

hbd-08

Bill No. CS for CS for SB 2524, 2nd Eng.

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Constantine offered the following:

Amendment to Amendment (243299) (with title amendment)

On page 104, between lines 11 & 12,

insert:

Section 57. Sections 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, Florida Statutes, are created to read:

163.2511 Urban infill and redevelopment.--

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

(2) It is found and declared that:

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

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

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1 (c) In recognition of the interwoven destiny between
2 the urban center, the suburbs, the region, and the state, the
3 respective governments need to establish a framework and work
4 in partnership with communities and the private sector to
5 revitalize urban centers.

6 (d) State urban policies should guide the state,
7 regional agencies, local governments, and the private sector
8 in preserving and redeveloping existing urban centers and
9 promoting the adequate provision of infrastructure, human
10 services, safe neighborhoods, educational facilities, and
11 economic development to sustain these centers into the future.

12 (e) Successfully revitalizing and sustaining the urban
13 centers is dependent on addressing, through an integrated and
14 coordinated community effort, a range of varied components
15 essential to a healthy urban environment, including cultural,
16 educational, recreational, economic, transportation, and
17 social service components.

18 (f) Infill development and redevelopment are
19 recognized as one of the important components and useful
20 mechanisms to promote and sustain urban centers. State and
21 regional entities and local governments should provide
22 incentives to promote urban infill and redevelopment. Existing
23 programs and incentives should be integrated to the extent
24 possible to promote urban infill and redevelopment and to
25 achieve the goals of the state urban policy.

26 163.2514 Definitions.--As used in ss.

27 163.2511-163.2526:

28 (1) "Local government" means any county or
29 municipality.

30 (2) "Urban infill and redevelopment area" means an
31 area or areas designated by a local government for the

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1 development of vacant, abandoned, or significantly
2 underutilized parcels located where:
3 (a) Public services such as water and wastewater,
4 transportation, schools, and recreation are already available
5 or are scheduled to be provided in an adopted 5-year schedule
6 of capital improvements and are located within the existing
7 urban service area as defined in the local government's
8 comprehensive plan;
9 (b) The area contains not more than 10 percent
10 developable vacant land;
11 (c) The residential density is at least five dwelling
12 units per acre and the average nonresidential intensity is at
13 least a floor area ratio of 1.00; and
14 (d) The land area designated as an urban infill and
15 redevelopment area does not exceed 2 percent of the land area
16 of the local government jurisdiction or a total area of 3
17 square miles, whichever is greater.
18 163.2517 Designation of urban infill and redevelopment
19 area.--
20 (1) A local government may designate a geographic area
21 or areas within its jurisdiction as an urban infill and
22 redevelopment area for the purpose of targeting economic, job
23 creation, housing, transportation, and land-use incentives to
24 encourage urban infill and redevelopment within the urban
25 core.
26 (2) A local government seeking to designate a
27 geographic area within its jurisdiction as an urban infill and
28 redevelopment area shall first prepare a plan that describes
29 the infill and redevelopment objectives of the local
30 government within the proposed area. In lieu of preparing a
31 new plan, the local government may demonstrate that an

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1 existing plan or combination of plans associated with a
2 community development area, Florida Main Street program,
3 sustainable community, enterprise zone, or neighborhood
4 improvement district includes the factors listed in paragraphs
5 (a)-(j), or amend such existing plans to include the factors
6 listed in paragraphs (a)-(j). The plan shall demonstrate the
7 local government and community's commitment to comprehensively
8 addressing the urban problems within the urban infill and
9 redevelopment area and identify activities and programs to
10 accomplish locally identified goals such as code enforcement;
11 improved educational opportunities; reduction in crime;
12 provision of infrastructure needs, including mass transit and
13 multimodal linkages; and mixed-use planning to promote
14 multifunctional redevelopment to improve both the residential
15 and commercial quality of life in the area. The plan shall
16 also:
17 (a) Contain a map depicting the geographic area or
18 areas to be included within the designation.
19 (b) Identify the relationship between the proposed
20 area and the existing urban service area defined in the local
21 government's comprehensive plan.
22 (c) Identify existing enterprise zones, community
23 redevelopment areas, community development corporations,
24 brownfield areas, downtown redevelopment districts, safe
25 neighborhood improvement districts, historic preservation
26 districts, and empowerment zones located within the area
27 proposed for designation as an urban infill and redevelopment
28 area and provide a framework for coordinating infill and
29 redevelopment programs within the urban core.
30 (d) Identify a memorandum of understanding between the
31 district school board and the local government jurisdiction

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1 regarding public school facilities located within the urban
2 infill and redevelopment area to identify how the school board
3 will provide priority to enhancing public school facilities
4 and programs in the designated area, including the reuse of
5 existing buildings for schools within the area.

