

By the Committee on Community Affairs and Senator Meadows

316-2187-98

1 A bill to be entitled
2 An act relating to local government; creating
3 ss. 163.2511, 163.2514, 163.2517, 163.2520,
4 163.2523, and 163.2526, F.S., the Urban Infill
5 and Redevelopment Act; providing legislative
6 findings; providing definitions; authorizing
7 counties and municipalities to designate urban
8 infill and redevelopment areas based on
9 specified criteria; requiring preparation of a
10 plan or designation of an existing plan and
11 providing requirements with respect thereto;
12 requiring a public hearing; providing for
13 amendment of the local comprehensive plan;
14 providing that counties and municipalities that
15 have adopted such plan may issue revenue bonds
16 and employ tax increment financing under the
17 Community Redevelopment Act and exercise powers
18 granted to community redevelopment neighborhood
19 improvement districts; requiring a report by
20 certain state agencies; providing a program for
21 grants to counties and municipalities with
22 urban infill and redevelopment areas; providing
23 for review and evaluation of the act and
24 requiring a report; amending s. 163.3180, F.S.;
25 authorizing exemptions from the transportation
26 facilities concurrency requirement for
27 developments located in an urban infill and
28 redevelopment area; amending s. 163.3187, F.S.;
29 providing that comprehensive plan amendments to
30 designate such areas are not subject to
31 statutory limits on the frequency of plan

1 amendments; including such areas within certain
2 limitations relating to small scale development
3 amendments; amending s. 187.201, F.S.;
4 including policies relating to urban policy in
5 the State Comprehensive Plan; amending s.
6 380.06, F.S., relating to developments of
7 regional impact; increasing certain numerical
8 standards for determining a substantial
9 deviation for projects located in certain urban
10 infill and redevelopment areas; amending s.
11 163.375, F.S.; authorizing acquisition by
12 eminent domain of property in unincorporated
13 enclaves surrounded by a community
14 redevelopment area when necessary to accomplish
15 a community development plan; amending s.
16 171.0413, F.S., relating to municipal
17 annexation procedures; deleting a requirement
18 that a separate referendum be held in the
19 annexing municipality when the annexation
20 exceeds a certain size; providing procedures by
21 which a county or combination of counties and
22 the municipalities therein may develop and
23 adopt a plan to improve the efficiency,
24 accountability, and coordination of the
25 delivery of local government services;
26 providing for initiation of the process by
27 resolution; providing requirements for the
28 plan; requiring approval by the local
29 governments' governing bodies and by
30 referendum; authorizing municipal annexation
31 through such plan; amending s. 166.251, F.S.;

1 revising provisions with respect to service
2 fees for dishonored checks; providing an
3 effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Sections 163.2511, 163.2514, 163.2517,
8 163.2520, 163.2523, and 163.2526, Florida Statutes, are
9 created to read:

10 163.2511 Urban infill and redevelopment.--

11 (1) Sections 163.2511-163.2526 may be cited as the
12 "Urban Infill and Redevelopment Act."

13 (2) It is found and declared that:

14 (a) Fiscally strong urban centers are beneficial to
15 regional and state economies and resources, are a method for
16 reduction of future urban sprawl, and should be promoted by
17 state, regional, and local governments.

18 (b) The health and vibrancy of the urban cores benefit
19 their respective regions and the state. Conversely, the
20 deterioration of those urban cores negatively impacts the
21 surrounding area and the state.

22 (c) In recognition of the interwoven destiny between
23 the urban center, the suburbs, the region, and the state, the
24 respective governments need to establish a framework and work
25 in partnership with communities and the private sector to
26 revitalize urban centers.

27 (d) State urban policies should guide the state,
28 regional agencies, local governments, and the private sector
29 in preserving and redeveloping existing urban centers and
30 promoting the adequate provision of infrastructure, human

31

1 services, safe neighborhoods, educational facilities, and
2 economic development to sustain these centers into the future.

3 (e) Successfully revitalizing and sustaining the urban
4 centers is dependent on addressing, through an integrated and
5 coordinated community effort, a range of varied components
6 essential to a healthy urban environment, including cultural,
7 educational, recreational, economic, transportation, and
8 social service components.

9 (f) Infill development and redevelopment are
10 recognized as one of the important components and useful
11 mechanisms to promote and sustain urban centers. State and
12 regional entities and local governments should provide
13 incentives to promote urban infill and redevelopment. Existing
14 programs and incentives should be integrated to the extent
15 possible to promote urban infill and redevelopment and to
16 achieve the goals of the state urban policy.

17 163.2514 Definitions.--As used in ss.
18 163.2511-163.2526:

19 (1) "Local government" means any county or
20 municipality.

21 (2) "Urban infill and redevelopment area" means an
22 area or areas designated by a local government for the
23 development of vacant, abandoned, or significantly
24 underutilized parcels located where:

25 (a) Public services such as water and wastewater,
26 transportation, schools, and recreation are already available
27 or are scheduled to be provided in an adopted 5-year schedule
28 of capital improvements and are located within the existing
29 urban service area as defined in the local government's
30 comprehensive plan;

31

1 (b) The area contains not more than 10 percent
2 developable vacant land;

3 (c) The residential density is at least five dwelling
4 units per acre and the average nonresidential intensity is at
5 least a floor area ratio of 1.00; and

6 (d) The land area designated as an urban infill and
7 redevelopment area does not exceed 2 percent of the land area
8 of the local government jurisdiction or a total area of 3
9 square miles, whichever is greater.

