

1                                   A bill to be entitled  
2           An act relating to the Everglades Protection Area;  
3           amending s. 163.3184, F.S.; requiring proposed  
4           comprehensive plans and plan amendments that apply to  
5           certain lands within or near the Everglades Protection  
6           Area to follow the state coordinated review process;  
7           providing duties of the Department of Environmental  
8           Protection relating to such plans and plan amendments;  
9           providing a condition for the adoption of such plans  
10          and plan amendments upon a certain determination by  
11          the department; requiring local governments to  
12          transmit certain comprehensive plan amendments to the  
13          department within a specified timeframe; revising the  
14          scope of the state land planning agency's compliance  
15          determination relating to such plans and plan  
16          amendments; amending s. 163.3187, F.S.; providing an  
17          additional condition for the adoption of site-specific  
18          text changes for small scale future land use map  
19          amendments; requiring local governments whose  
20          boundaries include any portion of the Everglades  
21          Protection Area to transmit a copy of adopted small  
22          scale development amendments to the state land  
23          planning agency within a specified timeframe; amending  
24          s. 420.615, F.S.; conforming a cross-reference;  
25          providing an effective date.

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

Section 1. Paragraph (a) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraph (b) of subsection (5), and paragraph (a) of subsection (11) of section 163.3184, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

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

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

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

(d) Proposed plans and plan amendments that apply to any land within, or within 2 miles of, the Everglades Protection Area as defined in s. 373.4592(2) must follow the state coordinated review process in subsection (4).

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

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b), (c), and (d) ~~(2)(b) and (c)~~ and shall be applicable statewide.

(4) STATE COORDINATED REVIEW PROCESS.—

51 (a) Coordination.—The state land planning agency shall  
52 only use the state coordinated review process described in this  
53 subsection for review of comprehensive plans and plan amendments  
54 described in paragraphs (2) (c) and (d) ~~paragraph (2) (e)~~. Each  
55 comprehensive plan or plan amendment proposed to be adopted  
56 pursuant to this subsection shall be transmitted, adopted, and  
57 reviewed in the manner prescribed in this subsection. The state  
58 land planning agency shall have responsibility for plan review,  
59 coordination, and the preparation and transmission of comments,  
60 pursuant to this subsection, to the local governing body  
61 responsible for the comprehensive plan or plan amendment.

62 (b) Local government transmittal of proposed plan or  
63 amendment.—Each local governing body proposing a plan or plan  
64 amendment specified in paragraph (2) (c) or paragraph (2) (d)  
65 shall transmit the complete proposed comprehensive plan or plan  
66 amendment to the reviewing agencies within 10 working days after  
67 the first public hearing pursuant to subsection (11). The  
68 transmitted document shall clearly indicate on the cover sheet  
69 that this plan amendment is subject to the state coordinated  
70 review process of this subsection. The local governing body  
71 shall also transmit a copy of the complete proposed  
72 comprehensive plan or plan amendment to any other unit of local  
73 government or government agency in the state that has filed a  
74 written request with the governing body for the plan or plan  
75 amendment.

76 (c) Reviewing agency comments.—Except as provided in  
 77 paragraph (d), the agencies specified in paragraph (b) may  
 78 provide comments regarding the plan or plan amendments in  
 79 accordance with subparagraphs (3) (b)2.-4. However, comments on  
 80 plans or plan amendments required to be reviewed under the state  
 81 coordinated review process shall be sent to the state land  
 82 planning agency within 30 days after receipt by the state land  
 83 planning agency of the complete proposed plan or plan amendment  
 84 from the local government. If the state land planning agency  
 85 comments on a plan or plan amendment adopted under the state  
 86 coordinated review process, it shall provide comments according  
 87 to paragraph (e) ~~(d)~~. Any other unit of local government or  
 88 government agency specified in paragraph (b) may provide  
 89 comments to the state land planning agency in accordance with  
 90 subparagraphs (3) (b)2.-4. within 30 days after receipt by the  
 91 state land planning agency of the complete proposed plan or plan  
 92 amendment. Written comments submitted by the public shall be  
 93 sent directly to the local government.

