

Bill No. CS for SB's 1078 & 1438

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Carlton moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Sections 163.2511, 163.2514, 163.2517,		
18	163.2520, 163.2523, and 163.2526, Florida Statutes, are		
19	created to read:		
20	<u>163.2511 Urban infill and redevelopment.--</u>		
21	<u>(1) Sections 163.2511-163.2526 may be cited as the</u>		
22	<u>"Growth Policy Act."</u>		
23	<u>(2) It is declared that:</u>		
24	<u>(a) Fiscally strong urban centers are beneficial to</u>		
25	<u>regional and state economies and resources, are a method for</u>		
26	<u>reduction of future urban sprawl, and should be promoted by</u>		
27	<u>state, regional, and local governments.</u>		
28	<u>(b) The health and vibrancy of the urban cores benefit</u>		
29	<u>their respective regions and the state; conversely, the</u>		
30	<u>deterioration of those urban cores negatively impacts the</u>		
31	<u>surrounding area and the state.</u>		

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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 cores and
9 promoting the adequate provision of infrastructure, human
10 services, safe neighborhoods, educational facilities, and
11 economic development to sustain these cores into the future.

12 (e) Successfully revitalizing and sustaining the urban
13 cores 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 to be important components and useful mechanisms
20 for promoting and sustaining urban cores. State and regional
21 entities and local governments should provide incentives to
22 promote urban infill and redevelopment. Existing programs and
23 incentives should be integrated to the extent possible to
24 promote urban infill and redevelopment and to achieve the
25 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 where:

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1 (a) Public services such as water and wastewater,
2 transportation, schools, and recreation are already available
3 or are scheduled to be provided in an adopted 5-year schedule
4 of capital improvements;

5 (b) The area, or one or more neighborhoods within the
6 area, suffers from pervasive poverty, unemployment, and
7 general distress as defined by s. 290.0058;

8 (c) The area exhibits a proportion of properties that
9 are substandard, overcrowded, dilapidated, vacant or
10 abandoned, or functionally obsolete which is higher than the
11 average for the local government;

12 (d) More than 50 percent of the area is within 1/4
13 mile of a transit stop, or a sufficient number of such transit
14 stops will be made available concurrent with the designation;
15 and

16 (e) The area includes or is adjacent to community
17 redevelopment areas, brownfields, enterprise zones, or Main
18 Street programs, or has been designated by the state or
19 Federal Government as an urban redevelopment, revitalization,
20 or infill area under empowerment zone, enterprise community,
21 or brownfield showcase community programs or similar programs.

22 163.2517 Designation of urban infill and redevelopment
23 area.--

24 (1) A local government may designate a geographic area
25 or areas within its jurisdiction as an urban infill and
26 redevelopment area for the purpose of targeting economic
27 development, job creation, housing, transportation, crime
28 prevention, neighborhood revitalization and preservation, and
29 land use incentives to encourage urban infill and
30 redevelopment within the urban core.

31 (2)(a) As part of the preparation and implementation

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1 of an urban infill and redevelopment plan, a collaborative and
2 holistic community participation process must be implemented
3 to include each neighborhood within the area targeted for
4 designation as an urban infill and redevelopment area. The
5 objective of the community participation process is to
6 encourage communities within the proposed urban infill and
7 redevelopment area to participate in the design and
8 implementation of the plan, including a "visioning" of the
9 urban core, before redevelopment.

10 (b)1. A neighborhood participation process must be
11 developed to provide for the ongoing involvement of
12 stakeholder groups including, but not limited to,
13 community-based organizations, neighborhood associations,
14 financial institutions, faith organizations, housing
15 authorities, financial institutions, existing businesses,
16 businesses interested in operating in the community, schools,
17 and neighborhood residents, in preparing and implementing the
18 urban infill and redevelopment plan.

19 2. The neighborhood participation process must include
20 a governance structure whereby the local government shares
21 decisionmaking authority for developing and implementing the
22 urban infill and redevelopment plan with communitywide
23 representatives. For example, the local government and
24 community representatives could organize a corporation under
25 s. 501(c)(3) of the Internal Revenue Code to implement
26 specific redevelopment projects.

27 (3) A local government seeking to designate a
28 geographic area within its jurisdiction as an urban infill and
29 redevelopment area shall prepare a plan that describes the
30 infill and redevelopment objectives of the local government
31 within the proposed area. In lieu of preparing a new plan, the

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1 local government may demonstrate that an existing plan or
2 combination of plans associated with a community redevelopment
3 area, Florida Main Street program, Front Porch Florida
4 Community, sustainable community, enterprise zone, or
5 neighborhood improvement district includes the factors listed
6 in paragraphs (a)-(n), including a collaborative and holistic
7 community participation process, or amend such existing plans
8 to include these factors. The plan shall demonstrate the local
9 government and community's commitment to comprehensively
10 address the urban problems within the urban infill and
11 redevelopment area and identify activities and programs to
12 accomplish locally identified goals such as code enforcement;
13 improved educational opportunities; reduction in crime;
14 neighborhood revitalization and preservation; provision of
15 infrastructure needs, including mass transit and multimodal
16 linkages; and mixed-use planning to promote multifunctional
17 redevelopment to improve both the residential and commercial
18 quality of life in the area. The plan shall also:

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

21 (b) Confirm that the infill and redevelopment area is
22 within an area designated for urban uses in the local
23 government's comprehensive plan.

24 (c) Identify and map existing enterprise zones,
25 community redevelopment areas, community development
26 corporations, brownfield areas, downtown redevelopment
27 districts, safe neighborhood improvement districts, historic
28 preservation districts, and empowerment zones or enterprise
29 communities located within the area proposed for designation
30 as an urban infill and redevelopment area and provide a
31 framework for coordinating infill and redevelopment programs

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1 within the urban core.

2 (d) Identify a memorandum of understanding between the
3 district school board and the local government jurisdiction
4 regarding public school facilities located within the urban
5 infill and redevelopment area to identify how the school board
6 will provide priority to enhancing public school facilities
7 and programs in the designated area, including the reuse of
8 existing buildings for schools within the area.

9 (e) Identify each neighborhood within the proposed
10 area and state community preservation and revitalization goals
11 and projects identified through a collaborative and holistic
12 community participation process and how such projects will be
13 implemented.

14 (f) Identify how the local government and
15 community-based organizations intend to implement affordable
16 housing programs, including, but not limited to, economic and
17 community development programs administered by federal and
18 state agencies, within the urban infill and redevelopment
19 area.

20 (g) Identify strategies for reducing crime.

21 (h) If applicable, provide guidelines for the adoption
22 of land development regulations specific to the urban infill
23 and redevelopment area which include, for example, setbacks
24 and parking requirements appropriate to urban development.

25 (i) Identify and map any existing transportation
26 concurrency exception areas and any relevant public
27 transportation corridors designated by a metropolitan planning
28 organization in its long-range transportation plans or by the
29 local government in its comprehensive plan for which the local
30 government seeks designation as a transportation concurrency
31 exception area. For those areas, describe how public

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1 transportation, pedestrian ways, and bikeways will be
2 implemented as an alternative to increased automobile use.