10 163.2517 Designation of urban infill and redevelopment
11 area.--

12 (1) A local government may designate a geographic area
13 or areas within its jurisdiction as an urban infill and
14 redevelopment area for the purpose of targeting economic, job
15 creation, housing, transportation, and land-use incentives to
16 encourage urban infill and redevelopment within the urban
17 core.

18 (2) A local government seeking to designate a
19 geographic area within its jurisdiction as an urban infill and
20 redevelopment area shall first prepare a plan that describes
21 the infill and redevelopment objectives of the local
22 government within the proposed area. In lieu of preparing a
23 new plan, the local government may demonstrate that an
24 existing plan or combination of plans associated with a
25 community development area, Florida Main Street program,
26 sustainable community, enterprise zone, or neighborhood
27 improvement district includes the factors listed in paragraphs
28 (a)-(j), or amend such existing plans to include the factors
29 listed in paragraphs (a)-(j). The plan shall demonstrate the
30 local government and community's commitment to comprehensively
31 addressing the urban problems within the urban infill and

1 redevelopment area and identify activities and programs to
2 accomplish locally identified goals such as code enforcement;
3 improved educational opportunities; reduction in crime;
4 provision of infrastructure needs, including mass transit and
5 multimodal linkages; and mixed-use planning to promote
6 multifunctional redevelopment to improve both the residential
7 and commercial quality of life in the area. The plan shall
8 also:

9 (a) Contain a map depicting the geographic area or
10 areas to be included within the designation.

11 (b) Identify the relationship between the proposed
12 area and the existing urban service area defined in the local
13 government's comprehensive plan.

14 (c) Identify existing enterprise zones, community
15 redevelopment areas, community development corporations,
16 brownfield areas, downtown redevelopment districts, safe
17 neighborhood improvement districts, historic preservation
18 districts, and empowerment zones located within the area
19 proposed for designation as an urban infill and redevelopment
20 area and provide a framework for coordinating infill and
21 redevelopment programs within the urban core.

22 (d) Identify a memorandum of understanding between the
23 district school board and the local government jurisdiction
24 regarding public school facilities located within the urban
25 infill and redevelopment area to identify how the school board
26 will provide priority to enhancing public school facilities
27 and programs in the designated area, including the reuse of
28 existing buildings for schools within the area.

29 (e) Identify how the local government intends to
30 implement affordable housing programs, including, but not
31 limited to, the State Housing Initiatives Partnership Program,

1 and economic and community development programs administered
2 by the Department of Community Affairs, within the urban
3 infill and redevelopment area.

4 (f) If applicable, provide guidelines for the adoption
5 of land development regulations specific to the urban infill
6 and redevelopment area which include, for example, setbacks
7 and parking requirements appropriate to urban development.

8 (g) Identify any existing transportation concurrency
9 exception areas, and any relevant public transportation
10 corridors designated by a metropolitan planning organization
11 in its long-range transportation plans or by the local
12 government in its comprehensive plan for which the local
13 government seeks designation as a transportation concurrency
14 exception area.

15 (h) Identify and adopt a package of financial and
16 local government incentives which the local government will
17 offer for new development, expansion of existing development,
18 and redevelopment within the urban infill and redevelopment
19 area. Examples of such incentives include:

- 20 1. Waiver of license and permit fees.
- 21 2. Waiver of local option sales taxes.
- 22 3. Waiver of delinquent taxes or fees to promote the
23 return of property to productive use.
- 24 4. Expedited permitting.
- 25 5. Prioritization of infrastructure spending within
26 the urban infill and redevelopment area.
- 27 6. Local government absorption of developers'
28 concurrency costs.

29 (i) Identify how activities and incentives within the
30 urban infill and redevelopment area will be coordinated and
31

1 what administrative mechanism the local government will use
2 for the coordination.

3 (j) Identify performance measures to evaluate the
4 success of the local government in implementing the urban
5 infill and redevelopment plan.

6 (3) After the preparation of an urban infill and
7 redevelopment plan or designation of an existing plan and
8 before the adoption hearing required for comprehensive plan
9 amendments, the local government must conduct a public hearing
10 in the area targeted for designation as an urban infill and
11 redevelopment area to provide an opportunity for public input
12 on the size of the area; the objectives for urban infill and
13 redevelopment; coordination with existing redevelopment
14 programs; goals for improving transit and transportation; the
15 objectives for economic development; job creation; crime
16 reduction; and neighborhood preservation and revitalization.
17 The purpose of the public hearing is to encourage communities
18 within the proposed urban infill and redevelopment area to
19 participate in the design and implementation of the plan,
20 including a "visioning" of the community core, before
21 redevelopment. Notice for the public hearing must be in the
22 form established in s. 166.041(3)(c)2., for municipalities,
23 and s. 125.66(4)(b)2. for counties.

24 (4) In order for a local government to designate an
25 urban infill and redevelopment area, it must amend its
26 comprehensive land use plan under s. 163.3187 to adopt the
27 urban infill and redevelopment area plan and delineate the
28 urban infill and redevelopment area within the future land use
29 element of its comprehensive plan. If the local government
30 elects to employ an existing or amended community
31 redevelopment, Florida Main Street program, sustainable

1 community, enterprise zone, or neighborhood improvement
2 district plan or plans in lieu of preparation of an urban
3 infill and redevelopment plan, the local government must amend
4 its comprehensive land use plan under s. 163.3187 to delineate
5 the urban infill and redevelopment area within the future land
6 use element of its comprehensive plan. An amendment to the
7 local comprehensive plan to designate an urban infill and
8 redevelopment area is exempt from the twice-a-year amendment
9 limitation of s. 163.3187.