94 (d) Everglades Protection Area determinations.—A proposed  
 95 plan or plan amendment that applies to any land within, or  
 96 within 2 miles of, the Everglades Protection Area as defined in  
 97 s. 373.4592(2) must be reviewed pursuant to this paragraph by  
 98 the Department of Environmental Protection. The department shall  
 99 determine whether the proposed plan or plan amendment, or any  
 100 portion thereof, adversely impacts the Everglades Protection

101 Area or the Everglades restoration and protection objectives  
102 identified in s. 373.4592. The department shall issue a written  
103 determination to the state land planning agency and the local  
104 government within 30 days after receipt of the proposed plan or  
105 plan amendment. The determination must identify any adverse  
106 impacts and may be provided as part of the agency's comments  
107 pursuant to paragraph (c). Before the adoption of the proposed  
108 plan or plan amendment, the department shall work in  
109 coordination with the state land planning agency and the local  
110 government to identify any planning strategies or measures that  
111 the local government could include in the proposed plan or plan  
112 amendment to eliminate or mitigate any adverse impacts to the  
113 Everglades Protection Area or the Everglades restoration and  
114 protection objectives identified in s. 373.4592. If the  
115 department determines that any portion of the proposed plan or  
116 plan amendment will adversely impact the Everglades Protection  
117 Area or the Everglades restoration and protection objectives  
118 identified in s. 373.4592, the local government must modify that  
119 portion of the proposed plan or plan amendment to include  
120 planning strategies or measures to eliminate or mitigate such  
121 adverse impacts before adopting the proposed plan or plan  
122 amendment or that portion of the proposed plan or plan amendment  
123 may not be adopted.

124 (e) State land planning agency review.—

125 1. If the state land planning agency elects to review a

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126 | plan or plan amendment specified in paragraph (2)(c) or  
127 | paragraph (2)(d), the agency shall issue a report giving its  
128 | objections, recommendations, and comments regarding the proposed  
129 | plan or plan amendment within 60 days after receipt of the  
130 | proposed plan or plan amendment. Notwithstanding the limitation  
131 | on comments in sub-subparagraph (3)(b)4.g., the state land  
132 | planning agency may make objections, recommendations, and  
133 | comments in its report regarding whether the plan or plan  
134 | amendment is in compliance and whether the plan or plan  
135 | amendment will adversely impact important state resources and  
136 | facilities. Any objection regarding an important state resource  
137 | or facility that will be adversely impacted by the adopted plan  
138 | or plan amendment must ~~shall~~ also state with specificity how the  
139 | plan or plan amendment will adversely impact the important state  
140 | resource or facility and must ~~shall~~ identify measures the local  
141 | government may take to eliminate, reduce, or mitigate the  
142 | adverse impacts. When a federal, state, or regional agency has  
143 | implemented a permitting program, a local government is not  
144 | required to duplicate or exceed that permitting program in its  
145 | comprehensive plan or to implement such a permitting program in  
146 | its land development regulations. This subparagraph does not  
147 | prohibit the state land planning agency in conducting its review  
148 | of local plans or plan amendments from making objections,  
149 | recommendations, and comments regarding densities and  
150 | intensities consistent with this part. In preparing its

151 | comments, the state land planning agency shall only base its  
152 | considerations on written, and not oral, comments.

153 |         2. The state land planning agency review shall identify  
154 | all written communications with the agency regarding the  
155 | proposed plan amendment. The written identification must include  
156 | a list of all documents received or generated by the agency,  
157 | which list must be of sufficient specificity to enable the  
158 | documents to be identified and copies requested, if desired, and  
159 | the name of the person to be contacted to request copies of any  
160 | identified document.

161 |         (f)~~(e)~~ Local government review of comments; adoption of  
162 | plan or amendments and transmittal.—

163 |         1. The local government shall review the report submitted  
164 | to it by the state land planning agency, if any, and written  
165 | comments submitted to it by any other person, agency, or  
166 | government. The local government, upon receipt of the report  
167 | from the state land planning agency, shall hold a ~~its~~ second  
168 | public hearing, ~~which shall be a hearing~~ to determine whether to  
169 | adopt the comprehensive plan or one or more comprehensive plan  
170 | amendments pursuant to subsection (11). If the local government  
171 | fails to hold the second hearing within 180 days after receipt  
172 | of the state land planning agency's report, the amendments must  
173 | ~~shall~~ be deemed withdrawn unless extended by agreement with  
174 | notice to the state land planning agency and any affected person  
175 | that provided comments on the amendment. The 180-day limitation

176 does not apply to amendments processed pursuant to s. 380.06.