3 (j) Identify and adopt a package of financial and
4 local government incentives which the local government will
5 offer for new development, expansion of existing development,
6 and redevelopment within the urban infill and redevelopment
7 area. Examples of such incentives include:

8 1. Waiver of license and permit fees.

9 2. Waiver of local option sales taxes.

10 3. Waiver of delinquent taxes or fees to promote the
11 return of property to productive use.

12 4. Expedited permitting.

13 5. Lower transportation impact fees for development
14 which encourages more use of public transit, pedestrian, and
15 bicycle modes of transportation.

16 6. Prioritization of infrastructure spending within
17 the urban infill and redevelopment area.

18 7. Local government absorption of developers'
19 concurrency costs.

20 (k) Identify how activities and incentives within the
21 urban infill and redevelopment area will be coordinated and
22 what administrative mechanism the local government will use
23 for the coordination.

24 (l) Identify how partnerships with the financial and
25 business community will be developed.

26 (m) Identify the governance structure that the local
27 government will use to involve community representatives in
28 the implementation of the plan.

29 (n) Identify performance measures to evaluate the
30 success of the local government in implementing the urban
31 infill and redevelopment plan.

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1 (4) In order for a local government to designate an
2 urban infill and redevelopment area, it must amend its
3 comprehensive land use plan under s. 163.3187 to delineate the
4 boundaries of the urban infill and redevelopment area within
5 the future land use element of its comprehensive plan pursuant
6 to its adopted urban infill and redevelopment plan. The state
7 land planning agency shall review the boundary delineation of
8 the urban infill and redevelopment area in the future land use
9 element under s. 163.3184. However, an urban infill and
10 redevelopment plan adopted by a local government is not
11 subject to review for compliance as defined by s.
12 163.3184(1)(b), and the local government is not required to
13 adopt the plan as a comprehensive plan amendment. An amendment
14 to the local comprehensive plan to designate an urban infill
15 and redevelopment area is exempt from the twice-a-year
16 amendment limitation of s. 163.3187.

17 (5) After the preparation of an urban infill and
18 redevelopment plan or designation of an existing plan, the
19 local government shall adopt the plan by ordinance. Notice for
20 the public hearing on the ordinance must be in the form
21 established in s. 166.041(3)(c)2. for municipalities, and s.
22 125.66(4)(b)2. for counties.

23 (6)(a) In order to continue to be eligible for the
24 economic and regulatory incentives granted with respect to an
25 urban infill and redevelopment area, the local government must
26 demonstrate during the evaluation, assessment, and review of
27 its comprehensive plan required pursuant to s. 163.3191, that
28 within designated urban infill and redevelopment areas, the
29 amount of combined annual residential, commercial, and
30 institutional development has increased by at least 10
31 percent.

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1 (b) If the local government fails to implement the
2 urban infill and redevelopment plan in accordance with the
3 deadlines set forth in the plan, the Department of Community
4 Affairs may seek to rescind the economic and regulatory
5 incentives granted to the urban infill and redevelopment area,
6 subject to the provisions of chapter 120. The action to
7 rescind may be initiated 90 days after issuing a written
8 letter of warning to the local government.

9 163.2520 Economic incentives; report.--

10 (1) A local government with an adopted urban infill
11 and redevelopment plan or plan employed in lieu thereof may
12 issue revenue bonds under s. 163.385 and employ tax increment
13 financing under s. 163.387 for the purpose of financing the
14 implementation of the plan, except that in a charter county
15 such incentives shall be employed consistent with the
16 provisions of s. 163.410.

17 (2) 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 (3) 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 Revolving Loan Trust Fund, and the state
27 pollution control bond program); the Department of Community
28 Affairs (economic development and housing programs, Florida
29 Communities Trust); the Florida Housing Finance Corporation;
30 and the Department of Transportation (Intermodal Surface
31 Transportation Efficiency Act funds), are directed to report

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1 to the President of the Senate and the Speaker of the House of
2 Representatives by January 1, 2000, regarding statutory and
3 rule changes necessary to give urban infill and redevelopment
4 areas identified by local governments under this act an
5 elevated priority in infrastructure funding, loan, and grant
6 programs.

7 (4) Prior to June 1 each year, areas designated by a
8 local government as urban infill and redevelopment areas shall
9 be given a priority in the allocation of private activity
10 bonds from the state pool pursuant to s. 159.807.

11 163.2523 Grant program.--An Urban Infill and
12 Redevelopment Assistance Grant Program is created for local
13 governments. A local government may allocate grant money to
14 special districts, including community redevelopment agencies,
15 and nonprofit community development organizations to implement
16 projects consistent with an adopted urban infill and
17 redevelopment plan or plan employed in lieu thereof. Thirty
18 percent of the general revenue appropriated for this program
19 shall be available for planning grants to be used by local
20 governments for the development of an urban infill and
21 redevelopment plan, including community participation
22 processes for the plan. Sixty percent of the general revenue
23 appropriated for this program shall be available for
24 fifty/fifty matching grants for implementing urban infill and
25 redevelopment projects that further the objectives set forth
26 in the local government's adopted urban infill and
27 redevelopment plan or plan employed in lieu thereof. The
28 remaining 10 percent of the revenue must be used for outright
29 grants for implementing projects requiring an expenditure of
30 under \$50,000. Projects that provide employment opportunities
31 to clients of the WAGES program and projects within urban

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1 infill and redevelopment areas that include a community
2 redevelopment area, Florida Main Street program, Front Porch
3 Florida Community, sustainable community, enterprise zone,
4 federal enterprise zone, enterprise community, or neighborhood
5 improvement district must be given an elevated priority in the
6 scoring of competing grant applications. The Division of
7 Housing and Community Development of the Department of
8 Community Affairs shall administer the grant program. The
9 Department of Community Affairs shall adopt rules establishing
10 grant review criteria consistent with this section.

11 163.2526 Review and evaluation.--Before the 2004
12 Regular Session of the Legislature, the Office of Program
13 Policy Analysis and Government Accountability shall perform a
14 review and evaluation of ss. 163.2511-163.2526, including the
15 financial incentives listed in s. 163.2520. The report must
16 evaluate the effectiveness of the designation of urban infill
17 and redevelopment areas in stimulating urban infill and
18 redevelopment and strengthening the urban core. A report of
19 the findings and recommendations of the Office of Program
20 Policy Analysis and Government Accountability shall be
21 submitted to the President of the Senate and the Speaker of
22 the House of Representatives before the 2004 Regular Session
23 of the Legislature.

24 Section 2. Subsection (28) of section 163.3164,
25 Florida Statutes, 1998 Supplement, is amended to read:

26 163.3164 Definitions.--As used in this act:

27 (28) "Projects that promote public transportation"
28 means projects that directly affect the provisions of public
29 transit, including transit terminals, transit lines and
30 routes, separate lanes for the exclusive use of public transit
31 services, transit stops (shelters and stations), ~~and~~ office

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1 buildings or projects that include fixed-rail or transit
2 terminals as part of the building, and projects which are
3 transit-oriented and designed to complement reasonably
4 proximate planned or existing public facilities.