10 163.2520 Economic incentives; report.--

11 (1) A local government with an adopted urban infill
12 and redevelopment plan or plan employed in lieu thereof may
13 issue revenue bonds under s. 163.385 and employ tax increment
14 financing under s. 163.387 for the purpose of financing the
15 implementation of the plan.

16 (2) A local government with an adopted urban infill
17 and redevelopment plan or plan employed in lieu thereof may
18 exercise the powers granted under s. 163.514 for community
19 redevelopment neighborhood improvement districts, including
20 the authority to levy special assessments.

21 (3) State agencies that provide infrastructure
22 funding, cost reimbursement, grants, or loans to local
23 governments, including, but not limited to, the Department of
24 Environmental Protection (Clean Water State Revolving Fund,
25 Drinking Water State Revolving Fund, and the State of Florida
26 Pollution Control Bond Program); the Department of Community
27 Affairs (State Housing Initiatives Partnership, Florida
28 Communities Trust); and the Department of Transportation
29 (Intermodal Transportation Efficiency Act funds), are directed
30 to report to the President of the Senate and the Speaker of
31 the House of Representatives by January 1, 1999, regarding

1 statutory and rule changes necessary to give urban infill and
2 redevelopment areas identified by local governments under this
3 act an elevated priority in infrastructure funding, loan, and
4 grant programs.

5 163.2523 Grant program.--

6 (1) An Urban Infill and Redevelopment Assistance Grant
7 Program is created for local governments with adopted urban
8 infill and redevelopment areas. Ninety percent of the general
9 revenue appropriated for this program shall be available for
10 fifty/fifty matching grants for planning and implementing
11 urban infill and redevelopment projects that further the
12 objectives set forth in the local government's adopted urban
13 infill and redevelopment plan or plan employed in lieu
14 thereof. The remaining 10 percent of the revenue must be used
15 for outright grants for projects requiring under \$50,000.
16 Projects that provide employment opportunities to clients of
17 the WAGES program and projects within urban infill and
18 redevelopment areas that include a community redevelopment
19 area, Florida Main Street Program, sustainable community,
20 enterprise zone, or neighborhood improvement district must be
21 given an elevated priority in the scoring of competing grant
22 applications. The Division of Housing and Community
23 Development of the Department of Community Affairs shall
24 administer the grant program. The Department of Community
25 Affairs shall adopt rules establishing grant review criteria
26 consistent with this section.

27 (2) If the local government fails to implement the
28 urban infill and redevelopment plan, the Department of
29 Community Affairs may seek to rescind the economic and
30 regulatory incentives granted to an urban infill and
31 redevelopment area, subject to the provisions of chapter 120.

1 The action to rescind may be initiated 90 days after issuing a
2 written letter of warning to the local government.

3 163.2526 Review and evaluation.--Before the 2003
4 Regular Session of the Legislature, the Office of Program
5 Policy Analysis and Government Accountability shall perform a
6 review and evaluation of ss. 163.2511-163.2526, including the
7 financial incentives listed in s. 163.2520. The report must
8 evaluate the effectiveness of the designation of urban infill
9 and redevelopment areas in stimulating urban infill and
10 redevelopment and strengthening the urban core. A report of
11 the findings and recommendations of the Office of Program
12 Policy Analysis and Government Accountability shall be
13 submitted to the President of the Senate and the Speaker of
14 the House of Representatives before the 2003 Regular Session
15 of the Legislature.

16 Section 2. Subsection (5) of section 163.3180, Florida
17 Statutes, is amended to read:

18 163.3180 Concurrency.--

19 (5)(a) The Legislature finds that under limited
20 circumstances dealing with transportation facilities,
21 countervailing planning and public policy goals may come into
22 conflict with the requirement that adequate public facilities
23 and services be available concurrent with the impacts of such
24 development. The Legislature further finds that often the
25 unintended result of the concurrency requirement for
26 transportation facilities is the discouragement of urban
27 infill development and redevelopment. Such unintended results
28 directly conflict with the goals and policies of the state
29 comprehensive plan and the intent of this part. Therefore,
30 exceptions from the concurrency requirement for transportation
31 facilities may be granted as provided by this subsection.

1 (b) A local government may grant an exception from the
2 concurrency requirement for transportation facilities if the
3 proposed development is otherwise consistent with the adopted
4 local government comprehensive plan and is a project that
5 promotes public transportation or is located within an area
6 designated in the comprehensive plan for:

- 7 1. Urban infill development,
- 8 2. Urban redevelopment, ~~or~~
- 9 3. Downtown revitalization, or-
- 10 4. Urban infill and redevelopment under s. 163.2517.

11 (c) The Legislature also finds that developments
12 located within urban infill, urban redevelopment, existing
13 urban service, or downtown revitalization areas or areas
14 designated as urban infill and redevelopment areas under s.
15 163.2517 which pose only special part-time demands on the
16 transportation system should be excepted from the concurrency
17 requirement for transportation facilities. A special
18 part-time demand is one that does not have more than 200
19 scheduled events during any calendar year and does not affect
20 the 100 highest traffic volume hours.