177       2. The local government shall transmit all adopted  
 178 comprehensive plan amendments ~~adopted by the governing body,~~  
 179 along with the supporting data and analysis, ~~shall be~~  
 180 ~~transmitted~~ within 10 working days after the second public  
 181 hearing to the state land planning agency and any other agency  
 182 or local government that provided timely comments under  
 183 paragraph (c). Adopted comprehensive plan amendments that apply  
 184 to any land within, or within 2 miles of, the Everglades  
 185 Protection Area as defined in s. 373.4592(2) must also be  
 186 transmitted within 10 working days after the second public  
 187 hearing to the Department of Environmental Protection.

188       3. The state land planning agency shall notify the local  
 189 government of any deficiencies within 5 working days after  
 190 receipt of a plan or plan amendment package. For purposes of  
 191 completeness, a plan or plan amendment must ~~shall~~ be deemed  
 192 complete if it contains a full, executed copy of the adoption  
 193 ordinance or ordinances; in the case of a text amendment, a full  
 194 copy of the amended language in legislative format with new  
 195 words inserted in the text underlined, and words deleted  
 196 stricken with hyphens; in the case of a future land use map  
 197 amendment, a copy of the future land use map clearly depicting  
 198 the parcel, its existing future land use designation, and its  
 199 adopted designation; and a copy of any data and analyses the  
 200 local government deems appropriate.



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201           4. After the state land planning agency makes a  
202 determination of completeness regarding the adopted plan or plan  
203 amendment, the state land planning agency shall have 45 days to  
204 determine if the plan or plan amendment is in compliance with  
205 this act. Unless the plan or plan amendment is substantially  
206 changed from the one commented on, the state land planning  
207 agency's compliance determination shall be limited to objections  
208 raised in the objections, recommendations, and comments report  
209 and the review of planning strategies or measures adopted  
210 pursuant to paragraph (d). During the period provided for in  
211 this subparagraph, the state land planning agency shall issue,  
212 through a senior administrator or the secretary, a notice of  
213 intent to find that the plan or plan amendment is in compliance  
214 or not in compliance. The state land planning agency shall post  
215 a copy of the notice of intent on the agency's Internet website.  
216 Publication by the state land planning agency of the notice of  
217 intent on the state land planning agency's Internet site shall  
218 be prima facie evidence of compliance with the publication  
219 requirements of this subparagraph.

220           5. A plan or plan amendment adopted under the state  
221 coordinated review process shall go into effect pursuant to the  
222 state land planning agency's notice of intent. If timely  
223 challenged, an amendment does not become effective until the  
224 state land planning agency or the Administration Commission  
225 enters a final order determining the adopted amendment to be in

226 | compliance.

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

229 |       (b) The state land planning agency may file a petition  
230 | with the Division of Administrative Hearings pursuant to ss.  
231 | 120.569 and 120.57, with a copy served on the affected local  
232 | government, to request a formal hearing to challenge whether the  
233 | plan or plan amendment is in compliance as defined in paragraph  
234 | (1)(b). The state land planning agency's petition must clearly  
235 | state the reasons for the challenge. Under the expedited state  
236 | review process, this petition must be filed with the division  
237 | within 30 days after the state land planning agency notifies the  
238 | local government that the plan amendment package is complete  
239 | according to subparagraph (3)(c)3. Under the state coordinated  
240 | review process, this petition must be filed with the division  
241 | within 45 days after the state land planning agency notifies the  
242 | local government that the plan amendment package is complete  
243 | according to subparagraph (4)(f)3. ~~(4)(e)3.~~

244 |       1. The state land planning agency's challenge to plan  
245 | amendments adopted under the expedited state review process  
246 | shall be limited to the comments provided by the reviewing  
247 | agencies pursuant to subparagraphs (3)(b)2.-4., upon a  
248 | determination by the state land planning agency that an  
249 | important state resource or facility will be adversely impacted  
250 | by the adopted plan amendment. The state land planning agency's

251 petition must ~~shall~~ state with specificity how the plan  
 252 amendment will adversely impact the important state resource or  
 253 facility. The state land planning agency may challenge a plan  
 254 amendment that has substantially changed from the version on  
 255 which the agencies provided comments but only upon a  
 256 determination by the state land planning agency that an  
 257 important state resource or facility will be adversely impacted.

