

Bill No. CS for SB 336

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.
.

Senator Meadows moved the following amendment:

Senate Amendment (with title amendment)

On page 3, line 9,

insert:

Section 1. Subsections (1) and (5) of section 163.3180, Florida Statutes, are amended, and subsections (12) and (13) are added to said section, to read:

163.3180 Concurrency.--

(1)(a) Roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

~~(b) If a local government elects to extend the~~

Bill No. CS for SB 336

Amendment No. ____

1 ~~concurrency requirement to public schools, it should first~~
2 ~~conduct a study to determine how the requirement would be met~~
3 ~~and shared by all affected parties. The local government shall~~
4 ~~provide an opportunity for full participation in this study by~~
5 ~~the school board. The state land planning agency may provide~~
6 ~~technical assistance to local governments that study and~~
7 ~~prepare for extension of the concurrency requirement to public~~
8 ~~schools. When establishing concurrency requirements for public~~
9 ~~schools, a local government shall comply with the following~~
10 ~~criteria for any proposed plan or plan amendment transmitted~~
11 ~~pursuant to s. 163.3184(3) after July 1, 1995:~~

12 1. ~~Adopt level-of-service standards for public schools~~
13 ~~with the agreement of the school board. Public school~~
14 ~~level-of-service standards shall be adopted as part of the~~
15 ~~capital improvements element in the local government~~
16 ~~comprehensive plan, which shall contain a financially feasible~~
17 ~~public school capital facilities program established in~~
18 ~~conjunction with the school board that will provide~~
19 ~~educational facilities at an adequate level of service~~
20 ~~necessary to implement the adopted local government~~
21 ~~comprehensive plan.~~

22 2. ~~Satisfy the requirement for intergovernmental~~
23 ~~coordination set forth in s. 163.3177(6)(h)1. and 2.~~

24 (5)(a) The Legislature finds that under limited
25 circumstances dealing with transportation facilities,
26 countervailing planning and public policy goals may come into
27 conflict with the requirement that adequate public facilities
28 and services be available concurrent with the impacts of such
29 development. The Legislature further finds that often the
30 unintended result of the concurrency requirement for
31 transportation facilities is the discouragement of urban

Bill No. CS for SB 336

Amendment No. ____

1 infill development and redevelopment. Such unintended results
2 directly conflict with the goals and policies of the state
3 comprehensive plan and the intent of this part. Therefore,
4 exceptions from the concurrency requirement for transportation
5 facilities may be granted as provided by this subsection.

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

- 12 1. Urban infill development,
- 13 2. Urban redevelopment, ~~or~~
- 14 3. Downtown revitalization, ~~or~~
- 15 4. Urban infill and redevelopment under s. 163.2517.

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

26 (d) A local government shall establish guidelines for
27 granting the exceptions authorized in paragraphs (b) and (c)
28 in the comprehensive plan. These guidelines must include
29 consideration of the impacts on the Florida Intrastate Highway
30 System, as defined in s. 338.001. The exceptions may be
31 available only within the specific geographic area of the

Bill No. CS for SB 336

Amendment No. ____

1 jurisdiction designated in the plan. Pursuant to s. 163.3184,
2 any affected person may challenge a plan amendment
3 establishing these guidelines and the areas within which an
4 exception could be granted.

5 (12) School concurrency, if imposed by local option,
6 shall be established on a districtwide basis and shall include
7 all public schools in the district and all portions of the
8 district, whether located in a municipality or an
9 unincorporated area. The application of school concurrency to
10 development shall be based upon the adopted comprehensive
11 plan, as amended. All local governments within a county,
12 except as provided in paragraph (f), shall adopt and transmit
13 to the state land planning agency the necessary plan
14 amendments, along with the interlocal agreement, for a
15 compliance review pursuant to s. 163.3184(7) and (8). School
16 concurrency shall not become effective in a county until all
17 local governments, except as provided in paragraph (f), have
18 adopted the necessary plan amendments, which together with the
19 interlocal agreement, are determined to be in compliance with
20 the requirements of this part. The minimum requirements for
21 school concurrency are the following:

22 (a) Public school facilities element.--A local
23 government shall adopt and transmit to the state land planning
24 agency a plan or plan amendment which includes a public school
25 facilities element which is consistent with the requirements
26 of s. 163.3177(12) and which is determined to be in compliance
27 as defined in s. 163.3184(1)(b). All local government public
28 school facilities plan elements within a county must be
29 consistent with each other as well as the requirements of this
30 part.