21 (d) A local government shall establish guidelines for
22 granting the exceptions authorized in paragraphs (b) and (c)
23 in the comprehensive plan. These guidelines must include
24 consideration of the impacts on the Florida Intrastate Highway
25 System, as defined in s. 338.001. The exceptions may be
26 available only within the specific geographic area of the
27 jurisdiction designated in the plan. Pursuant to s. 163.3184,
28 any affected person may challenge a plan amendment
29 establishing these guidelines and the areas within which an
30 exception could be granted.

31

1 Section 3. Subsection (1) of section 163.3187, Florida
2 Statutes, is amended to read:

3 163.3187 Amendment of adopted comprehensive plan.--

4 (1) Amendments to comprehensive plans adopted pursuant
5 to this part may be made not more than two times during any
6 calendar year, except:

7 (a) In the case of an emergency, comprehensive plan
8 amendments may be made more often than twice during the
9 calendar year if the additional plan amendment receives the
10 approval of all of the members of the governing body.

11 "Emergency" means any occurrence or threat thereof whether
12 accidental or natural, caused by humankind, in war or peace,
13 which results or may result in substantial injury or harm to
14 the population or substantial damage to or loss of property or
15 public funds.

16 (b) Any local government comprehensive plan amendments
17 directly related to a proposed development of regional impact,
18 including changes which have been determined to be substantial
19 deviations and including Florida Quality Developments pursuant
20 to s. 380.061, may be initiated by a local planning agency and
21 considered by the local governing body at the same time as the
22 application for development approval using the procedures
23 provided for local plan amendment in this section and
24 applicable local ordinances, without regard to statutory or
25 local ordinance limits on the frequency of consideration of
26 amendments to the local comprehensive plan. Nothing in this
27 subsection shall be deemed to require favorable consideration
28 of a plan amendment solely because it is related to a
29 development of regional impact.

30 (c) Any local government comprehensive plan amendments
31 directly related to proposed small scale development

1 activities may be approved without regard to statutory limits
2 on the frequency of consideration of amendments to the local
3 comprehensive plan. A small scale development amendment may
4 be adopted only under the following conditions:

5 1. The proposed amendment involves a use of 10 acres
6 or fewer and:

7 a. The cumulative annual effect of the acreage for all
8 small scale development amendments adopted by the local
9 government shall not exceed:

10 (I) A maximum of 120 acres in a local government that
11 contains areas specifically designated in the local
12 comprehensive plan for urban infill, urban redevelopment, or
13 downtown revitalization as defined in s. 163.3164, urban
14 infill and redevelopment areas designated under s. 163.2517,
15 transportation concurrency exception areas approved pursuant
16 to s. 163.3180(5), or regional activity centers and urban
17 central business districts approved pursuant to s.

18 380.06(2)(e); however, amendments under this paragraph may be
19 applied to no more than 60 acres annually of property outside
20 the designated areas listed in this sub-sub-subparagraph.

21 (II) A maximum of 80 acres in a local government that
22 does not contain any of the designated areas set forth in
23 sub-sub-subparagraph (I).

24 (III) A maximum of 120 acres in a county established
25 pursuant to s. 9, Art. VIII of the State Constitution.

26 b. The proposed amendment does not involve the same
27 property granted a change within the prior 12 months.

28 c. The proposed amendment does not involve the same
29 owner's property within 200 feet of property granted a change
30 within the prior 12 months.

31

1 d. The proposed amendment does not involve a text
2 change to the goals, policies, and objectives of the local
3 government's comprehensive plan, but only proposes a land use
4 change to the future land use map for a site-specific small
5 scale development activity.

6 e. The property that is the subject of the proposed
7 amendment is not located within an area of critical state
8 concern.

9 f. If the proposed amendment involves a residential
10 land use, the residential land use has a density of 10 units
11 or less per acre, except that this limitation does not apply
12 to small scale amendments described in sub-sub-subparagraph
13 a.(I) that are designated in the local comprehensive plan for
14 urban infill, urban redevelopment, or downtown revitalization
15 as defined in s. 163.3164, urban infill and redevelopment
16 areas designated under s. 163.2517, transportation concurrency
17 exception areas approved pursuant to s. 163.3180(5), or
18 regional activity centers and urban central business districts
19 approved pursuant to s. 380.06(2)(e).

20 2.a. A local government that proposes to consider a
21 plan amendment pursuant to this paragraph is not required to
22 comply with the procedures and public notice requirements of
23 s. 163.3184(15)(c) for such plan amendments if the local
24 government complies with the provisions in s. 125.66(4)(a) for
25 a county or in s. 166.041(3)(c) for a municipality. If a
26 request for a plan amendment under this paragraph is initiated
27 by other than the local government, public notice is required.

28 b. The local government shall send copies of the
29 notice and amendment to the state land planning agency, the
30 regional planning council, and any other person or entity
31 requesting a copy. This information shall also include a

1 statement identifying any property subject to the amendment
2 that is located within a coastal high hazard area as
3 identified in the local comprehensive plan.

4 3. Small scale development amendments adopted pursuant
5 to this paragraph require only one public hearing before the
6 governing board, which shall be an adoption hearing as
7 described in s. 163.3184(7), and are not subject to the
8 requirements of s. 163.3184(3)-(6) unless the local government
9 elects to have them subject to those requirements.

10 (d) Any comprehensive plan amendment required by a
11 compliance agreement pursuant to s. 163.3184(16) may be
12 approved without regard to statutory limits on the frequency
13 of adoption of amendments to the comprehensive plan.