258 2. If the state land planning agency issues a notice of  
 259 intent to find the comprehensive plan or plan amendment not in  
 260 compliance with this act, the notice of intent shall be  
 261 forwarded to the Division of Administrative Hearings of the  
 262 Department of Management Services, which shall conduct a  
 263 proceeding under ss. 120.569 and 120.57 in the county of and  
 264 convenient to the affected local jurisdiction. The parties to  
 265 the proceeding shall be the state land planning agency, the  
 266 affected local government, and any affected person who  
 267 intervenes. A ~~No~~ new issue may not be alleged as a reason to  
 268 find a plan or plan amendment not in compliance in an  
 269 administrative pleading filed more than 21 days after  
 270 publication of notice unless the party seeking that issue  
 271 establishes good cause for not alleging the issue within that  
 272 time period. Good cause does not include excusable neglect.

273 (11) PUBLIC HEARINGS.—

274 (a) The procedure for transmittal of a complete proposed  
 275 comprehensive plan or plan amendment pursuant to subparagraph

276 (3)(b)1. and paragraph (4)(b) and for adoption of a  
 277 comprehensive plan or plan amendment pursuant to subparagraphs  
 278 (3)(c)1. and (4)(f)1. ~~(4)(e)1.~~ shall be by affirmative vote of  
 279 not less than a majority of the members of the governing body  
 280 present at the hearing. The adoption of a comprehensive plan or  
 281 plan amendment shall be by ordinance. For the purposes of  
 282 transmitting or adopting a comprehensive plan or plan amendment,  
 283 the notice requirements in chapters 125 and 166 are superseded  
 284 by this subsection, except as provided in this part.

285 Section 2. Subsections (1) and (2) of section 163.3187,  
 286 Florida Statutes, are amended to read:

287 163.3187 Process for adoption of small scale comprehensive  
 288 plan amendment.—

289 (1) A small scale development amendment may be adopted if  
 290 all of ~~under~~ the following conditions are met:

291 (a) The proposed amendment involves a use of 50 acres or  
 292 fewer. ~~and:~~

293 (b) The proposed amendment does not involve a text change  
 294 to the goals, policies, and objectives of the local government's  
 295 comprehensive plan, but only proposes a land use change to the  
 296 future land use map for a site-specific small scale development  
 297 activity. However, site-specific text changes that relate  
 298 directly to, and are adopted simultaneously with, the small  
 299 scale future land use map amendment are ~~shall be~~ permissible  
 300 under this section.

301 (c) The property that is the subject of the proposed  
 302 amendment is not located within an area of critical state  
 303 concern, unless the project subject to the proposed amendment  
 304 involves the construction of affordable housing units meeting  
 305 the criteria of s. 420.0004(3), and is located within an area of  
 306 critical state concern designated by s. 380.0552 or by the  
 307 Administration Commission pursuant to s. 380.05(1).

308 (d) The property that is the subject of the proposed  
 309 amendment is not located in whole or in part within, or within 2  
 310 miles of, the Everglades Protection Area as defined in s.  
 311 373.4592(2).

312 (2) Small scale development amendments adopted pursuant to  
 313 this section require only one public hearing before the  
 314 governing board, which shall be an adoption hearing as described  
 315 in s. 163.3184(11). Within 10 days after the adoption of a small  
 316 scale development amendment, a county whose boundaries include  
 317 any portion of the Everglades Protection Area designated under  
 318 s. 373.4592, and the municipalities within the county, shall  
 319 transmit a copy of the amendment to the state land planning  
 320 agency for recordkeeping purposes.

321 Section 3. Subsection (5) of section 420.615, Florida  
 322 Statutes, is amended to read:

323 420.615 Affordable housing land donation density bonus  
 324 incentives.—

325 (5) The local government, as part of the approval process,

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326 shall adopt a comprehensive plan amendment, pursuant to part II  
327 of chapter 163, for the receiving land that incorporates the  
328 density bonus. Such amendment shall be adopted in the manner as  
329 required for small-scale amendments pursuant to s. 163.3187 and  
330 is not subject to the requirements of s. 163.3184(4)(b), (c), or  
331 (e) ~~s. 163.3184(4)(b)-(d)~~.

332 Section 4. This act shall take effect July 1, 2024.