5 Section 3. Paragraph (a) of subsection (6) of section
6 163.3177, Florida Statutes, 1998 Supplement, is amended to
7 read:

8 163.3177 Required and optional elements of
9 comprehensive plan; studies and surveys.--

10 (6) In addition to the requirements of subsections
11 (1)-(5), the comprehensive plan shall include the following
12 elements:

13 (a) A future land use plan element designating
14 proposed future general distribution, location, and extent of
15 the uses of land for residential uses, commercial uses,
16 industry, agriculture, recreation, conservation, education,
17 public buildings and grounds, other public facilities, and
18 other categories of the public and private uses of land. The
19 future land use plan shall include standards to be followed in
20 the control and distribution of population densities and
21 building and structure intensities. The proposed
22 distribution, location, and extent of the various categories
23 of land use shall be shown on a land use map or map series
24 which shall be supplemented by goals, policies, and measurable
25 objectives. Each land use category shall be defined in terms
26 of the types of uses included and specific standards for the
27 density or intensity of use. The future land use plan shall
28 be based upon surveys, studies, and data regarding the area,
29 including the amount of land required to accommodate
30 anticipated growth; the projected population of the area; the
31 character of undeveloped land; the availability of public

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1 services; and the need for redevelopment, including the
2 renewal of blighted areas and the elimination of nonconforming
3 uses which are inconsistent with the character of the
4 community. The future land use plan may designate areas for
5 future planned development use involving combinations of types
6 of uses for which special regulations may be necessary to
7 ensure development in accord with the principles and standards
8 of the comprehensive plan and this act. The future land use
9 plan of a county may also designate areas for possible future
10 municipal incorporation. The land use maps or map series
11 shall generally identify and depict historic district
12 boundaries and shall designate historically significant
13 properties meriting protection. The future land use element
14 must clearly identify the land use categories in which public
15 schools are an allowable use. When delineating the land use
16 categories in which public schools are an allowable use, a
17 local government shall include in the categories sufficient
18 land proximate to residential development to meet the
19 projected needs for schools in coordination with public school
20 boards and may establish differing criteria for schools of
21 different type or size. Each local government shall include
22 lands contiguous to existing school sites, to the maximum
23 extent possible, within the land use categories in which
24 public schools are an allowable use. All comprehensive plans
25 must comply with the school siting requirements of this
26 paragraph no later than October 1, 1999, ~~or the deadline for~~
27 ~~the local government evaluation and appraisal report,~~
28 ~~whichever occurs first.~~ The failure by a local government to
29 comply with these school siting requirements by October 1,
30 1999, ~~this requirement~~ will result in the prohibition of the
31 local government's ability to amend the local comprehensive

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1 plan, except for plan amendments described in s.
2 163.3187(1)(b), until the school siting requirements are met
3 ~~as provided by s. 163.3187(6).~~ An amendment proposed by a
4 local government for purposes of identifying the land use
5 categories in which public schools are an allowable use is
6 exempt from the limitation on the frequency of plan amendments
7 contained in s. 163.3187. The future land use element shall
8 include criteria which encourage the location of schools
9 proximate to urban residential areas to the extent possible
10 and shall require that the local government seek to collocate
11 public facilities, such as parks, libraries, and community
12 centers, with schools to the extent possible.

13 Section 4. Subsections (1), (4), (5), and (10) of
14 section 163.3180, Florida Statutes, 1998 Supplement, are
15 amended, subsections (12) and (13) are renumbered as
16 subsections (13) and (14), respectively, and new subsections
17 (12) and (15) are added to said section, to read:

18 163.3180 Concurrency.--

19 (1)(a) ~~Roads~~, Sanitary sewer, solid waste, drainage,
20 potable water, parks and recreation, and transportation
21 facilities, including mass transit, where applicable, are the
22 only public facilities and services subject to the concurrency
23 requirement on a statewide basis. Additional public facilities
24 and services may not be made subject to concurrency on a
25 statewide basis without appropriate study and approval by the
26 Legislature; however, any local government may extend the
27 concurrency requirement so that it applies to additional
28 public facilities within its jurisdiction.

29 (b) Local governments shall use professionally
30 accepted techniques for measuring level of service for
31 automobiles, bicycles, pedestrians, transit, and trucks.

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1 These techniques may be used to evaluate increased
2 accessibility by multiple modes and reductions in vehicle
3 miles of travel in an area or zone. The Department of
4 Transportation shall develop methodologies to assist local
5 governments in implementing this multimodal level-of-service
6 analysis. The Department of Community Affairs and the
7 Department of Transportation shall provide technical
8 assistance to local governments in applying these
9 methodologies.

10 (4)(a) The concurrency requirement as implemented in
11 local comprehensive plans applies to state and other public
12 facilities and development to the same extent that it applies
13 to all other facilities and development, as provided by law.

14 (b) The concurrency requirement as implemented in
15 local comprehensive plans does not apply to public transit
16 facilities. For the purposes of this paragraph, public
17 transit facilities include transit stations and terminals,
18 transit station parking, park-and-ride lots, intermodal public
19 transit connection or transfer facilities, and fixed bus,
20 guideway, and rail stations. As used in this paragraph, the
21 terms "terminals" and "transit facilities" do not include
22 airports or seaports or commercial or residential development
23 constructed in conjunction with a public transit facility.

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

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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

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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 (10) With regard to facilities on the Florida
6 Intrastate Highway System as defined in s. 338.001, with
7 concurrence from the Department of Transportation, the
8 level-of-service standard for general-lanes in urbanized
9 areas, as defined in s. 334.03(36), may be established by the
10 local government in the comprehensive plan. For all other
11 facilities on the Florida Intrastate Highway System, local
12 governments shall adopt the level-of-service standard
13 established by the Department of Transportation by rule. For
14 all other roads on the State Highway System, local governments
15 shall establish an adequate level-of-service standard that
16 need not be consistent with any level-of-service standard
17 established by the Department of Transportation.

18 (12) When authorized by a local comprehensive plan, a
19 multiuse development of regional impact may satisfy the
20 transportation concurrency requirements of the local
21 comprehensive plan, the local government's concurrency
22 management system, and s. 380.06 by payment of a
23 proportionate-share contribution for local and regionally
24 significant traffic impacts, if:

25 (a) The development of regional impact meets or
26 exceeds the guidelines and standards of s. 380.0651(3)(i) and
27 rule 28-24.032(2), Florida Administrative Code, and includes a
28 residential component that contains at least 100 residential
29 dwelling units or 15 percent of the applicable residential
30 guideline and standard, whichever is greater;

31 (b) The development of regional impact contains an

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1 integrated mix of land uses and is designed to encourage
2 pedestrian or other nonautomotive modes of transportation;

3 (c) The proportionate-share contribution for local and
4 regionally significant traffic impacts is sufficient to pay
5 for one or more required improvements that will benefit a
6 regionally significant transportation facility;

7 (d) The owner and developer of the development of
8 regional impact pays or assures payment of the
9 proportionate-share contribution; and

10 (e) If the regionally significant transportation
11 facility to be constructed or improved is under the
12 maintenance authority of a governmental entity, as defined by
13 s. 334.03(12), other than the local government with
14 jurisdiction over the development of regional impact, the
15 developer is required to enter into a binding and legally
16 enforceable commitment to transfer funds to the governmental
17 entity having maintenance authority or to otherwise assure
18 construction or improvement of the facility.