14 (e) A comprehensive plan amendment for location of a
15 state correctional facility. Such an amendment may be made at
16 any time and does not count toward the limitation on the
17 frequency of plan amendments.

18 (f) Any comprehensive plan amendment that changes the
19 schedule in the capital improvements element, and any
20 amendments directly related to the schedule, may be made once
21 in a calendar year on a date different from the two times
22 provided in this subsection when necessary to coincide with
23 the adoption of the local government's budget and capital
24 improvements program.

25 (g) A comprehensive plan amendment for the purpose of
26 designating an urban infill and redevelopment area under s.
27 163.2517 may be approved without regard to the statutory
28 limits on the frequency of amendments to the comprehensive
29 plan.

30 Section 4. Subsection (17) of section 187.201, Florida
31 Statutes, is amended to read:

1 187.201 State Comprehensive Plan adopted.--The
2 Legislature hereby adopts as the State Comprehensive Plan the
3 following specific goals and policies:

4 (17) URBAN REDEVELOPMENT AND DOWNTOWN
5 REVITALIZATION.--

6 (a) Goal.--In recognition of the importance of
7 Florida's vital urban centers and of the need to develop and
8 redevelop ~~developing and redeveloping~~ downtowns to the state's
9 ability to use existing infrastructure and to accommodate
10 growth in an orderly, efficient, and environmentally
11 acceptable manner, Florida shall encourage the centralization
12 of commercial, governmental, retail, residential, and cultural
13 activities within downtown areas.

14 (b) Policies.--

15 1. Provide incentives to encourage private sector
16 investment in the preservation and enhancement of downtown
17 areas.

18 2. Assist local governments in the planning,
19 financing, and implementation of development efforts aimed at
20 revitalizing distressed downtown areas.

21 3. Promote state programs and investments which
22 encourage redevelopment of downtown areas.

23 4. Promote and encourage communities to engage in a
24 redesign step to include public participation of members of
25 the community in envisioning redevelopment goals and design of
26 the community core before redevelopment.

27 5. Ensure that local governments have adequate
28 flexibility to determine and address their urban priorities
29 within the state urban policy.

30
31

1 6. Enhance the linkages between land use, water use,
2 and transportation planning in state, regional, and local
3 plans for current and future designated urban areas.

4 7. Develop concurrency requirements for urban areas
5 that promote redevelopment efforts where the requirements do
6 not compromise public health and safety.

7 8. Promote processes for the state, general purpose
8 local governments, school boards, and local community colleges
9 to coordinate and cooperate regarding educational facilities
10 in urban areas, including planning functions, the development
11 of joint facilities, and the reuse of existing buildings.

12 9. Encourage the development of mass transit systems
13 for urban centers, including multimodal transportation feeder
14 systems, as a priority of local, metropolitan, regional, and
15 state transportation planning.

16 10. Locate appropriate public facilities within urban
17 centers to demonstrate public commitment to the centers and to
18 encourage private sector development.

19 11. Integrate state programs that have been developed
20 to promote economic development and neighborhood
21 revitalization through incentives to promote the development
22 of designated urban infill areas.

23 12. Promote infill development and redevelopment as an
24 important mechanism to revitalize and sustain urban centers.

25 Section 5. Paragraph (b) of subsection (19) of section
26 380.06, Florida Statutes, is amended to read:

27 380.06 Developments of regional impact.--

28 (19) SUBSTANTIAL DEVIATIONS.--

29 (b) Any proposed change to a previously approved
30 development of regional impact or development order condition
31 which, either individually or cumulatively with other changes,

1 exceeds any of the following criteria shall constitute a
2 substantial deviation and shall cause the development to be
3 subject to further development-of-regional-impact review
4 without the necessity for a finding of same by the local
5 government:

6 1. An increase in the number of parking spaces at an
7 attraction or recreational facility by 5 percent or 300
8 spaces, whichever is greater, or an increase in the number of
9 spectators that may be accommodated at such a facility by 5
10 percent or 1,000 spectators, whichever is greater.

11 2. A new runway, a new terminal facility, a 25-percent
12 lengthening of an existing runway, or a 25-percent increase in
13 the number of gates of an existing terminal, but only if the
14 increase adds at least three additional gates. However, if an
15 airport is located in two counties, a 10-percent lengthening
16 of an existing runway or a 20-percent increase in the number
17 of gates of an existing terminal is the applicable criteria.

18 3. An increase in the number of hospital beds by 5
19 percent or 60 beds, whichever is greater.

20 4. An increase in industrial development area by 5
21 percent or 32 acres, whichever is greater.

22 5. An increase in the average annual acreage mined by
23 5 percent or 10 acres, whichever is greater, or an increase in
24 the average daily water consumption by a mining operation by 5
25 percent or 300,000 gallons, whichever is greater. An increase
26 in the size of the mine by 5 percent or 750 acres, whichever
27 is less.

28 6. An increase in land area for office development by
29 5 percent or 6 acres, whichever is greater, or an increase of
30 gross floor area of office development by 5 percent or 60,000
31 gross square feet, whichever is greater.

1 7. An increase in the storage capacity for chemical or
2 petroleum storage facilities by 5 percent, 20,000 barrels, or
3 7 million pounds, whichever is greater.

4 8. An increase of development at a waterport of wet
5 storage for 20 watercraft, dry storage for 30 watercraft, or
6 wet/dry storage for 60 watercraft in an area identified in the
7 state marina siting plan as an appropriate site for additional
8 waterport development or a 5-percent increase in watercraft
9 storage capacity, whichever is greater.