31 (b) Level of service standards.--The Legislature

Bill No. CS for SB 336

Amendment No. ____

1 recognizes that an essential requirement for a concurrency
2 management system is the level of service at which a public
3 facility is expected to operate.

4 1. Local governments and school boards imposing school
5 concurrency shall exercise authority in conjunction with each
6 other to establish jointly adequate level of service
7 standards, as defined in rule 9J-5, Florida Administrative
8 Code, necessary to implement the adopted local government
9 comprehensive plan, based on data and analysis.

10 2. Public school level of service standards shall be
11 included and adopted into the capital improvements element of
12 the local comprehensive plan and shall apply districtwide to
13 all schools of the same type. Types of schools may include
14 elementary, middle, and high schools as well as
15 special-purpose facilities such as magnet schools.

16 3. Local governments and school boards shall have the
17 option to utilize tiered level of service standards to allow
18 time to achieve an adequate and desirable level of service as
19 circumstances warrant.

20 (c) Service areas.--The Legislature recognizes that an
21 essential requirement for a concurrency system is a
22 designation of the area within which the level of service will
23 be measured when an application for a residential development
24 permit is reviewed for school concurrency purposes. This
25 delineation is also important for purposes of determining
26 whether the local government has a financially feasible public
27 school capital facilities program that will provide schools
28 which will achieve and maintain the adopted level of service
29 standards.

30 1. In order to balance competing interests, preserve
31 the constitutional concept of uniformity, and avoid disruption

Bill No. CS for SB 336

Amendment No. ____

1 of existing educational and growth management processes, local
2 governments are encouraged to apply school concurrency to
3 development on a districtwide basis so that a concurrency
4 determination for a specific development will be based upon
5 the availability of school capacity districtwide.

6 2. For local governments applying school concurrency
7 on a less than districtwide basis, such as utilizing school
8 attendance zones or larger school concurrency service areas,
9 local governments and school boards shall have the burden to
10 demonstrate that the utilization of school capacity is
11 maximized to the greatest extent possible in the comprehensive
12 plan and amendment, taking into account transportation costs
13 and court-approved desegregation plans, as well as other
14 factors. In addition, in order to achieve concurrency within
15 the service area boundaries selected by local governments and
16 school boards, the service area boundaries, together with the
17 standards for establishing those boundaries, shall be
18 identified, included, and adopted as part of the comprehensive
19 plan. Any subsequent change to the service area boundaries
20 for purposes of a school concurrency system shall be by plan
21 amendment and shall be exempt from the limitation on the
22 frequency of plan amendments in s. 163.3187(1).

23 3. Where school capacity is available on a
24 districtwide basis but school concurrency is applied on a less
25 than districtwide basis in the form of concurrency service
26 areas, if the adopted level of service standard cannot be met
27 in a particular service area as applied to an application for
28 a development permit and if the needed capacity for the
29 particular service area is available in one or more contiguous
30 service areas, as adopted by the local government, then the
31 development order shall be issued and mitigation measures

Bill No. CS for SB 336

Amendment No. ____

1 shall not be exacted.

2 (d) Financial feasibility.--The Legislature recognizes
3 that financial feasibility is an important issue because the
4 premise of concurrency is that the public facilities will be
5 provided in order to achieve and maintain the adopted level of
6 service standard. This part and chapter 9J-5, Florida
7 Administrative Code, contain specific standards to determine
8 the financial feasibility of capital programs. These standards
9 were adopted to make concurrency more predictable and local
10 governments more accountable.

