

By Senator Ingoglia

11-01010-24

20241184__

1 A bill to be entitled
2 An act relating to land use and development
3 regulations; amending s. 163.3177, F.S.; revising the
4 types of data upon which comprehensive plans and plan
5 amendments must be based; making technical changes;
6 requiring that support data and summaries of the
7 comprehensive plan be subject to the compliance review
8 process; providing certain requirements for the
9 support data and summaries of the comprehensive plan;
10 deleting provisions regarding the use of methodologies
11 in the evaluation of comprehensive plan data;
12 prohibiting optional elements of the comprehensive
13 plan from including certain policies; deleting a
14 provision regarding the use of alternative data in a
15 comprehensive plan amendment; requiring that future
16 land use plans be based on data that includes elements
17 related to the amount of land required to accommodate
18 anticipated growth for specified types of development
19 and the amount of certain land located outside of
20 urban service areas; requiring that the future land
21 use plan include certain criteria that would encourage
22 the location of schools in certain areas; requiring
23 that the future land use element discourage the
24 proliferation of urban sprawl by taking certain
25 measures; amending s. 163.3164, F.S.; revising
26 definitions; amending s. 163.3202, F.S.; requiring
27 local land development regulations to establish
28 minimum lot sizes in certain districts and infill
29 development standards for specified housing units;

11-01010-24

20241184__

30 amending s. 479.01, F.S.; conforming a cross-
31 reference; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Paragraph (f) of subsection (1), subsection (2),
36 and paragraph (a) of subsection (6) of section 163.3177, Florida
37 Statutes, are amended to read:

38 163.3177 Required and optional elements of comprehensive
39 plan; studies and surveys.—

40 (1) The comprehensive plan shall provide the principles,
41 guidelines, standards, and strategies for the orderly and
42 balanced future economic, social, physical, environmental, and
43 fiscal development of the area that reflects community
44 commitments to implement the plan and its elements. These
45 principles and strategies shall guide future decisions in a
46 consistent manner and shall contain programs and activities to
47 ensure comprehensive plans are implemented. The sections of the
48 comprehensive plan containing the principles and strategies,
49 generally provided as goals, objectives, and policies, shall
50 describe how the local government's programs, activities, and
51 land development regulations will be initiated, modified, or
52 continued to implement the comprehensive plan in a consistent
53 manner. It is not the intent of this part to require the
54 inclusion of implementing regulations in the comprehensive plan
55 but rather to require identification of those programs,
56 activities, and land development regulations that will be part
57 of the strategy for implementing the comprehensive plan and the
58 principles that describe how the programs, activities, and land

11-01010-24

20241184__

59 development regulations will be carried out. The plan shall
60 establish meaningful and predictable standards for the use and
61 development of land and provide meaningful guidelines for the
62 content of more detailed land development and use regulations.

63 (f) All required ~~mandatory~~ and optional elements of the
64 comprehensive plan and plan amendments must ~~shall~~ be based upon
65 relevant ~~and appropriate~~ data and an analysis by the local
66 government that may include, but not be limited to, surveys,
67 studies, ~~community goals and vision~~, and other data available at
68 the time of adoption of the comprehensive plan or plan
69 amendment. To be based on data means to react to it ~~in an~~
70 ~~appropriate way and~~ to the extent necessary indicated by the
71 data available on that particular subject at the time of
72 adoption of the plan or plan amendment at issue.

73 1. Surveys, studies, and data utilized in the preparation
74 of the comprehensive plan may not be deemed a part of the
75 comprehensive plan unless adopted as a part of it. Copies of
76 such studies, surveys, data, and supporting documents for
77 proposed plans and plan amendments must ~~shall~~ be made available
78 for public inspection, and copies of such plans must ~~shall~~ be
79 made available to the public upon payment of reasonable charges
80 for reproduction. Support data or summaries are ~~not~~ subject to
81 the compliance review process, ~~but~~ The comprehensive plan, the
82 support data, and the summaries must be clearly based on current
83 appropriate data and analyses that are relevant to and correlate
84 with the proposed amendment. Support data or summaries may be
85 used to aid in the determination of compliance and consistency.