10 9. An increase in the number of dwelling units by 5
11 percent or 50 dwelling units, whichever is greater.

12 10. An increase in commercial development by 6 acres
13 of land area or by 50,000 square feet of gross floor area, or
14 of parking spaces provided for customers for 300 cars or a
15 5-percent increase of any of these, whichever is greater.

16 11. An increase in hotel or motel facility units by 5
17 percent or 75 units, whichever is greater.

18 12. An increase in a recreational vehicle park area by
19 5 percent or 100 vehicle spaces, whichever is less.

20 13. A decrease in the area set aside for open space of
21 5 percent or 20 acres, whichever is less.

22 14. A proposed increase to an approved multiuse
23 development of regional impact where the sum of the increases
24 of each land use as a percentage of the applicable substantial
25 deviation criteria is equal to or exceeds 100 percent. The
26 percentage of any decrease in the amount of open space shall
27 be treated as an increase for purposes of determining when 100
28 percent has been reached or exceeded.

29 15. A 15-percent increase in the number of external
30 vehicle trips generated by the development above that which
31

1 was projected during the original
2 development-of-regional-impact review.

3 16. Any change which would result in development of
4 any area which was specifically set aside in the application
5 for development approval or in the development order for
6 preservation or special protection of endangered or threatened
7 plants or animals designated as endangered, threatened, or
8 species of special concern and their habitat, primary dunes,
9 or archaeological and historical sites designated as
10 significant by the Division of Historical Resources of the
11 Department of State. The further refinement of such areas by
12 survey shall be considered under sub-subparagraph (e)5.b.

13
14 The substantial deviation numerical standards in subparagraphs
15 4., 6., 10., 14., excluding residential uses, and 15., are
16 increased by 100 percent for a project certified under s.
17 403.973 which creates jobs and meets criteria established by
18 the Office of Tourism, Trade, and Economic Development as to
19 its impact on an area's economy, employment, and prevailing
20 wage and skill levels. The substantial deviation numerical
21 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
22 increased by 50 percent for a project located wholly within an
23 urban infill and redevelopment area designated on the
24 applicable adopted local comprehensive plan future land use
25 map and not located within the coastal high hazard area.

26 Section 6. Subsection (1) of section 163.375, Florida
27 Statutes, is amended to read:

28 163.375 Eminent domain.--

29 (1) Any county or municipality, or any community
30 redevelopment agency pursuant to specific approval of the
31 governing body of the county or municipality which established

1 the agency, as provided by any county or municipal ordinance
2 has the right to acquire by condemnation any interest in real
3 property, including a fee simple title thereto, which it deems
4 necessary for, or in connection with, community redevelopment
5 and related activities under this part. Any county or
6 municipality, or any community redevelopment agency pursuant
7 to specific approval by the governing body of the county or
8 municipality which established the agency, as provided by any
9 county or municipal ordinance may exercise the power of
10 eminent domain in the manner provided in chapters 73 and 74
11 and acts amendatory thereof or supplementary thereto, or it
12 may exercise the power of eminent domain in the manner now or
13 which may be hereafter provided by any other statutory
14 provision for the exercise of the power of eminent domain.
15 Property in unincorporated enclaves surrounded by the
16 boundaries of a community redevelopment area may be acquired
17 when it is determined necessary by the agency to accomplish
18 the community redevelopment plan.Property already devoted to
19 a public use may be acquired in like manner. However, no real
20 property belonging to the United States, the state, or any
21 political subdivision of the state may be acquired without its
22 consent.

23 Section 7. Section 171.0413, Florida Statutes, is
24 amended to read:

25 171.0413 Annexation procedures.--Any municipality may
26 annex contiguous, compact, unincorporated territory in the
27 following manner:

28 (1) An ordinance proposing to annex an area of
29 contiguous, compact, unincorporated territory shall be adopted
30 by the governing body of the annexing municipality pursuant to
31 the procedure for the adoption of a nonemergency ordinance

1 established by s. 166.041. Prior to the adoption of the
2 ordinance of annexation, the local governing body shall hold
3 at least two advertised public hearings on the proposed
4 annexation. The first public hearing shall be on a weekday at
5 least 7 days after the day that the first advertisement is
6 published. The second public hearing shall be held on a
7 weekday at least 5 days after the day that the second
8 advertisement is published.Each such ordinance shall propose
9 only one reasonably compact area to be annexed. However,
10 prior to the ordinance of annexation becoming effective, a
11 referendum on annexation shall be held as set out below, and,
12 if approved by the referendum, the ordinance shall become
13 effective 10 days after the referendum or as otherwise
14 provided in the ordinance, but not more than 1 year following
15 the date of the referendum.

16 (2) Following the final adoption of the ordinance of
17 annexation by the governing body of the annexing municipality,
18 the ordinance shall be submitted to a vote of the registered
19 electors of the area proposed to be annexed. ~~If the proposed~~
20 ~~ordinance would cause the total area annexed by a municipality~~
21 ~~pursuant to this section during any one calendar year period~~
22 ~~cumulatively to exceed more than 5 percent of the total land~~
23 ~~area of the municipality or cumulatively to exceed more than 5~~
24 ~~percent of the municipal population, the ordinance shall be~~
25 ~~submitted to a separate vote of the registered electors of the~~
26 ~~annexing municipality and of the area proposed to be annexed.~~
27 The referendum on annexation shall be called and conducted and
28 the expense thereof paid by the governing body of the annexing
29 municipality.