11 1. A comprehensive plan amendment seeking to impose
12 school concurrency shall contain appropriate amendments to the
13 capital improvements element of the comprehensive plan,
14 consistent with the requirements of s. 163.3177(3) and rule
15 9J-5.016, Florida Administrative Code. The capital
16 improvements element shall set forth a financially feasible
17 public school capital facilities program, established in
18 conjunction with the school board, that demonstrates that the
19 adopted level of service standards will be achieved and
20 maintained.

21 2. Such amendments shall demonstrate that the public
22 school capital facilities program meets all of the financial
23 feasibility standards of this part and chapter 9J-5, Florida
24 Administrative Code, that apply to capital programs which
25 provide the basis for mandatory concurrency on other public
26 facilities and services.

27 3. When the financial feasibility of a public school
28 capital facilities program is evaluated by the state land
29 planning agency for purposes of a compliance determination,
30 the evaluation shall be based upon the service areas selected
31 by the local governments and school board.

Bill No. CS for SB 336

Amendment No. ____

1 (e) Availability standard.--Consistent with the public
2 welfare, a local government may not deny a development permit
3 authorizing residential development for failure to achieve and
4 maintain the level of service standard for public school
5 capacity in a local option school concurrency system where
6 adequate school facilities will be in place or under actual
7 construction within 3 years after permit issuance.

8 (f) Intergovernmental coordination.--

9 1. When establishing concurrency requirements for
10 public schools, a local government shall satisfy the
11 requirements for intergovernmental coordination set forth in
12 s. 163.3177(6)(h)1. and 2., except that a municipality is not
13 required to be a signatory to the interlocal agreement
14 required by s. 163.3177(6)(h)2. as a prerequisite for
15 imposition of school concurrency, and as a nonsignatory shall
16 not participate in the adopted local school concurrency
17 system, if the municipality meets all of the following
18 criteria for having no significant impact on school
19 attendance:

20 a. The municipality has issued development orders for
21 fewer than 50 residential dwelling units during the preceding
22 5 years, or the municipality has generated fewer than 25
23 additional public school students during the preceding 5
24 years.

25 b. The municipality has not annexed new land during
26 the preceding 5 years in land use categories which permit
27 residential uses that will affect school attendance rates.

28 c. The municipality has no public schools located
29 within its boundaries.

30 d. At least 80 percent of the developable land within
31 the boundaries of the municipality has been built upon.

Bill No. CS for SB 336

Amendment No. ____

1 2. A municipality which qualifies as having no
2 significant impact on school attendance pursuant to the
3 criteria of subparagraph 1. must review and determine at the
4 time of its evaluation and appraisal report pursuant to s.
5 163.3191 whether it continues to meet the criteria. If the
6 municipality determines that it no longer meets the criteria,
7 it must adopt appropriate school concurrency goals,
8 objectives, and policies in its plan amendments based on the
9 evaluation and appraisal report, and enter into the existing
10 interlocal agreement required by s. 163.3177(6)(h)2., in order
11 to fully participate in the school concurrency system. If
12 such a municipality fails to do so, it will be subject to the
13 enforcement provisions of s. 163.3191.

14 (g) Interlocal agreement for school concurrency.--When
15 establishing concurrency requirements for public schools, a
16 local government must enter into an interlocal agreement which
17 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and
18 the requirements of this subsection. The interlocal agreement
19 shall acknowledge both the school board's constitutional and
20 statutory obligations to provide a uniform system of free
21 public schools on a countywide basis, and the land use
22 authority of local governments, including their authority to
23 approve or deny comprehensive plan amendments and development
24 orders. The interlocal agreement shall be submitted to the
25 state land planning agency by the local government as a part
26 of the compliance review, along with the other necessary
27 amendments to the comprehensive plan required by this part.
28 In addition to the requirements of s. 163.3177(6)(h), the
29 interlocal agreement shall meet the following requirements:

30 1. Establish the mechanisms for coordinating the
31 development, adoption, and amendment of each local

Bill No. CS for SB 336

Amendment No. ____

1 government's public school facilities element with each other
2 and the plans of the school board to ensure a uniform
3 districtwide school concurrency system.