86 2. Data must be taken from professionally accepted sources.
87 The application of a methodology utilized in data collection or

11-01010-24

20241184__

88 whether a particular methodology is professionally accepted may
89 be evaluated. ~~However, the evaluation may not include whether~~
90 ~~one accepted methodology is better than another. Original data~~
91 ~~collection by local governments is not required. However, local~~
92 ~~governments may use original data so long as methodologies are~~
93 ~~professionally accepted.~~

94 3. The comprehensive plan must ~~shall~~ be based upon
95 permanent and seasonal population estimates and projections,
96 which must ~~shall~~ either be those published by the Office of
97 Economic and Demographic Research or generated by the local
98 government based upon a professionally acceptable methodology,
99 whichever is greater. The plan must be based on at least the
100 minimum amount of land required to accommodate the medium
101 projections as published by the Office of Economic and
102 Demographic Research for at least a 10-year planning period
103 unless otherwise limited under s. 380.05, including related
104 rules of the Administration Commission. Absent physical
105 limitations on population growth, population projections for
106 each municipality, and the unincorporated area within a county
107 must, at a minimum, be reflective of each area's proportional
108 share of the total county population and the total county
109 population growth.

110 (2) Coordination of the required and optional ~~several~~
111 elements of the local comprehensive plan is ~~shall be~~ a major
112 objective of the planning process. The required and optional
113 ~~several~~ elements of the comprehensive plan must ~~shall~~ be
114 consistent. Optional elements of the comprehensive plan may not
115 contain policies that restrict the density or intensity
116 established in the future land use element. Where data is

11-01010-24

20241184__

117 relevant to required and optional ~~several~~ elements, consistent
118 data must ~~shall~~ be used, including population estimates and
119 projections ~~unless alternative data can be justified for a plan~~
120 ~~amendment through new supporting data and analysis~~. Each map
121 depicting future conditions must reflect the principles,
122 guidelines, and standards within all elements, and each such map
123 must be contained within the comprehensive plan.

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

126 (a) A future land use plan element designating proposed
127 future general distribution, location, and extent of the uses of
128 land for residential uses, commercial uses, industry,
129 agriculture, recreation, conservation, education, public
130 facilities, and other categories of the public and private uses
131 of land. The approximate acreage and the general range of
132 density or intensity of use must ~~shall~~ be provided for the gross
133 land area included in each existing land use category. The
134 element must ~~shall~~ establish the long-term end toward which land
135 use programs and activities are ultimately directed.

136 1. Each future land use category must be defined in terms
137 of uses included, and must include standards to be followed in
138 the control and distribution of population densities and
139 building and structure intensities. The proposed distribution,
140 location, and extent of the various categories of land use must
141 ~~shall~~ be shown on a land use map or map series which must ~~shall~~
142 be supplemented by goals, policies, and measurable objectives.

143 2. The future land use plan and plan amendments must ~~shall~~
144 be based upon surveys, studies, and data regarding the area, as
145 applicable, including:

11-01010-24

20241184__

146 a. The amount of land required to accommodate anticipated
147 growth, including the amount of land necessary to accommodate
148 single-family and two-family homes and fee simple townhouse
149 development.

150 b. The projected permanent and seasonal population of the
151 area.

152 c. The character of undeveloped land.

153 d. The availability of water supplies, public facilities,
154 and services.

155 e. The amount of land located outside the urban service
156 area, excluding lands designated for conservation, preservation,
157 or other public use.

158 ~~f.e.~~ The need for redevelopment, including the renewal of
159 blighted areas and the elimination of nonconforming uses which
160 are inconsistent with the character of the community.

161 ~~g.f.~~ The compatibility of uses on lands adjacent to or
162 closely proximate to military installations.

163 ~~h.g.~~ The compatibility of uses on lands adjacent to an
164 airport as defined in s. 330.35 and consistent with s. 333.02.

165 ~~i.h.~~ The discouragement of urban sprawl.

166 ~~j.i.~~ The need for job creation, capital investment, and
167 economic development that will strengthen and diversify the
168 community's economy.