30 (a) The referendum on annexation shall be held at the
31 next regularly scheduled election following the final adoption

1 of the ordinance of annexation by the governing body of the
2 annexing municipality or at a special election called for the
3 purpose of holding the referendum. However, the referendum,
4 whether held at a regularly scheduled election or at a special
5 election, shall not be held sooner than 30 days following the
6 final adoption of the ordinance by the governing body of the
7 annexing municipality.

8 (b) The governing body of the annexing municipality
9 shall publish notice of the referendum on annexation at least
10 once each week for 2 consecutive weeks immediately preceding
11 the date of the referendum in a newspaper of general
12 circulation in the area in which the referendum is to be held.
13 The notice shall give the ordinance number, the time and
14 places for the referendum, and a brief, general description of
15 the area proposed to be annexed. The description shall
16 include a map clearly showing the area and a statement that
17 the complete legal description by metes and bounds and the
18 ordinance can be obtained from the office of the city clerk.

19 (c) On the day of the referendum on annexation there
20 shall be prominently displayed at each polling place a copy of
21 the ordinance of annexation and a description of the property
22 proposed to be annexed. The description shall be by metes and
23 bounds and shall include a map clearly showing such area.

24 (d) Ballots or mechanical voting devices used in the
25 referendum on annexation shall offer the choice "For
26 annexation of property described in ordinance number of
27 the City of" and "Against annexation of property
28 described in ordinance number of the City of" in
29 that order.

30 (e) If the referendum ~~is~~ held ~~only~~ in the area
31 proposed to be annexed ~~and~~ receives a majority vote, ~~or if the~~

1 ~~ordinance is submitted to a separate vote of the registered~~
2 ~~electors of the annexing municipality and the area proposed to~~
3 ~~be annexed and there is a separate majority vote for~~
4 ~~annexation in the annexing municipality and in the area~~
5 ~~proposed to be annexed,~~the ordinance of annexation shall
6 become effective on the effective date specified therein. If
7 there is a ~~any~~ majority vote against annexation, the ordinance
8 shall not become effective, and the area proposed to be
9 annexed shall not be the subject of an annexation ordinance by
10 the annexing municipality for a period of 2 years from the
11 date of the referendum on annexation.

12 (3) Any parcel of land which is owned by one
13 individual, corporation, or legal entity, or owned
14 collectively by one or more individuals, corporations, or
15 legal entities, proposed to be annexed under the provisions of
16 this act shall not be severed, separated, divided, or
17 partitioned by the provisions of said ordinance, but shall, if
18 intended to be annexed, or if annexed, under the provisions of
19 this act, be annexed in its entirety and as a whole. However,
20 nothing herein contained shall be construed as affecting the
21 validity or enforceability of any ordinance declaring an
22 intention to annex land under the existing law that has been
23 enacted by a municipality prior to July 1, 1975. The owner of
24 such property may waive the requirements of this subsection if
25 such owner does not desire all of the tract or parcel included
26 in said annexation.

27 (4) Except as otherwise provided in this law, the
28 annexation procedure as set forth in this section shall
29 constitute a uniform method for the adoption of an ordinance
30 of annexation by the governing body of any municipality in
31 this state, and all existing provisions of special laws which

1 establish municipal annexation procedures are repealed hereby;
2 except that any provision or provisions of special law or laws
3 which prohibit annexation of territory that is separated from
4 the annexing municipality by a body of water or watercourse
5 shall not be repealed.

6 (5) If more than 70 percent of the land in an area
7 proposed to be annexed is owned by individuals, corporations,
8 or legal entities which are not registered electors of such
9 area, such area shall not be annexed unless the owners of more
10 than 50 percent of the land in such area consent to such
11 annexation. Such consent shall be obtained by the parties
12 proposing the annexation prior to the referendum to be held on
13 the annexation.

14 (6) Notwithstanding subsections (1) and (2), if the
15 area proposed to be annexed does not have any registered
16 electors on the date the ordinance is finally adopted, a vote
17 of electors of the area proposed to be annexed is not
18 required. In addition to the requirements of subsection (5),
19 the area may not be annexed unless the owners of more than 50
20 percent of the parcels of land in the area proposed to be
21 annexed consent to the annexation. ~~If a referendum of the~~
22 ~~annexing municipality is not required as well pursuant to~~
23 ~~subsection (2), then~~ The property owner consents required
24 pursuant to subsection (5) shall be obtained by the parties
25 proposing the annexation prior to the final adoption of the
26 ordinance, and the annexation ordinance shall be effective
27 upon becoming a law or as otherwise provided in the ordinance.

28 Section 8. Efficiency and accountability in local
29 government services.--

30 (1) The intent of this section is to provide and
31 encourage a process that will:

1 (a) Allow municipalities and counties to resolve
2 conflicts among local jurisdictions regarding the delivery and
3 financing of local services.

4 (b) Increase local government efficiency and
5 accountability.

6 (c) Provide greater flexibility in the use of local
7 revenue sources for local governments involved in the process.

8 (2) Any county or combination of counties, and the
9 municipalities therein, may use the procedures provided by
10 this section to develop and adopt a plan to improve the
11 efficiency, accountability, and coordination of the delivery
12 of local government services. The development of such a plan
13 may be initiated by a resolution adopted by a majority vote of
14 the governing body of each of the counties involved, by
15 resolutions adopted by a majority vote of the governing bodies
16 of a majority of the municipalities within each county, or by
17 resolutions adopted by a majority vote of the governing bodies
18 of the municipality or combination of municipalities
19 representing a majority of the municipal population of each
20 county. The resolution shall specify the representatives of
21 the county and municipal governments, of any affected special
22 districts, and of any relevant local government agencies who
23 will be responsible for developing the plan. The resolution
24 shall include a proposed timetable for development of the plan
25 and shall specify the local government support and personnel
26 services which will be made available to the representatives
27 developing the plan.