4 2. Establish a process by which each local government
5 and the school board shall agree and base their plans on
6 consistent projections of the amount, type, and distribution
7 of population growth and coordinate and share information
8 relating to existing and planned public school facilities
9 projections and proposals for development and redevelopment,
10 and infrastructure required to support public school
11 facilities.

12 3. Establish a process for the development of siting
13 criteria which encourages the location of public schools
14 proximate to urban residential areas to the extent possible
15 and seeks to collocate schools with other public facilities
16 such as parks, libraries, and community centers to the extent
17 possible.

18 4. Specify uniform, districtwide level of service
19 standards for public schools of the same type and the process
20 for modifying the adopted levels of service standards.

21 5. Establish a process for the preparation, amendment,
22 and joint approval by each local government and the school
23 board of a public school capital facilities program which is
24 financially feasible, and a process and schedule for
25 incorporation of the public school capital facilities program
26 into the local government comprehensive plans on an annual
27 basis.

28 6. Define the geographic application of school
29 concurrency. If school concurrency is to be applied on a less
30 than districtwide basis in the form of concurrency service
31 areas, the agreement shall establish criteria and standards

Bill No. CS for SB 336

Amendment No. ____

1 for the establishment and modification of school concurrency
2 service areas. The agreement shall also establish a process
3 and schedule for the mandatory incorporation of the school
4 concurrency service areas and the criteria and standards for
5 establishment of the service areas into the local government
6 comprehensive plans. The agreement shall ensure maximum
7 utilization of school capacity, taking into account
8 transportation costs and court-approved desegregation plans,
9 as well as other factors. The agreement shall also ensure the
10 achievement and maintenance of the adopted level of service
11 standards for the geographic area of application throughout
12 the 5 years covered by the public school capital facilities
13 plan and thereafter by adding a new fifth year during the
14 annual update.

15 7. Establish a uniform districtwide procedure for
16 implementing school concurrency which provides for:

17 a. The evaluation of development applications for
18 compliance with school concurrency requirements;

19 b. An opportunity for the school board to review and
20 comment on the effect of comprehensive plan amendments and
21 rezonings on the public school facilities plan; and

22 c. The monitoring and evaluation of the school
23 concurrency system.

24 8. Include provisions relating to termination,
25 suspension, and amendment of the agreement. The agreement
26 shall provide that if the agreement is terminated or
27 suspended, the application of school concurrency shall be
28 terminated or suspended.

29 (13) The state land planning agency shall, by October
30 1, 1998, adopt by rule minimum criteria for the review and
31 determination of compliance of a public school facilities

Bill No. CS for SB 336

Amendment No. ____

1 element adopted by a local government for purposes of
2 imposition of school concurrency.

3 Section 2. Sections 163.2511, 163.2514, 163.2517,
4 163.2520, 163.2523, and 163.2526, Florida Statutes, are
5 created to read:

6 163.2511 Urban infill and redevelopment.--

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

9 (2) It is found and declared that:

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

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

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

23 (d) State urban policies should guide the state,
24 regional agencies, local governments, and the private sector
25 in preserving and redeveloping existing urban centers and
26 promoting the adequate provision of infrastructure, human
27 services, safe neighborhoods, educational facilities, and
28 economic development to sustain these centers into the future.

29 (e) Successfully revitalizing and sustaining the urban
30 centers is dependent on addressing, through an integrated and
31 coordinated community effort, a range of varied components

Bill No. CS for SB 336

Amendment No.

1 essential to a healthy urban environment, including cultural,
2 educational, recreational, economic, transportation, and
3 social service components.

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

12 163.2514 Definitions.--As used in ss.
13 163.2511-163.2526:

14 (1) "Local government" means any county or
15 municipality.

16 (2) "Urban infill and redevelopment area" means an
17 area or areas designated by a local government for the
18 development of vacant, abandoned, or significantly
19 underutilized parcels located where:

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

26 (b) The area contains not more than 10 percent
27 developable vacant land;

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

31 (d) The land area designated as an urban infill and

Bill No. CS for SB 336

Amendment No.