169 ~~k.j.~~ The need to modify land uses and development patterns
170 within antiquated subdivisions.

171 3. The future land use plan element must ~~shall~~ include
172 criteria to be used to:

173 a. Achieve the compatibility of lands adjacent or closely
174 proximate to military installations, considering factors

11-01010-24

20241184__

175 identified in s. 163.3175(5).

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

178 c. Encourage preservation of recreational and commercial
179 working waterfronts for water-dependent uses in coastal
180 communities.

181 d. Encourage the location of schools proximate to urban
182 service residential areas to the extent possible and encourage
183 the location of schools in all areas if necessary to provide
184 adequate school capacity to serve residential development.

185 e. Coordinate future land uses with the topography and soil
186 conditions, and the availability of facilities and services.

187 f. Ensure the protection of natural and historic resources.

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

189 h. Provide guidelines for the implementation of mixed-use
190 development including the types of uses allowed, the percentage
191 distribution among the mix of uses, or other standards, and the
192 density and intensity of each use.

193 4. The amount of land designated for future planned uses
194 shall provide a balance of uses that foster vibrant, viable
195 communities and economic development opportunities and address
196 outdated development patterns, such as antiquated subdivisions.
197 The amount of land designated for future land uses must ~~should~~
198 allow the operation of real estate markets to provide adequate
199 choices for permanent and seasonal residents and business and
200 may not be limited solely by the projected population. The
201 element must ~~shall~~ accommodate at least the minimum amount of
202 land required to accommodate the medium projections as published
203 by the Office of Economic and Demographic Research for at least

11-01010-24

20241184__

204 a 10-year planning period unless otherwise limited under s.
205 380.05, including related rules of the Administration
206 Commission.

207 5. The future land use plan of a county may designate areas
208 for possible future municipal incorporation.

209 6. The land use maps or map series must ~~shall~~ generally
210 identify and depict historic district boundaries and must ~~shall~~
211 designate historically significant properties meriting
212 protection.

213 7. The future land use element must clearly identify the
214 land use categories in which public schools are an allowable
215 use. When delineating the land use categories in which public
216 schools are an allowable use, a local government shall include
217 in the categories sufficient land proximate to residential
218 development to meet the projected needs for schools in
219 coordination with public school boards and may establish
220 differing criteria for schools of different type or size. Each
221 local government shall include lands contiguous to existing
222 school sites, to the maximum extent possible, within the land
223 use categories in which public schools are an allowable use.

224 8. Future land use map amendments must ~~shall~~ be based upon
225 the following analyses:

226 a. An analysis of the availability of facilities and
227 services.

228 b. An analysis of the suitability of the plan amendment for
229 its proposed use considering the character of the undeveloped
230 land, soils, topography, natural resources, and historic
231 resources on site.

232 c. An analysis of the minimum amount of land needed to

11-01010-24

20241184__

233 achieve the goals and requirements of this section.

234 9. The future land use element must ~~and any amendment to~~
235 ~~the future land use element shall~~ discourage the proliferation
236 of urban sprawl by planning for future development as provided
237 in this section.

238 a. The primary indicators that a plan or plan amendment
239 does not discourage the proliferation of urban sprawl are listed
240 below. The evaluation of the presence of these indicators must
241 ~~shall~~ consist of an analysis of the plan or plan amendment
242 within the context of features and characteristics unique to
243 each locality in order to determine whether the plan or plan
244 amendment:

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

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

252 (III) Promotes, allows, or designates urban development in
253 radial, strip, isolated, or ribbon patterns generally emanating
254 from existing urban developments.

255 (IV) Fails to adequately protect and conserve natural
256 resources, such as wetlands, floodplains, native vegetation,
257 environmentally sensitive areas, natural groundwater aquifer
258 recharge areas, lakes, rivers, shorelines, beaches, bays,
259 estuarine systems, and other significant natural systems.

260 (V) Fails to adequately protect adjacent agricultural areas
261 and activities, including silviculture, active agricultural and

11-01010-24

20241184__

262 silvicultural activities, passive agricultural activities, and
263 dormant, unique, and prime farmlands and soils.