19
20 The proportionate-share contribution may be applied to any
21 transportation facility to satisfy the provisions of this
22 subsection and the local comprehensive plan, but, for the
23 purposes of this subsection, the amount of the
24 proportionate-share contribution shall be calculated based
25 upon the cumulative number of trips from the proposed
26 development expected to reach roadways during the peak hour
27 from the complete buildout of a stage or phase being approved,
28 divided by the change in the peak hour maximum service volume
29 of roadways resulting from construction of an improvement
30 necessary to maintain the adopted level of service, multiplied
31 by the construction cost, at the time of developer payment, of

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1 the improvement necessary to maintain the adopted level of
2 service. For purposes of this subsection, "construction cost"
3 includes all associated costs of the improvement.

4 (15)(a) Multimodal transportation districts may be
5 established under a local government comprehensive plan in
6 areas delineated on the future land use map for which the
7 local comprehensive plan assigns secondary priority to vehicle
8 mobility and primary priority to assuring a safe, comfortable,
9 and attractive pedestrian environment, with convenient
10 interconnection to transit. Such districts must incorporate
11 community design features that will reduce the number of
12 automobile trips or vehicle miles of travel and will support
13 an integrated, multimodal transportation system.

14 (b) Community design elements of such a district
15 include: a complementary mix and range of land uses,
16 including educational, recreational, and cultural uses;
17 interconnected networks of streets designed to encourage
18 walking and bicycling, with traffic-calming where desirable;
19 appropriate densities and intensities of use within walking
20 distance of transit stops; daily activities within walking
21 distance of residences, allowing independence to persons who
22 do not drive; public uses, streets, and squares that are safe,
23 comfortable, and attractive for the pedestrian, with adjoining
24 buildings open to the street and with parking not interfering
25 with pedestrian, transit, automobile, and truck travel modes.

26 (c) Local governments may establish multimodal
27 level-of-service standards that rely primarily on nonvehicular
28 modes of transportation within the district, when justified by
29 an analysis demonstrating that the existing and planned
30 community design will provide an adequate level of mobility
31 within the district based upon professionally accepted

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1 multimodal level-of-service methodologies. The analysis must
2 take into consideration the impact on the Florida Intrastate
3 Highway System. The analysis must also demonstrate that the
4 capital improvements required to promote community design are
5 financially feasible over the development or redevelopment
6 timeframe for the district and that community design features
7 within the district provide convenient interconnection for a
8 multimodal transportation system. Local governments may issue
9 development permits in reliance upon all planned community
10 design capital improvements that are financially feasible over
11 the development or redevelopment timeframe for the district,
12 without regard to the period of time between development or
13 redevelopment and the scheduled construction of the capital
14 improvements. A determination of financial feasibility shall
15 be based upon currently available funding or funding sources
16 that could reasonably be expected to become available over the
17 planning period.

18 (d) Local governments may reduce impact fees or local
19 access fees for development within multimodal transportation
20 districts based on the reduction of vehicle trips per
21 household or vehicle miles of travel expected from the
22 development pattern planned for the district.

23 Section 5. Subsection (1) of section 163.3187, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 163.3187 Amendment of adopted comprehensive plan.--

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

29 (a) In the case of an emergency, comprehensive plan
30 amendments may be made more often than twice during the
31 calendar year if the additional plan amendment receives the

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1 approval of all of the members of the governing body.
 2 "Emergency" means any occurrence or threat thereof whether
 3 accidental or natural, caused by humankind, in war or peace,
 4 which results or may result in substantial injury or harm to
 5 the population or substantial damage to or loss of property or
 6 public funds.

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

21 (c) Any local government comprehensive plan amendments
 22 directly related to proposed small scale development
 23 activities may be approved without regard to statutory limits
 24 on the frequency of consideration of amendments to the local
 25 comprehensive plan. A small scale development amendment may
 26 be adopted only under the following conditions:

- 27 1. The proposed amendment involves a use of 10 acres
 28 or fewer and:
 - 29 a. The cumulative annual effect of the acreage for all
 30 small scale development amendments adopted by the local
 31 government shall not exceed:

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1 (I) A maximum of 120 acres in a local government that
2 contains areas specifically designated in the local
3 comprehensive plan for urban infill, urban redevelopment, or
4 downtown revitalization as defined in s. 163.3164, urban
5 infill and redevelopment areas designated under s. 163.2517,
6 transportation concurrency exception areas approved pursuant
7 to s. 163.3180(5), or regional activity centers and urban
8 central business districts approved pursuant to s.
9 380.06(2)(e); however, amendments under this paragraph may be
10 applied to no more than 60 acres annually of property outside
11 the designated areas listed in this sub-sub-subparagraph.

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

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

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

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

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

27 e. The property that is the subject of the proposed
28 amendment is not located within an area of critical state
29 concern.

30 f. If the proposed amendment involves a residential
31 land use, the residential land use has a density of 10 units

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1 or less per acre, except that this limitation does not apply
2 to small scale amendments described in sub-sub-subparagraph
3 a.(I) that are designated in the local comprehensive plan for
4 urban infill, urban redevelopment, or downtown revitalization
5 as defined in s. 163.3164, urban infill and redevelopment
6 areas designated under s. 163.2517, transportation concurrency
7 exception areas approved pursuant to s. 163.3180(5), or
8 regional activity centers and urban central business districts
9 approved pursuant to s. 380.06(2)(e).

10 2.a. A local government that proposes to consider a
11 plan amendment pursuant to this paragraph is not required to
12 comply with the procedures and public notice requirements of
13 s. 163.3184(15)(c) for such plan amendments if the local
14 government complies with the provisions in s. 125.66(4)(a) for
15 a county or in s. 166.041(3)(c) for a municipality. If a
16 request for a plan amendment under this paragraph is initiated
17 by other than the local government, public notice is required.

18 b. The local government shall send copies of the
19 notice and amendment to the state land planning agency, the
20 regional planning council, and any other person or entity
21 requesting a copy. This information shall also include a
22 statement identifying any property subject to the amendment
23 that is located within a coastal high hazard area as
24 identified in the local comprehensive plan.

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

31 (d) Any comprehensive plan amendment required by a

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1 compliance agreement pursuant to s. 163.3184(16) may be
2 approved without regard to statutory limits on the frequency
3 of adoption of amendments to the comprehensive plan.

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

8 (f) Any comprehensive plan amendment that changes the
9 schedule in the capital improvements element, and any
10 amendments directly related to the schedule, may be made once
11 in a calendar year on a date different from the two times
12 provided in this subsection when necessary to coincide with
13 the adoption of the local government's budget and capital
14 improvements program.