1 redevelopment area does not exceed 2 percent of the land area
2 of the local government jurisdiction or a total area of 3
3 square miles, whichever is greater.

4 163.2517 Designation of urban infill and redevelopment
5 area.--

6 (1) A local government may designate a geographic area
7 or areas within its jurisdiction as an urban infill and
8 redevelopment area for the purpose of targeting economic, job
9 creation, housing, transportation, and land-use incentives to
10 encourage urban infill and redevelopment within the urban
11 core.

12 (2) A local government seeking to designate a
13 geographic area within its jurisdiction as an urban infill and
14 redevelopment area shall first prepare a plan that describes
15 the infill and redevelopment objectives of the local
16 government within the proposed area. In lieu of preparing a
17 new plan, the local government may demonstrate that an
18 existing plan or combination of plans associated with a
19 community development area, Florida Main Street program,
20 sustainable community, enterprise zone, or neighborhood
21 improvement district includes the factors listed in paragraphs
22 (a)-(j), or amend such existing plans to include the factors
23 listed in paragraphs (a)-(j). The plan shall demonstrate the
24 local government and community's commitment to comprehensively
25 addressing the urban problems within the urban infill and
26 redevelopment area and identify activities and programs to
27 accomplish locally identified goals such as code enforcement;
28 improved educational opportunities; reduction in crime;
29 provision of infrastructure needs, including mass transit and
30 multimodal linkages; and mixed-use planning to promote
31 multifunctional redevelopment to improve both the residential

Bill No. CS for SB 336

Amendment No. ____

1 and commercial quality of life in the area. The plan shall
2 also:

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

5 (b) Identify the relationship between the proposed
6 area and the existing urban service area defined in the local
7 government's comprehensive plan.

8 (c) Identify existing enterprise zones, community
9 redevelopment areas, community development corporations,
10 brownfield areas, downtown redevelopment districts, safe
11 neighborhood improvement districts, historic preservation
12 districts, and empowerment zones located within the area
13 proposed for designation as an urban infill and redevelopment
14 area and provide a framework for coordinating infill and
15 redevelopment programs within the urban core.

16 (d) Identify a memorandum of understanding between the
17 district school board and the local government jurisdiction
18 regarding public school facilities located within the urban
19 infill and redevelopment area to identify how the school board
20 will provide priority to enhancing public school facilities
21 and programs in the designated area, including the reuse of
22 existing buildings for schools within the area.

23 (e) Identify how the local government intends to
24 implement affordable housing programs, including, but not
25 limited to, the State Housing Initiatives Partnership Program,
26 and economic and community development programs administered
27 by the Department of Community Affairs, within the urban
28 infill and redevelopment area.

29 (f) If applicable, provide guidelines for the adoption
30 of land development regulations specific to the urban infill
31 and redevelopment area which include, for example, setbacks

Bill No. CS for SB 336

Amendment No. ____

1 and parking requirements appropriate to urban development.

2 (g) Identify any existing transportation concurrency
3 exception areas, and any relevant public transportation
4 corridors designated by a metropolitan planning organization
5 in its long-range transportation plans or by the local
6 government in its comprehensive plan for which the local
7 government seeks designation as a transportation concurrency
8 exception area.

9 (h) Identify and adopt a package of financial and
10 local government incentives which the local government will
11 offer for new development, expansion of existing development,
12 and redevelopment within the urban infill and redevelopment
13 area. Examples of such incentives include:

- 14 1. Waiver of license and permit fees.
- 15 2. Waiver of local option sales taxes.
- 16 3. Waiver of delinquent taxes or fees to promote the
17 return of property to productive use.
- 18 4. Expedited permitting.
- 19 5. Prioritization of infrastructure spending within
20 the urban infill and redevelopment area.
- 21 6. Local government absorption of developers'
22 concurrency costs.