264 (VI) Fails to maximize use of existing public facilities
265 and services.

266 (VII) Fails to maximize use of future public facilities and
267 services.

268 (VIII) Allows for land use patterns or timing which
269 disproportionately increase the cost in time, money, and energy
270 of providing and maintaining facilities and services, including
271 roads, potable water, sanitary sewer, stormwater management, law
272 enforcement, education, health care, fire and emergency
273 response, and general government.

274 (IX) Fails to provide a clear separation between rural and
275 urban uses.

276 (X) Discourages or inhibits infill development or the
277 redevelopment of existing neighborhoods and communities.

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

279 (XII) Results in poor accessibility among linked or related
280 land uses.

281 (XIII) Results in the loss of significant amounts of
282 functional open space.

283 b. The future land use element or plan amendment must ~~shall~~
284 be determined to discourage the proliferation of urban sprawl if
285 it incorporates a development pattern or urban form that
286 achieves four or more of the following:

287 (I) Directs or locates economic growth and associated land
288 development to geographic areas of the community in a manner
289 that does not have an adverse impact on and protects natural
290 resources and ecosystems.

11-01010-24

20241184__

291 (II) Promotes the efficient and cost-effective provision or
292 extension of public infrastructure and services.

293 (III) Promotes walkable and connected communities and
294 provides for compact development and a mix of uses at densities
295 and intensities that will support a range of housing choices and
296 a multimodal transportation system, including pedestrian,
297 bicycle, and transit, if available.

298 (IV) Promotes conservation of water and energy.

299 (V) Preserves agricultural areas and activities, including
300 silviculture, and dormant, unique, and prime farmlands and
301 soils.

302 (VI) Preserves open space and natural lands and provides
303 for public open space and recreation needs.

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

307 (VIII) Provides uses, densities, and intensities of use and
308 urban form that would remediate an existing or planned
309 development pattern in the vicinity that constitutes sprawl or
310 if it provides for an innovative development pattern such as
311 transit-oriented developments or new towns as defined in s.
312 163.3164.

313 10. The future land use element must ~~shall~~ include a future
314 land use map or map series.

315 a. The proposed distribution, extent, and location of the
316 following uses must ~~shall~~ be shown on the future land use map or
317 map series:

318 (I) Residential.

319 (II) Commercial.

11-01010-24

20241184__

320 (III) Industrial.

321 (IV) Agricultural.

322 (V) Recreational.

323 (VI) Conservation.

324 (VII) Educational.

325 (VIII) Public.

326 b. The following areas must ~~shall~~ also be shown on the
327 future land use map or map series, if applicable:

328 (I) Historic district boundaries and designated
329 historically significant properties.

330 (II) Transportation concurrency management area boundaries
331 or transportation concurrency exception area boundaries.

332 (III) Multimodal transportation district boundaries.

333 (IV) Mixed-use categories.

334 c. The following natural resources or conditions must ~~shall~~
335 be shown on the future land use map or map series, if
336 applicable:

337 (I) Existing and planned public potable waterwells, cones
338 of influence, and wellhead protection areas.

339 (II) Beaches and shores, including estuarine systems.

340 (III) Rivers, bays, lakes, floodplains, and harbors.

341 (IV) Wetlands.

342 (V) Minerals and soils.

343 (VI) Coastal high hazard areas.

344 Section 2. Subsections (12), (22), (51), and (52) of
345 section 163.3164, Florida Statutes, are amended to read:

346 163.3164 Community Planning Act; definitions.—As used in
347 this act:

348 (12) "Density" means an objective measurement of the number

11-01010-24

20241184__

349 of ~~people or~~ residential units allowed per unit of land, such as
350 dwelling units ~~residents or employees~~ per acre.

