in such areas. Conversely, it is appropriate to
34 discourage greater height and density as a development form in
35 areas outside the urban core where such development forms are
36 incompatible with existing land uses. Notwithstanding chapters
37 125 and 163, any existing or future charter county charter
38 provision, ordinance, land development regulation, or countywide
39 special act that governs the use, development, or redevelopment
40 of land shall not be effective within any municipality of the
41 county unless the charter provision, ordinance, land development
42 regulation, or countywide special act is approved by a majority

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43 vote of the municipality's governing board or is approved by a
44 majority vote of the county's governing board for placement on
45 the ballot as a countywide referendum and:

46 (1) The ballot form includes a ballot summary of the
47 measure being voted on, which has been agreed to by the
48 municipalities of the county, in addition to any other
49 requirements of law. If no agreement on the ballot summary
50 language is reached with the municipalities of the county, the
51 ballot form shall also contain an estimate, as created by the
52 municipalities, individually, or if desired by the
53 municipalities, cumulatively, of the fiscal impact of the
54 measure
55 upon the municipality.

56 (2) The referendum is approved by a majority vote of the
57 electors of the county voting in the referendum.

58 Existing charter provisions and countywide special acts that
59 have been approved by referendum prior to the effective date of
60 this act must be readopted in accordance with this section in
61 order to apply within a municipality. However, any existing
62 charter county charter provision that has established a rural
63 boundary as delineated on a rural boundary map shall not be
64 required to have the charter provision readopted in accordance
65 with this section and shall continue to apply within
66 municipalities of the charter county. In the event of a conflict
67 between a countywide ordinance and a municipal ordinance within
68 a charter county that regulates expressive conduct, the more
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70 restrictive ordinance shall govern. In addition, the
71 requirements of this section restricting charter county charter
72 provisions, ordinances, or land development regulations
73 concerning building height restrictions shall not apply within
74 any areas of critical state concern designated pursuant to s.
75 380.05-380.0555.

76 Section 4. Subsection (3), paragraphs (a), (b), (c), and
77 (h) of subsection (6), paragraph (d) of subsection (11), and
78 subsection (12) of section 163.3177, Florida Statutes, are
79 amended, and subsection (13) is added to said section, to read:
80 163.3177 Required and optional elements of comprehensive
81 plan; studies and surveys.--

82 (3)(a) The comprehensive plan shall contain a capital
83 improvements element designed to consider the need for and the
84 location of public facilities in order to encourage the
85 efficient utilization of such facilities and set forth:

86 1. A component which outlines principles for construction,
87 extension, or increase in capacity of public facilities, as well
88 as a component which outlines principles for correcting existing
89 public facility deficiencies, which are necessary to implement
90 the comprehensive plan. The components shall cover at least a 5-
91 year period.

92 2. Estimated public facility costs, including a
93 delineation of when facilities will be needed, the general
94 location of the facilities, and projected revenue sources to
95 fund the facilities.

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