23 (i) Identify how activities and incentives within the
24 urban infill and redevelopment area will be coordinated and
25 what administrative mechanism the local government will use
26 for the coordination.

27 (j) Identify performance measures to evaluate the
28 success of the local government in implementing the urban
29 infill and redevelopment plan.

30 (3) After the preparation of an urban infill and
31 redevelopment plan or designation of an existing plan and

Bill No. CS for SB 336

Amendment No. ____

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

17 (4) In order for a local government to designate an
18 urban infill and redevelopment area, it must amend its
19 comprehensive land use plan under s. 163.3187 to adopt the
20 urban infill and redevelopment area plan and delineate the
21 urban infill and redevelopment area within the future land use
22 element of its comprehensive plan. If the local government
23 elects to employ an existing or amended community
24 redevelopment, Florida Main Street program, sustainable
25 community, enterprise zone, or neighborhood improvement
26 district plan or plans in lieu of preparation of an urban
27 infill and redevelopment plan, the local government must amend
28 its comprehensive land use plan under s. 163.3187 to delineate
29 the urban infill and redevelopment area within the future land
30 use element of its comprehensive plan. An amendment to the
31 local comprehensive plan to designate an urban infill and

Bill No. CS for SB 336

Amendment No. ____

1 redevelopment area is exempt from the twice-a-year amendment
2 limitation of s. 163.3187.

3 163.2520 Economic incentives; report.--

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

9 (2) State agencies that provide infrastructure
10 funding, cost reimbursement, grants, or loans to local
11 governments, including, but not limited to, the Department of
12 Environmental Protection (Clean Water State Revolving Fund,
13 Drinking Water State Revolving Fund, and the State of Florida
14 Pollution Control Bond Program); the Department of Community
15 Affairs (State Housing Initiatives Partnership, Florida
16 Communities Trust); and the Department of Transportation
17 (Intermodal Transportation Efficiency Act funds), are directed
18 to report to the President of the Senate and the Speaker of
19 the House of Representatives by January 1, 1999, regarding
20 statutory and rule changes necessary to give urban infill and
21 redevelopment areas identified by local governments under this
22 act an elevated priority in infrastructure funding, loan, and
23 grant programs.

24 163.2523 Grant program.--

25 (1) An Urban Infill and Redevelopment Assistance Grant
26 Program is created for local governments with adopted urban
27 infill and redevelopment areas. Ninety percent of the general
28 revenue appropriated for this program shall be available for
29 fifty/fifty matching grants for planning and implementing
30 urban infill and redevelopment projects that further the
31 objectives set forth in the local government's adopted urban

Bill No. CS for SB 336

Amendment No. ____

1 infill and redevelopment plan or plan employed in lieu
2 thereof. The remaining 10 percent of the revenue must be used
3 for outright grants for projects requiring under \$50,000.
4 Projects that provide employment opportunities to clients of
5 the WAGES program and projects within urban infill and
6 redevelopment areas that include a community redevelopment
7 area, Florida Main Street Program, sustainable community,
8 enterprise zone, or neighborhood improvement district must be
9 given an elevated priority in the scoring of competing grant
10 applications. The Division of Housing and Community
11 Development of the Department of Community Affairs shall
12 administer the grant program. The Department of Community
13 Affairs shall adopt rules establishing grant review criteria
14 consistent with this section.

15 (2) If the local government fails to implement the
16 urban infill and redevelopment plan, the Department of
17 Community Affairs may seek to rescind the economic and
18 regulatory incentives granted to an urban infill and
19 redevelopment area, subject to the provisions of chapter 120.
20 The action to rescind may be initiated 90 days after issuing a
21 written letter of warning to the local government.

22 163.2526 Review and evaluation.--Before the 2003
23 Regular Session of the Legislature, the Office of Program
24 Policy Analysis and Government Accountability shall perform a
25 review and evaluation of ss. 163.2511-163.2526, including the
26 financial incentives listed in s. 163.2520. The report must
27 evaluate the effectiveness of the designation of urban infill
28 and redevelopment areas in stimulating urban infill and
29 redevelopment and strengthening the urban core. A report of
30 the findings and recommendations of the Office of Program
31 Policy Analysis and Government Accountability shall be

Bill No. CS for SB 336

Amendment No. ____

1 submitted to the President of the Senate and the Speaker of
2 the House of Representatives before the 2003 Regular Session
3 of the Legislature.