351 (22) "Intensity" means an objective measurement of the
352 extent to which land may be developed or used, expressed in
353 square feet per unit of land, ~~including the consumption or use~~
354 ~~of the space above, on, or below ground; the measurement of the~~
355 ~~use of or demand on natural resources; and the measurement of~~
356 ~~the use of or demand on facilities and services.~~

357 (51) "Urban service area" means areas ~~identified in the~~
358 ~~comprehensive plan~~ where public facilities and services,
359 including, but not limited to, central water and sewer capacity
360 and roads, are already in place or may be expanded by investment
361 by the ~~are identified in the capital improvements element. The~~
362 ~~term includes any areas identified in the comprehensive plan as~~
363 ~~urban service areas, regardless of local government or the~~
364 private sector as evidenced by an executed agreement with the
365 local government to provide urban services within the local
366 government's 20-year planning period ~~limitation.~~

367 (52) "Urban sprawl" means an unplanned and uncontrolled a
368 ~~development pattern characterized by low density, automobile-~~
369 ~~dependent development with either a single use or multiple uses~~
370 ~~that are not functionally related, requiring the extension of~~
371 ~~public facilities and services in an inefficient manner, and~~
372 ~~failing to provide a clear separation between urban and rural~~
373 ~~uses.~~

374 Section 3. Subsection (2) of section 163.3202, Florida
375 Statutes, is amended to read:

376 163.3202 Land development regulations.-

377 (2) Local land development regulations must ~~shall~~ contain

11-01010-24

20241184__

378 specific and detailed provisions necessary or desirable to
379 implement the adopted comprehensive plan and must, ~~shall~~ at a
380 minimum:

381 (a) Regulate the subdivision of land.

382 (b) Establish minimum lot sizes within single-family and
383 two-family homes and fee simple townhouse zoning districts to
384 accommodate the maximum density authorized in the comprehensive
385 plan, excluding the land area required to be set aside for
386 subdivision roads, sidewalks, stormwater ponds, open space,
387 landscape buffers, and any other mandatory land development
388 regulations that require land to be set aside which could
389 otherwise be used for the development of single-family and two-
390 family homes and fee simple townhouses.

391 (c) Establish infill development standards for single-
392 family and two-family homes and fee simple townhouse dwelling
393 units to allow for the administrative approval of development of
394 infill single-family and two-family homes and fee simple
395 townhouses.

396 (d) ~~(b)~~ Regulate the use of land and water for those land
397 use categories included in the land use element and ensure the
398 compatibility of adjacent uses and provide for open space.

399 (e) ~~(e)~~ Provide for protection of potable water wellfields.

400 (f) ~~(d)~~ Regulate areas subject to seasonal and periodic
401 flooding and provide for drainage and stormwater management.

402 (g) ~~(e)~~ Ensure the protection of environmentally sensitive
403 lands designated in the comprehensive plan.

404 (h) ~~(f)~~ Regulate signage.

405 (i) ~~(g)~~ Provide that public facilities and services meet or
406 exceed the standards established in the capital improvements

11-01010-24

20241184__

407 element required by s. 163.3177 and are available when needed
408 for the development, or that development orders and permits are
409 conditioned on the availability of these public facilities and
410 services necessary to serve the proposed development. A local
411 government may not issue a development order or permit that
412 results in a reduction in the level of services for the affected
413 public facilities below the level of services provided in the
414 local government's comprehensive plan.

415 (j)~~(h)~~ Ensure safe and convenient onsite traffic flow,
416 considering needed vehicle parking.

417 (k)~~(i)~~ Maintain the existing density of residential
418 properties or recreational vehicle parks if the properties are
419 intended for residential use and are located in the
420 unincorporated areas that have sufficient infrastructure, as
421 determined by a local governing authority, and are not located
422 within a coastal high-hazard area under s. 163.3178.

423 (l)~~(j)~~ Incorporate preexisting development orders
424 identified pursuant to s. 163.3167(3).

425 Section 4. Subsection (29) of section 479.01, Florida
426 Statutes, is amended to read:

427 479.01 Definitions.—As used in this chapter, the term:

428 (29) "Zoning category" means the designation under the land
429 development regulations or other similar ordinance enacted to
430 regulate the use of land as provided in s. 163.3202(2)(d) ~~s.~~
431 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
432 restrictions, and limitations on use applicable to properties
433 within the category.

434 Section 5. This act shall take effect July 1, 2024.