15 (g) Any local government comprehensive plan amendments
16 directly related to proposed redevelopment of brownfield areas
17 designated under s. 376.80 may be approved without regard to
18 statutory limits on the frequency of consideration of
19 amendments to the local comprehensive plan.

20 (h) A comprehensive plan amendment for the purpose of
21 designating an urban infill and redevelopment area under s.
22 163.2517 may be approved without regard to the statutory
23 limits on the frequency of amendments to the comprehensive
24 plan.

25 (i) Any comprehensive plan amendment to establish
26 public school concurrency pursuant to s. 163.3180(12),
27 including, but not limited to, adoption of a public school
28 facilities element and adoption of amendments to the capital
29 improvements element and intergovernmental coordination
30 element. In order to ensure the consistency of local
31 government public school facilities elements within a county,

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1 such elements shall be prepared and adopted on a similar time
2 schedule.

3 Section 6. Subsection (17) of section 187.201, Florida
4 Statutes, is amended to read:

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

8 (17) URBAN AND DOWNTOWN REVITALIZATION.--

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

17 (b) Policies.--

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

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

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

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

30 5. Ensure that local governments have adequate
31 flexibility to determine and address their urban priorities

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1 within the state urban policy.

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

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

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

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

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

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

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

26 Section 7. Paragraph (b) of subsection (19) of section
27 380.06, Florida Statutes, 1998 Supplement, is amended to read:

28 380.06 Developments of regional impact.--

29 (19) SUBSTANTIAL DEVIATIONS.--

30 (b) Any proposed change to a previously approved
31 development of regional impact or development order condition

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1 which, either individually or cumulatively with other changes,
2 exceeds any of the following criteria shall constitute a
3 substantial deviation and shall cause the development to be
4 subject to further development-of-regional-impact review
5 without the necessity for a finding of same by the local
6 government:

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

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

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

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

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

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

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1 gross square feet, whichever is greater.

2 7. An increase in the storage capacity for chemical or
3 petroleum storage facilities by 5 percent, 20,000 barrels, or
4 7 million pounds, whichever is greater.

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

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

13 10. An increase in commercial development by 6 acres
14 of land area or by 50,000 square feet of gross floor area, or
15 of parking spaces provided for customers for 300 cars or a
16 5-percent increase of any of these, whichever is greater.

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

19 12. An increase in a recreational vehicle park area by
20 5 percent or 100 vehicle spaces, whichever is less.

21 13. A decrease in the area set aside for open space of
22 5 percent or 20 acres, whichever is less.

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

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

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

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

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

26 Section 8. Paragraph (b) of subsection (2) of section
27 163.3220, Florida Statutes, is amended to read:

28 163.3220 Short title; legislative intent.--

29 (2) The Legislature finds and declares that:

30 (b) Assurance to a developer that upon receipt of his
31 or her development permit or brownfield designation he or she

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1 may proceed in accordance with existing laws and policies,
 2 subject to the conditions of a development agreement,
 3 strengthens the public planning process, encourages sound
 4 capital improvement planning and financing, assists in
 5 assuring there are adequate capital facilities for the
 6 development, encourages private participation in comprehensive
 7 planning, and reduces the economic costs of development.

8 Section 9. Subsections (1) through (13) of section
 9 163.3221, Florida Statutes, are renumbered as subsections (2)
 10 through (14), respectively, and a new subsection (1) is added
 11 to said section to read:

12 163.3221 Definitions.--As used in ss.
 13 163.3220-163.3243:

14 (1) "Brownfield designation" means a resolution
 15 adopted by a local government pursuant to the Brownfields
 16 Redevelopment Act, ss. 376.77-376.85.

17 Section 10. Subsection (1) of section 163.375, Florida
 18 Statutes, is amended to read:

19 163.375 Eminent domain.--

20 (1) Any county or municipality, or any community
 21 redevelopment agency pursuant to specific approval of the
 22 governing body of the county or municipality which established
 23 the agency, as provided by any county or municipal ordinance
 24 has the right to acquire by condemnation any interest in real
 25 property, including a fee simple title thereto, which it deems
 26 necessary for, or in connection with, community redevelopment
 27 and related activities under this part. Any county or
 28 municipality, or any community redevelopment agency pursuant
 29 to specific approval by the governing body of the county or
 30 municipality which established the agency, as provided by any
 31 county or municipal ordinance may exercise the power of

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1 eminent domain in the manner provided in chapters 73 and 74
2 and acts amendatory thereof or supplementary thereto, or it
3 may exercise the power of eminent domain in the manner now or
4 which may be hereafter provided by any other statutory
5 provision for the exercise of the power of eminent domain.
6 Property in unincorporated enclaves surrounded by the
7 boundaries of a community redevelopment area may be acquired
8 when it is determined necessary by the agency to accomplish
9 the community redevelopment plan. Property already devoted to
10 a public use may be acquired in like manner. However, no real
11 property belonging to the United States, the state, or any
12 political subdivision of the state may be acquired without its
13 consent.

14 Section 11. Subsection (1) of section 165.041, Florida
15 Statutes, is amended to read:

16 165.041 Incorporation; merger.--

17 (1)(a) A charter for incorporation of a municipality,
18 except in case of a merger which is adopted as otherwise
19 provided in subsections (2) and (3), shall be adopted only by
20 a special act of the Legislature upon determination that the
21 standards herein provided have been met.

22 (b) To inform the Legislature on the feasibility of a
23 proposed incorporation of a municipality, a feasibility study
24 shall be completed and submitted to the Legislature 90 days
25 before the first day of the regular session of the Legislature
26 during which in conjunction with a proposed special act for
27 the enactment of the municipal charter would be enacted. The
28 Such feasibility study shall contain the following:

29 1. The general location of territory subject to
30 boundary change and a map of the area which identifies the
31 proposed change.

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- 1 2. The major reasons for proposing the boundary
2 change.
- 3 3. The following characteristics of the area:
- 4 a. A list of the current land use designations applied
5 to the subject area in the county comprehensive plan.
- 6 b. A list of the current county zoning designations
7 applied to the subject area.
- 8 c. A general statement of present land use
9 characteristics of the area.
- 10 d. A description of development being proposed for the
11 territory, if any, and a statement of when actual development
12 is expected to begin, if known.
- 13 4. A list of all public agencies, such as local
14 governments, school districts, and special districts, whose
15 current boundary falls within the boundary of the territory
16 proposed for the change or reorganization.
- 17 5. A list of current services being provided within
18 the proposed incorporation area, including, but not limited
19 to, water, sewer, solid waste, transportation, public works,
20 law enforcement, fire and rescue, zoning, street lighting,
21 parks and recreation, and library and cultural facilities, and
22 the estimated costs for each current service.
- 23 6. A list of proposed services to be provided within
24 the proposed incorporation area, and the estimated cost of
25 such proposed services.
- 26 7. The names and addresses of three officers or
27 persons submitting the proposal.
- 28 8. Evidence of fiscal capacity and an organizational
29 plan as it relates to the area seeking incorporation that, at
30 a minimum, includes:
- 31 a. Existing tax bases, including ad valorem taxable

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1 value, utility taxes, sales and use taxes, franchise taxes,
2 license and permit fees, charges for services, fines and
3 forfeitures, and other revenue sources, as appropriate.