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

6 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

Bill No. CS for SB 336

Amendment No. ____

1 development of regional impact.

2 (c) Any local government comprehensive plan amendments
3 directly related to proposed small scale development
4 activities may be approved without regard to statutory limits
5 on the frequency of consideration of amendments to the local
6 comprehensive plan. A small scale development amendment may
7 be adopted only under the following conditions:

8 1. The proposed amendment involves a use of 10 acres
9 or fewer and:

10 a. The cumulative annual effect of the acreage for all
11 small scale development amendments adopted by the local
12 government shall not exceed:

13 (I) A maximum of 120 acres in a local government that
14 contains areas specifically designated in the local
15 comprehensive plan for urban infill, urban redevelopment, or
16 downtown revitalization as defined in s. 163.3164, urban
17 infill and redevelopment areas designated under s. 163.2517,
18 transportation concurrency exception areas approved pursuant
19 to s. 163.3180(5), or regional activity centers and urban
20 central business districts approved pursuant to s.
21 380.06(2)(e); however, amendments under this paragraph may be
22 applied to no more than 60 acres annually of property outside
23 the designated areas listed in this sub-sub-subparagraph.

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

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

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

31 c. The proposed amendment does not involve the same

Bill No. CS for SB 336

Amendment No. ____

1 owner's property within 200 feet of property granted a change
2 within the prior 12 months.

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

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

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

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

30 b. The local government shall send copies of the
31 notice and amendment to the state land planning agency, the

Bill No. CS for SB 336

Amendment No. ____

1 regional planning council, and any other person or entity
2 requesting a copy. This information shall also include a
3 statement identifying any property subject to the amendment
4 that is located within a coastal high hazard area as
5 identified in the local comprehensive plan.

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

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

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

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

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

Bill No. CS for SB 336

Amendment No. ____

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

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

6 (17) URBAN REDEVELOPMENT AND DOWNTOWN
7 REVITALIZATION.--

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

16 (b) Policies.--

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

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

23 3. Promote state programs and investments which
24 encourage redevelopment of downtown areas.

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

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

Bill No. CS for SB 336

Amendment No. ____

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,

Bill No. CS for SB 336

Amendment No. ____

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.

Bill No. CS for SB 336

Amendment No. ____

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 was projected during the original

Bill No. CS for SB 336

Amendment No. ____

1 development-of-regional-impact review.

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

12

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

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

27 163.375 Eminent domain.--

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

Bill No. CS for SB 336

Amendment No. ____

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

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

24 171.0413 Annexation procedures.--Any municipality may
25 annex contiguous, compact, unincorporated territory in the
26 following manner:

27 (1) An ordinance proposing to annex an area of
28 contiguous, compact, unincorporated territory shall be adopted
29 by the governing body of the annexing municipality pursuant to
30 the procedure for the adoption of a nonemergency ordinance
31 established by s. 166.041. Prior to the adoption of the

Bill No. CS for SB 336

Amendment No. ____

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

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

Bill No. CS for SB 336

Amendment No. ____

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

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

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

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

Bill No. CS for SB 336

Amendment No. ____

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

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

29 (4) Except as otherwise provided in this law, the
30 annexation procedure as set forth in this section shall
31 constitute a uniform method for the adoption of an ordinance

Bill No. CS for SB 336

Amendment No. ____

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

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

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

30 Section 8. Efficiency and accountability in local
31 government services.--

Bill No. CS for SB 336

Amendment No. ____

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

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

6 (b) Increase local government efficiency and
7 accountability.