6 (e) Identify how the local government intends to
7 implement affordable housing programs, including, but not
8 limited to, the State Housing Initiatives Partnership Program,
9 and economic and community development programs administered
10 by the Department of Community Affairs, within the urban
11 infill and redevelopment area.

12 (f) If applicable, provide guidelines for the adoption
13 of land development regulations specific to the urban infill
14 and redevelopment area which include, for example, setbacks
15 and parking requirements appropriate to urban development.

16 (g) Identify any existing transportation concurrency
17 exception areas, and any relevant public transportation
18 corridors designated by a metropolitan planning organization
19 in its long-range transportation plans or by the local
20 government in its comprehensive plan for which the local
21 government seeks designation as a transportation concurrency
22 exception area.

23 (h) Identify and adopt a package of financial and
24 local government incentives which the local government will
25 offer for new development, expansion of existing development,
26 and redevelopment within the urban infill and redevelopment
27 area. Examples of such incentives include:

- 28 1. Waiver of license and permit fees.
29 2. Waiver of delinquent taxes, other than ad valorem,
30 or fees to promote the return of property to productive use.
31 3. Expedited permitting.

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1 4. Prioritization of infrastructure spending within
2 the urban infill and redevelopment area.

3 5. Local government absorption of developers'
4 concurrency costs.

5 (i) Identify how activities and incentives within the
6 urban infill and redevelopment area will be coordinated and
7 what administrative mechanism the local government will use
8 for the coordination.

9 (j) Identify performance measures to evaluate the
10 success of the local government in implementing the urban
11 infill and redevelopment plan.

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

30 (4) In order for a local government to designate an
31 urban infill and redevelopment area, it must amend its

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1 comprehensive land use plan under s. 163.3187 to adopt the
2 urban infill and redevelopment area plan and delineate the
3 urban infill and redevelopment area within the future land use
4 element of its comprehensive plan. If the local government
5 elects to employ an existing or amended community
6 redevelopment, Florida Main Street program, sustainable
7 community, enterprise zone, or neighborhood improvement
8 district plan or plans in lieu of preparation of an urban
9 infill and redevelopment plan, the local government must amend
10 its comprehensive land use plan under s. 163.3187 to delineate
11 the urban infill and redevelopment area within the future land
12 use element of its comprehensive plan. An amendment to the
13 local comprehensive plan to designate an urban infill and
14 redevelopment area is exempt from the twice-a-year amendment
15 limitation of s. 163.3187.

16 163.2520 Economic incentive; State agency reporting.--

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

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

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1 the House of Representatives by January 1, 1999, regarding
2 statutory and rule changes necessary to give urban infill and
3 redevelopment areas identified by local governments under this
4 act an elevated priority in infrastructure funding, loan, and
5 grant programs.

6 163.2523 Grant program.--

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

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

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1 redevelopment area, subject to the provisions of chapter 120.
2 The action to rescind may be initiated 90 days after issuing a
3 written letter of warning to the local government.

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

17 Section 58. Subsection (5) of section 163.3180,
18 Florida Statutes, is amended to read:

19 163.3180 Concurrency.--

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

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1 facilities may be granted as provided by this subsection.
2 (b) A local government may grant an exception from the
3 concurrency requirement for transportation facilities if the
4 proposed development is otherwise consistent with the adopted
5 local government comprehensive plan and is a project that
6 promotes public transportation or is located within an area
7 designated in the comprehensive plan for:
8 1. Urban infill development,
9 2. Urban redevelopment, ~~or~~
10 3. Downtown revitalization, ~~or~~
11 4. Urban infill and redevelopment under s. 163.2517.
12 (c) The Legislature also finds that developments
13 located within urban infill, urban redevelopment, existing
14 urban service, or downtown revitalization areas or areas
15 designated as urban infill and redevelopment areas under s.
16 163.2517 which pose only special part-time demands on the
17 transportation system should be excepted from the concurrency
18 requirement for transportation facilities. A special
19 part-time demand is one that does not have more than 200
20 scheduled events during any calendar year and does not affect
21 the 100 highest traffic volume hours.
22 (d) A local government shall establish guidelines for
23 granting the exceptions authorized in paragraphs (b) and (c)
24 in the comprehensive plan. These guidelines must include
25 consideration of the impacts on the Florida Intrastate Highway
26 System, as defined in s. 338.001. The exceptions may be
27 available only within the specific geographic area of the
28 jurisdiction designated in the plan. Pursuant to s. 163.3184,
29 any affected person may challenge a plan amendment
30 establishing these guidelines and the areas within which an
31 exception could be granted.