4 b. A 5-year operational plan that, at a minimum,
5 includes proposed staffing, building acquisition and
6 construction, debt issuance, and budgets.

7 ~~9.1.~~ Data and analysis to support the conclusions that
8 incorporation is necessary and financially feasible, including
9 population projections and population density calculations,
10 and an explanation concerning methodologies used for such
11 analysis.

12 ~~10.2.~~ Evaluation of the alternatives available to the
13 area to address its policy concerns.

14 ~~11.3.~~ Evidence that the proposed municipality meets
15 the requirements for incorporation pursuant to s. 165.061.

16 (c) In counties that have adopted a municipal overlay
17 for municipal incorporation pursuant to s. 163.3217, such
18 information shall be submitted to the Legislature in
19 conjunction with any proposed municipal incorporation in the
20 county. This information should be used to evaluate the
21 feasibility of a proposed municipal incorporation in the
22 geographic area.

23 Section 12. Section 171.0413, Florida Statutes, is
24 amended to read:

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

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

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1 established by s. 166.041. Prior to the adoption of the
2 ordinance of annexation, the local governing body shall hold
3 at least two advertised public hearings. The first public
4 hearing shall be on a weekday at least 7 days after the day
5 that the first advertisement is published. The second public
6 hearing shall be held on a weekday at least 5 days after the
7 day that the second advertisement is published. Each such
8 ordinance shall propose only one reasonably compact area to be
9 annexed. However, prior to the ordinance of annexation
10 becoming effective, a referendum on annexation shall be held
11 as set out below, and, if approved by the referendum, the
12 ordinance shall become effective 10 days after the referendum
13 or as otherwise provided in the ordinance, but not more than 1
14 year following the date of the 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. The governing
19 body of the annexing municipality may also choose to submit
20 the ordinance of annexation to a separate vote of the
21 registered electors of the annexing municipality. ~~If the~~
22 ~~proposed ordinance would cause the total area annexed by a~~
23 ~~municipality pursuant to this section during any one calendar~~
24 ~~year period cumulatively to exceed more than 5 percent of the~~
25 ~~total land area of the municipality or cumulatively to exceed~~
26 ~~more than 5 percent of the municipal population, the ordinance~~
27 ~~shall be submitted to a separate vote of the registered~~
28 ~~electors of the annexing municipality and of the area proposed~~
29 ~~to be annexed.~~The referendum on annexation shall be called
30 and conducted and the expense thereof paid by the governing
31 body of the annexing municipality.

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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.

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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 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

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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 the governing body does
24 not choose to hold a referendum of the annexing municipality
25 ~~is not required as well~~ pursuant to subsection (2), then the
26 property owner consents required pursuant to subsection (5)
27 shall be obtained by the parties proposing the annexation
28 prior to the final adoption of the ordinance, and the
29 annexation ordinance shall be effective upon becoming a law or
30 as otherwise provided in the ordinance.

31 Section 13. Efficiency and accountability in local

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1 government services.--

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

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

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

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

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

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1 the plan.

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

6 (a) Designate the areawide and local government
7 services that are the subject of the plan.

8 (b) Describe the existing organization of such
9 services and the means of financing the services, and create a
10 reorganization of such services and the financing thereof that
11 will meet the goals of this section.

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

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

20 (e) Provide means to reduce the cost of providing
21 local services and enhance the accountability of service
22 providers.

23 (f) Include a multiyear capital outlay plan for
24 infrastructure.

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

31 (h) Provide specific procedures for modification or

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1 termination of the plan.

2 (i) Specify any special act modifications which must
3 be made to effectuate the plan.

4 (j) Specify the effective date of the plan.

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

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

13 (5)(a) A plan developed pursuant to this section must
14 be approved by a majority vote of the governing body of each
15 county involved in the plan, and by a majority vote of the
16 governing bodies of a majority of municipalities in each
17 county, and by a majority vote of the governing bodies of the
18 municipality or municipalities that represent a majority of
19 the municipal population of each county.

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

30 (6) If the plan calls for merger or dissolution of
31 special districts, such merger or dissolution shall comply

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1 with the provisions of chapter 189, Florida Statutes.

2 (7) If a plan developed pursuant to this section
3 includes areas proposed for municipal annexation which meet
4 the standards for annexation provided in chapter 171, Florida
5 Statutes, such annexation shall take effect upon approval of
6 the plan as provided in this section, notwithstanding the
7 procedures for approval of municipal annexation specified in
8 chapter 171, Florida Statutes.

9 Section 14. Subsection (2) of section 170.201, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 170.201 Special assessments.--

12 (2) Property owned or occupied by a religious
13 institution and used as a place of worship or education; by a
14 public or private elementary, middle, or high school; or by a
15 governmentally financed, insured, or subsidized housing
16 facility that is used primarily for persons who are elderly or
17 disabled shall be exempt from any special assessment levied by
18 a municipality to fund any service ~~emergency medical services~~
19 if the municipality so desires. As used in this subsection,
20 the term "religious institution" means any church, synagogue,
21 or other established physical place for worship at which
22 nonprofit religious services and activities are regularly
23 conducted and carried on and the term "governmentally
24 financed, insured, or subsidized housing facility" means a
25 facility that is financed by a mortgage loan made or insured
26 by the United States Department of Housing and Urban
27 Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232,
28 or s. 236 of the National Housing Act and is owned or operated
29 by an entity that qualifies as an exempt charitable
30 organization under s. 501(c)(3) of the Internal Revenue Code.

31 Section 15. Subsection (1) of section 196.1975,

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1 Florida Statutes, is amended to read:

2 196.1975 Exemption for property used by nonprofit
3 homes for the aged.--Nonprofit homes for the aged are exempt
4 to the extent that they meet the following criteria:
5 (1) The applicant must be a corporation not for profit
6 that has been exempt as of January 1 of the year for which
7 exemption from ad valorem property taxes is requested from
8 federal income taxation by having qualified as an exempt
9 charitable organization under the provisions of s. 501(c)(3)
10 of the Internal Revenue Code of 1954 or of the corresponding
11 section of a subsequently enacted federal revenue act. A
12 corporation will not be disqualified under this subsection if,
13 for purposes of allocating tax credits, under s. 42(h)(5) of
14 the Internal Revenue Code of 1986, by the Florida Housing
15 Finance Agency as defined by s. 420.0004(4), the property is
16 leased to or owned by a Florida limited partnership, the sole
17 general partner of which is the nonprofit corporation, and the
18 home for the aged was in existence or under construction on or
19 before April 1, 1995.

20 Section 16. Section 196.1978, Florida Statutes, is
21 created to read:

22 196.1978 Low-income housing property
23 exemption.--Property used to provide housing pursuant to any
24 state housing program authorized under chapter 420 to
25 low-income or very-low-income persons as defined by s.
26 420.0004, which property is owned entirely by a nonprofit
27 corporation which is qualified as charitable under s.
28 501(c)(3) of the Internal Revenue Code and which complies with
29 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered
30 property owned by an exempt entity and used for a charitable
31 purpose, and such property shall be exempt from ad valorem

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1 taxation to the extent authorized in s. 196.196. All property
2 identified in this section shall comply with the criteria for
3 determination of exempt status to be applied by property
4 appraisers on an annual basis as defined in s. 196.195.