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

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

30 (3) Upon adoption of a resolution or resolutions as
31 provided in subsection (2), the designated representatives

Bill No. CS for SB 336

Amendment No. ____

- 1 shall develop a plan for delivery of local government
- 2 services. The plan shall:
- 3 (a) Designate the areawide and local government
- 4 services which are the subject of the plan.
- 5 (b) Describe the existing organization of such
- 6 services and the means of financing the services, and create a
- 7 reorganization of such services and the financing thereof that
- 8 will meet the goals of this section.
- 9 (c) Designate the local agency that should be
- 10 responsible for the delivery of each service.
- 11 (d) Designate those services that should be delivered
- 12 regionally or countywide. No provision of the plan shall
- 13 operate to restrict the power of a municipality to finance and
- 14 deliver services in addition to, or at a higher level than,
- 15 the services designated for regional or countywide delivery
- 16 under this paragraph.
- 17 (e) Provide means to reduce the cost of providing
- 18 local services and enhance the accountability of service
- 19 providers.
- 20 (f) Include a multiyear capital outlay plan for
- 21 infrastructure.
- 22 (g) Specifically describe any expansion of municipal
- 23 boundaries that would further the goals of this section. Any
- 24 area proposed to be annexed must meet the standards for
- 25 annexation provided in chapter 171, Florida Statutes. The plan
- 26 shall not contain any provision for contraction of municipal
- 27 boundaries or elimination of any municipality.
- 28 (h) Provide specific procedures for modification or
- 29 termination of the plan.
- 30 (i) Specify the effective date of the plan.
- 31 (4)(a) A plan developed pursuant to this section must

Bill No. CS for SB 336

Amendment No. ____

1 conform to all comprehensive plans that have been found to be
2 in compliance under part II of chapter 163, Florida Statutes,
3 for the local governments participating in the plan.

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

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

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

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

Bill No. CS for SB 336

Amendment No. ____

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
14 (Redesignate subsequent sections.)

15
16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 1, lines 2 and 3, delete those lines

20
21 and insert:

22 An act relating to economic and governmental
23 development; amending s. 163.3180, F.S. ;
24 authorizing exemptions from the transportation
25 facilities concurrency requirement for
26 developments located in an urban infill and
27 redevelopment area; requiring a public schools
28 facilities element; providing requirements for
29 level of service standards; providing
30 requirements for designation of service areas;
31 providing requirements with respect to

Bill No. CS for SB 336

Amendment No. ____

1 financial feasibility; specifying an
2 availability standard; requiring that
3 intergovernmental coordination requirements be
4 satisfied and providing that certain
5 municipalities are not required to be a
6 signatory of the required interlocal agreement;
7 providing duties of such municipalities to
8 evaluate their status and enter into the
9 interlocal agreement when required, and
10 providing effect of failure to do so; providing
11 requirements with respect to the interlocal
12 agreement; directing the state land planning
13 agency to adopt by rule minimum criteria for
14 review and determination of compliance of a
15 public schools facilities element; creating ss.
16 163.2511, 163.2514, 163.2517, 163.2520,
17 163.2523, and 163.2526, F.S., the Urban Infill
18 and Redevelopment Act; providing legislative
19 findings; providing definitions; authorizing
20 counties and municipalities to designate urban
21 infill and redevelopment areas based on
22 specified criteria; requiring preparation of a
23 plan or designation of an existing plan and
24 providing requirements with respect thereto;
25 requiring a public hearing; providing for
26 amendment of the local comprehensive plan;
27 providing that counties and municipalities that
28 have adopted such plan may exercise powers
29 granted to community redevelopment neighborhood
30 improvement districts; requiring a report by
31 certain state agencies; providing a program for

Bill No. CS for SB 336

Amendment No. ____

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

Bill No. CS for SB 336

Amendment No. ____

1 delivery of local government services;
2 providing for initiation of the process by
3 resolution; providing requirements for the
4 plan; requiring approval by the local
5 governments' governing bodies and by
6 referendum; authorizing municipal annexation
7 through such plan; amending s. 166.251, F.S.;
8 revising provisions with respect to service
9 fees for dishonored checks; requiring
10 Enterprise Florida
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31