28 (3) Upon adoption of a resolution or resolutions as
29 provided in subsection (2), the designated representatives
30 shall develop a plan for delivery of local government
31 services. The plan shall:

1 (a) Designate the areawide and local government
2 services which are the subject of the plan.

3 (b) Describe the existing organization of such
4 services and the means of financing the services, and create a
5 reorganization of such services and the financing thereof that
6 will meet the goals of this section.

7 (c) Designate the local agency that should be
8 responsible for the delivery of each service.

9 (d) Designate those services that should be delivered
10 regionally or countywide. No provision of the plan shall
11 operate to restrict the power of a municipality to finance and
12 deliver services in addition to, or at a higher level than,
13 the services designated for regional or countywide delivery
14 under this paragraph.

15 (e) Provide means to reduce the cost of providing
16 local services and enhance the accountability of service
17 providers.

18 (f) Include a multiyear capital outlay plan for
19 infrastructure.

20 (g) Specifically describe any expansion of municipal
21 boundaries that would further the goals of this section. Any
22 area proposed to be annexed must meet the standards for
23 annexation provided in chapter 171, Florida Statutes. The plan
24 shall not contain any provision for contraction of municipal
25 boundaries or elimination of any municipality.

26 (h) Provide specific procedures for modification or
27 termination of the plan.

28 (i) Specify the effective date of the plan.

29 (4)(a) A plan developed pursuant to this section must
30 conform to all comprehensive plans that have been found to be
31

1 in compliance under part II of chapter 163, Florida Statutes,
2 for the local governments participating in the plan.

3 (b) No provision of a plan developed pursuant to this
4 section shall restrict the authority of any state or regional
5 governmental agency to perform any duty required to be
6 performed by that agency by law.

7 (5)(a) A plan developed pursuant to this section must
8 be approved by a majority vote of the governing body of each
9 county involved in the plan, and by a majority vote of the
10 governing bodies of a majority of municipalities in each
11 county, and by a majority vote of the governing bodies of the
12 municipality or municipalities that represent a majority of
13 the municipal population of each county.

14 (b) After approval by the county and municipal
15 governing bodies as required by paragraph (a), the plan shall
16 be submitted for referendum approval in a countywide election
17 in each county involved. The plan shall not take effect unless
18 approved by a majority of the electors of each county who vote
19 in the referendum, and also by a majority of the electors of
20 the municipalities that represent a majority of the municipal
21 population of each county who vote in the referendum. If
22 approved by the electors as required by this paragraph, the
23 plan shall take effect on the date specified in the plan.

24 (6) If a plan developed pursuant to this section
25 includes areas proposed for municipal annexation that meet the
26 standards for annexation provided in chapter 171, Florida
27 Statutes, such annexation shall take effect upon approval of
28 the plan as provided in this section, notwithstanding the
29 procedures for approval of municipal annexation specified in
30 chapter 171, Florida Statutes.

31

1 Section 9. Section 166.251, Florida Statutes, is
2 amended to read:
3 166.251 Service fee for dishonored check.--The
4 governing body of a municipality may adopt a service fee not
5 to exceed the service fees authorized under s. 832.08(5) of
6 ~~\$20~~ or 5 percent of the face amount of the check, draft, or
7 order, whichever is greater, for the collection of a
8 dishonored check, draft, or other order for the payment of
9 money to a municipal official or agency. The service fee
10 shall be in addition to all other penalties imposed by law.
11 Proceeds from this fee, if imposed, shall be retained by the
12 collector of the fee.

13 Section 10. This act shall take effect July 1, 1998.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1740

4 Permits a local government to use or amend existing
5 redevelopment plans to include the factors required to be
6 addressed in an urban infill and redevelopment plan.

7 Authorizes a local government to use an existing plan or plans
8 to address the factors required in an urban infill and
9 redevelopment plan without adopting that plan as a
10 comprehensive plan amendment, but requires the local
11 government to amend its comprehensive plan to delineate the
12 urban infill and redevelopment area within the future land use
13 map.

14 Provides that projects which provide employment opportunities
15 to clients of WAGES and projects in an urban infill and
16 redevelopment area which include a community redevelopment
17 area, Florida Main Street program, sustainable community,
18 enterprise zone, or neighborhood improvement district, shall
19 be given an elevated priority in the scoring of grant
20 applications for the Urban Infill and Redevelopment Assistance
21 Program.

22 Deletes the General Revenue appropriation of \$5 million for
23 the Urban Infill and Redevelopment Assistance Program, and
24 instead provides that the grant program is subject to funds
25 being appropriated for the program.

26 Eliminates the dual referendum requirement for certain
27 annexations of property by a municipality.

28 Implements the recommendations of the Commission on Local
29 Government II; creates a process by which counties and
30 municipalities may agree to revise service delivery.

31 Changes provisions relating to the amount a municipality may
charge for a dishonored check.

Expands the eminent domain power of CRAs to include
acquisition of enclaves, if such acquisition would further the
goals of the redevelopment plan.

Eliminates enterprize zone tax credits for urban infill and
redevelopment projects.