5 Section 17. Subsection (10) of section 220.02, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 220.02 Legislative intent.--

8 (10) It is the intent of the Legislature that credits
9 against either the corporate income tax or the franchise tax
10 be applied in the following order: those enumerated in s.
11 220.68, those enumerated in s. 220.18, those enumerated in s.
12 631.828, those enumerated in s. 220.191, those enumerated in
13 s. 220.181, those enumerated in s. 220.183, those enumerated
14 in s. 220.182, those enumerated in s. 220.1895, those
15 enumerated in s. 221.02, those enumerated in s. 220.184, those
16 enumerated in s. 220.186, those enumerated in s. 220.188,
17 those enumerated in s. 220.1845, ~~and~~ those enumerated in s.
18 220.19, and those enumerated in s. 220.185.

19 Section 18. Effective July 1, 2000, subsection (10) of
20 section 220.02, Florida Statutes, 1998 Supplement, as amended
21 by chapter 98-132, Laws of Florida, is amended to read:

22 220.02 Legislative intent.--

23 (10) It is the intent of the Legislature that credits
24 against either the corporate income tax or the franchise tax
25 be applied in the following order: those enumerated in s.
26 220.18, those enumerated in s. 631.828, those enumerated in s.
27 220.191, those enumerated in s. 220.181, those enumerated in
28 s. 220.183, those enumerated in s. 220.182, those enumerated
29 in s. 220.1895, those enumerated in s. 221.02, those
30 enumerated in s. 220.184, those enumerated in s. 220.186,
31 those enumerated in s. 220.188, those enumerated in s.

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1 220.1845, ~~and~~ those enumerated in s. 220.19, and those
2 enumerated in s. 220.185.

3 Section 19. Paragraph (a) of subsection (1) of section
4 220.13, Florida Statutes, 1998 Supplement, is amended to read:

5 220.13 "Adjusted federal income" defined.--

6 (1) The term "adjusted federal income" means an amount
7 equal to the taxpayer's taxable income as defined in
8 subsection (2), or such taxable income of more than one
9 taxpayer as provided in s. 220.131, for the taxable year,
10 adjusted as follows:

11 (a) Additions.--There shall be added to such taxable
12 income:

13 1. The amount of any tax upon or measured by income,
14 excluding taxes based on gross receipts or revenues, paid or
15 accrued as a liability to the District of Columbia or any
16 state of the United States which is deductible from gross
17 income in the computation of taxable income for the taxable
18 year.

19 2. The amount of interest which is excluded from
20 taxable income under s. 103(a) of the Internal Revenue Code or
21 any other federal law, less the associated expenses disallowed
22 in the computation of taxable income under s. 265 of the
23 Internal Revenue Code or any other law, excluding 60 percent
24 of any amounts included in alternative minimum taxable income,
25 as defined in s. 55(b)(2) of the Internal Revenue Code, if the
26 taxpayer pays tax under s. 220.11(3).

27 3. In the case of a regulated investment company or
28 real estate investment trust, an amount equal to the excess of
29 the net long-term capital gain for the taxable year over the
30 amount of the capital gain dividends attributable to the
31 taxable year.

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1 4. That portion of the wages or salaries paid or
2 incurred for the taxable year which is equal to the amount of
3 the credit allowable for the taxable year under s. 220.181.
4 The provisions of this subparagraph shall expire and be void
5 on June 30, 2005.

6 5. That portion of the ad valorem school taxes paid or
7 incurred for the taxable year which is equal to the amount of
8 the credit allowable for the taxable year under s. 220.182.
9 The provisions of this subparagraph shall expire and be void
10 on June 30, 2005.

11 6. The amount of emergency excise tax paid or accrued
12 as a liability to this state under chapter 221 which tax is
13 deductible from gross income in the computation of taxable
14 income for the taxable year.

15 7. That portion of assessments to fund a guaranty
16 association incurred for the taxable year which is equal to
17 the amount of the credit allowable for the taxable year.

18 8. In the case of a nonprofit corporation which holds
19 a pari-mutuel permit and which is exempt from federal income
20 tax as a farmers' cooperative, an amount equal to the excess
21 of the gross income attributable to the pari-mutuel operations
22 over the attributable expenses for the taxable year.

23 9. The amount taken as a credit for the taxable year
24 under s. 220.1895.

25 10. Up to nine percent of the eligible basis of any
26 designated project which is equal to the credit allowable for
27 the taxable year under s. 220.185.

28 Section 20. Section 220.185, Florida Statutes, is
29 created to read:

30 220.185 State housing tax credit.--

31 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

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1 (a) There exist within the urban areas of the state
2 conditions of blight evidenced by extensive deterioration of
3 public and private facilities, abandonment of sound
4 structures, and high unemployment, and these conditions impede
5 the conservation and development of healthy, safe, and
6 economically viable communities.

7 (b) Deterioration of housing and industrial,
8 commercial, and public facilities contributes to the decline
9 of neighborhoods and communities and leads to the loss of
10 their historic character and the sense of community which this
11 inspires; reduces the value of property comprising the tax
12 base of local communities; discourages private investment; and
13 requires a disproportionate expenditure of public funds for
14 the social services, unemployment benefits, and police
15 protection required to combat the social and economic problems
16 found in urban communities.

17 (c) In order to ultimately restore social and economic
18 viability to urban areas, it is necessary to renovate or
19 construct new infrastructure and housing, including housing
20 specifically targeted for the elderly, and to specifically
21 provide mechanisms to attract and encourage private economic
22 activity.

23 (d) The various local governments and other
24 redevelopment organizations now undertaking physical
25 revitalization projects and new housing developments in urban
26 areas are limited by tightly constrained budgets and
27 inadequate resources.

28 (e) In order to significantly improve revitalization
29 efforts by local governments and community development
30 organizations and to retain as much of the historic character
31 of our communities as possible, it is necessary to provide

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1 additional resources, and the participation of private
2 enterprise in revitalization efforts is an effective means for
3 accomplishing that goal.

4 (2) POLICY AND PURPOSE.--It is the policy of this
5 state to encourage the participation of private corporations
6 in revitalization projects within urban areas. The purpose of
7 this section is to provide an incentive for such participation
8 by granting state corporate income tax credits to qualified
9 low-income housing projects, including housing specifically
10 designed for the elderly, and associated mixed-use projects.
11 The Legislature thus declares this a public purpose for which
12 public money may be borrowed, expended, loaned, and granted.

13 (3) DEFINITIONS.--As used in this section, the term:

14 (a) "Credit period" means the period of 5 years
15 beginning with the year the project is completed.

16 (b) "Eligible basis" means a project's adjusted basis
17 of the housing portion of the qualified project as of the
18 close of the first taxable year of the credit period.