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1 Section 59. Subsection (1) of section 163.3187,
2 Florida 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

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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 d. The proposed amendment does not involve a text

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1 change to the goals, policies, and objectives of the local
2 government's comprehensive plan, but only proposes a land use
3 change to the future land use map for a site-specific small
4 scale development activity.

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

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

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

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

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1 that is located within a coastal high hazard area as
2 identified in the local comprehensive plan.

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

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

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

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

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

29 Section 60. Subsection (17) of section 187.201,
30 Florida Statutes, is amended to read:

31 187.201 State Comprehensive Plan adopted.--The

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1 Legislature hereby adopts as the State Comprehensive Plan the
2 following specific goals and policies:

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

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

13 (b) Policies.--

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

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

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

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

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

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

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1 7. Develop concurrency requirements for urban areas
2 that promote redevelopment efforts where the requirements do
3 not compromise public health and safety.

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

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

13 10. Locate appropriate public facilities within urban
14 centers to demonstrate public commitment to the centers and to
15 encourage private sector development.

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

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

22 Section 61. Paragraph (b) of subsection (19) of
23 section 380.06, Florida Statutes, is amended to read:

24 380.06 Developments of regional impact.--

25 (19) SUBSTANTIAL DEVIATIONS.--

26 (b) Any proposed change to a previously approved
27 development of regional impact or development order condition
28 which, either individually or cumulatively with other changes,
29 exceeds any of the following criteria shall constitute a
30 substantial deviation and shall cause the development to be
31 subject to further development-of-regional-impact review

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1 without the necessity for a finding of same by the local
2 government:

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

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

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

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

19 5. An increase in the average annual acreage mined by
20 5 percent or 10 acres, whichever is greater, or an increase in
21 the average daily water consumption by a mining operation by 5
22 percent or 300,000 gallons, whichever is greater. An increase
23 in the size of the mine by 5 percent or 750 acres, whichever
24 is less.

25 6. An increase in land area for office development by
26 5 percent or 6 acres, whichever is greater, or an increase of
27 gross floor area of office development by 5 percent or 60,000
28 gross square feet, whichever is greater.

29 7. An increase in the storage capacity for chemical or
30 petroleum storage facilities by 5 percent, 20,000 barrels, or
31 7 million pounds, whichever is greater.

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

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

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

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

15 12. An increase in a recreational vehicle park area by
16 5 percent or 100 vehicle spaces, whichever is less.

17 13. A decrease in the area set aside for open space of
18 5 percent or 20 acres, whichever is less.

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

26 15. A 15-percent increase in the number of external
27 vehicle trips generated by the development above that which
28 was projected during the original
29 development-of-regional-impact review.

30 16. Any change which would result in development of
31 any area which was specifically set aside in the application

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1 for development approval or in the development order for
 2 preservation or special protection of endangered or threatened
 3 plants or animals designated as endangered, threatened, or
 4 species of special concern and their habitat, primary dunes,
 5 or archaeological and historical sites designated as
 6 significant by the Division of Historical Resources of the
 7 Department of State. The further refinement of such areas by
 8 survey shall be considered under sub-subparagraph (e)5.b.

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

22 Section 62. Subsection (1) of section 163.375, Florida
 23 Statutes, is amended to read:

24 163.375 Eminent domain.--

25 (1) Any county or municipality, or any community
 26 redevelopment agency pursuant to specific approval of the
 27 governing body of the county or municipality which established
 28 the agency, as provided by any county or municipal ordinance
 29 has the right to acquire by condemnation any interest in real
 30 property, including a fee simple title thereto, which it deems
 31 necessary for, or in connection with, community redevelopment

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

19 Section 63. Section 171.0413, Florida Statutes, is
20 amended to read:

21 171.0413 Annexation procedures.--Any municipality may
22 annex contiguous, compact, unincorporated territory in the
23 following manner:

24 (1) An ordinance proposing to annex an area of
25 contiguous, compact, unincorporated territory shall be adopted
26 by the governing body of the annexing municipality pursuant to
27 the procedure for the adoption of a nonemergency ordinance
28 established by s. 166.041. Prior to the adoption of the
29 ordinance of annexation, the local governing body shall hold
30 at least two advertised public hearings on the proposed
31 annexation. The first public hearing shall be on a weekday at

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1 least 7 days after the day that the first advertisement is
2 published. The second public hearing shall be held on a
3 weekday at least 5 days after the day that the second
4 advertisement is published. The governing body of the annexing
5 municipality may choose to submit the ordinance of annexation
6 to a separate vote of the registered electors of the annexing
7 municipality.Each such ordinance shall propose only one
8 reasonably compact area to be annexed. However, prior to the
9 ordinance of annexation becoming effective, a referendum on
10 annexation shall be held as set out below, and, if approved by
11 the referendum, the ordinance shall become effective 10 days
12 after the referendum or as otherwise provided in the
13 ordinance, but not more than 1 year following the date of the
14 referendum.

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

29 (a) The referendum on annexation shall be held at the
30 next regularly scheduled election following the final adoption
31 of the ordinance of annexation by the governing body of the

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

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

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

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

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

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

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

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

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

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

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

27 Section 64. Efficiency and accountability in local
 28 government services.--

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

31 (a) Allow municipalities and counties to resolve

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1 conflicts among local jurisdictions regarding the delivery and
2 financing of local services.

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

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

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

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

31 (a) Designate the areawide and local government

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1 services which are the subject of the plan.

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

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

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

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

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

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

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

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

28 (4)(a) A plan developed pursuant to this section must
29 conform to all comprehensive plans that have been found to be
30 in compliance under part II of chapter 163, Florida Statutes,
31 for the local governments participating in the plan.

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

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

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

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

29 Section 65. Section 166.251, Florida Statutes, is
30 amended to read:

31 166.251 Service fee for dishonored check.--The

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

10
11

=====
12 ===== T I T L E A M E N D M E N T =====
13

And the title is amended as follows:

14 On page 112, line 23, of the amendment

15
16

after the semicolon insert:

17 creating ss. 163.2511, 163.2514, 163.2517,
18 163.2520, 163.2523, and 163.2526, F.S., the
19 Urban Infill and Redevelopment Act; providing
20 legislative findings; providing definitions;
21 authorizing counties and municipalities to
22 designate urban infill and redevelopment areas
23 based on specified criteria; requiring
24 preparation of a plan or designation of an
25 existing plan and providing requirements with
26 respect thereto; requiring a public hearing;
27 providing for amendment of the local
28 comprehensive plan; requiring a report by
29 certain state agencies; providing a program for
30 grants to counties and municipalities with
31 urban infill and redevelopment areas; providing

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1 for review and evaluation of the act and
2 requiring a report; amending s. 163.3180, F.S.;
3 authorizing exemptions from the transportation
4 facilities concurrency requirement for
5 developments located in an urban infill and
6 redevelopment area; amending s. 163.3187, F.S.;
7 providing that comprehensive plan amendments to
8 designate such areas are not subject to
9 statutory limits on the frequency of plan
10 amendments; including such areas within certain
11 limitations relating to small scale development
12 amendments; amending s. 187.201, F.S.;
13 including policies relating to urban policy in
14 the State Comprehensive Plan; amending s.
15 380.06, F.S., relating to developments of
16 regional impact; increasing certain numerical
17 standards for determining a substantial
18 deviation for projects located in certain urban
19 infill and redevelopment areas; amending s.
20 163.375, F.S.; authorizing acquisition by
21 eminent domain of property in unincorporated
22 enclaves surrounded by a community
23 redevelopment area when necessary to accomplish
24 a community development plan; amending s.
25 171.0413, F.S., relating to municipal
26 annexation procedures; deleting a requirement
27 that a separate referendum be held in the
28 annexing municipality when the annexation
29 exceeds a certain size; providing procedures by
30 which a county or combination of counties and
31 the municipalities therein may develop and

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1 adopt a plan to improve the efficiency,
 2 accountability, and coordination of the
 3 delivery of local government services;
 4 providing for initiation of the process by
 5 resolution; providing requirements for the
 6 plan; requiring approval by the local
 7 governments' governing bodies and by
 8 referendum; authorizing municipal annexation
 9 through such plan; amending s. 166.251, F.S.;

10 revising provisions with respect to service
 11 fees for dishonored checks;

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