19 (c) "Adjusted basis" means the owner's adjusted basis
20 in the project, calculated in a manner consistent with the
21 calculation of basis under the Internal Revenue Code, taking
22 into account the adjusted basis of property of a character
23 subject to the allowance for depreciation used in common areas
24 or provided as comparable amenities to the entire project.

25 (d) "Designated project" means a qualified project
26 designated pursuant to s. 420.5093 to receive the tax credit
27 under this section.

28 (e) "Qualified project" means a project located in an
29 urban infill area, at least 50 percent of which, on a cost
30 basis, consists of a qualified low-income project within the
31 meaning of s. 42(g) of the Internal Revenue Code, including

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1 such projects designed specifically for the elderly but
2 excluding any income restrictions imposed pursuant to s. 42(g)
3 of the Internal Revenue Code upon residents of the project
4 unless such restrictions are otherwise established by the
5 Florida Housing Finance Corporation pursuant to s. 420.5093,
6 and the remainder of which constitutes commercial or
7 single-family residential development consistent with and
8 serving to complement the qualified low-income project.

9 (f) "Urban infill area" means an area designated for
10 urban infill as defined by s. 163.3164 or as defined through a
11 statewide urban infill study solicited and approved by the
12 Board of Directors of the Florida Housing Finance Corporation.

13 (4) AUTHORIZATION TO GRANT STATE HOUSING TAX CREDITS;
14 LIMITATION.--

15 (a) There shall be allowed a credit of up to 9
16 percent, but no more than necessary to make the project
17 feasible, of the eligible basis of any designated project for
18 each year of the credit period against any tax due for a
19 taxable year under this chapter.

20 (b) The total amount of tax credit which may be
21 granted for all projects approved under this section is \$5
22 million annually, for each of 5 years.

23 (c) The tax credit shall be allocated among designated
24 projects by the Florida Housing Finance Corporation as
25 provided in s. 420.5093.

26 (d) Each designated project must comply with the
27 applicable provisions of s. 42 of the Internal Revenue Code
28 with respect to the multifamily residential rental housing
29 element of the project, including specifically the provisions
30 of s. 42(h)(6).

31 (e) A tax credit shall be allocated to a designated

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1 project and shall not be subject to transfer by the recipient
2 unless the transferee is also an owner of the designated
3 project.

4 Section 21. Section 420.5093, Florida Statutes, is
5 created to read:

6 420.5093 State Housing Tax Credit Program.--

7 (1) There is created the State Housing Tax Credit
8 Program for the purposes of stimulating creative private
9 sector initiatives to increase the supply of affordable
10 housing in urban areas, including specifically housing for the
11 elderly, and to provide associated commercial facilities
12 associated with such housing facilities.

13 (2) The Florida Housing Finance Corporation shall
14 determine those qualified projects which shall be considered
15 designated projects under s. 220.185 and eligible for the
16 corporate tax credit under that section. The corporation shall
17 establish procedures necessary for proper allocation and
18 distribution of state housing tax credits, including the
19 establishment of criteria for any single-family or commercial
20 component of a project, and may exercise all powers necessary
21 to administer the allocation of such credits. The board of
22 directors of the corporation shall administer the allocation
23 procedures and determine allocations on behalf of the
24 corporation. The corporation shall prepare an annual plan,
25 which must be approved by the Governor, containing general
26 guidelines for the allocation and distribution of credits to
27 designated projects.

28 (3) The corporation shall adopt allocation procedures
29 that will ensure the maximum use of available tax credits in
30 order to encourage development of low-income housing and
31 associated mixed-use projects in urban areas, taking into

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1 consideration the timeliness of the application, the location
2 of the proposed project, the relative need in the area of
3 revitalization and low-income housing and the availability of
4 such housing, the economic feasibility of the project, and the
5 ability of the applicant to proceed to completion of the
6 project in the calendar year for which the credit is sought.

7 (4)(a) A taxpayer who wishes to participate in the
8 State Housing Tax Credit Program must submit an application
9 for tax credit to the corporation. The application shall
10 identify the project and its location and include evidence
11 that the project is a qualified project as defined in s.
12 220.185. The corporation may request any information from an
13 applicant necessary to enable the corporation to make tax
14 credit allocations according to the guidelines set forth in
15 subsection (3).

16 (b) The corporation's approval of an applicant as a
17 designated project shall be in writing and shall include a
18 statement of the maximum credit allowable to the applicant. A
19 copy of this approval shall be transmitted to the executive
20 director of the Department of Revenue, who shall apply the tax
21 credit to the tax liability of the applicant.

22 (5) For purposes of implementing this program and
23 assessing the property for ad valorem taxation under s.
24 193.011, neither the tax credits nor financing generated by
25 tax credits shall be considered as income to the property, and
26 the rental income from rent-restricted units in a state
27 housing tax credit development shall be recognized by the
28 property appraiser.

29 (6) The corporation is authorized to expend fees
30 received in conjunction with the allocation of state housing
31 tax credits only for the purpose of administration of the

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1 program, including private legal services which relate to
2 interpretation of s. 42 of the Internal Revenue Code.

3 Section 22. Subsection (19) of section 420.503,
4 Florida Statutes, 1998 Supplement, is amended to read:

5 420.503 Definitions.--As used in this part, the term:

6 (19) "Housing for the elderly" means, for purposes of
7 s. 420.5087(3)(c)2., any nonprofit housing community that is
8 financed by a mortgage loan made or insured by the United
9 States Department of Housing and Urban Development under s.
10 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
11 236 of the National Housing Act, as amended, and that is
12 subject to income limitations established by the United States
13 Department of Housing and Urban Development, or any program
14 funded by the Rural Development Agency of the United States
15 Department of Agriculture and subject to income limitations
16 established by the United States Department of Agriculture. A
17 project which qualifies for an exemption under the Fair
18 Housing Act as housing for older persons as defined by s.
19 760.29(4) shall qualify as housing for the elderly for
20 purposes of s. 420.5087(3)(c)2. In addition, if the
21 corporation adopts a qualified allocation plan pursuant to s.
22 42(m)(1)(B) of the Internal Revenue Code or any other rules
23 that prioritize projects targeting the elderly for purposes of
24 allocating tax credits pursuant to s. 420.5099 or for purposes
25 of the HOME program under s. 420.5089, a project which
26 qualifies for an exemption under the Fair Housing Act as
27 housing for older persons as defined by s. 760.29(4) shall
28 qualify as a project targeted for the elderly, if the project
29 satisfies the other requirements set forth in this part.

30 Section 23. Subsections (1) and (5) of section
31 420.5087, Florida Statutes, 1998 Supplement, are amended to

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1 read:

2 420.5087 State Apartment Incentive Loan
3 Program.--There is hereby created the State Apartment
4 Incentive Loan Program for the purpose of providing first,
5 second, or other subordinated mortgage loans or loan
6 guarantees to sponsors, including for-profit, nonprofit, and
7 public entities, to provide housing affordable to
8 very-low-income persons.

9 (1) Program funds shall be distributed over successive
10 3-year periods in a manner that meets the need and demand for
11 very-low-income housing throughout the state. That need and
12 demand must be determined by using the most recent statewide
13 low-income rental housing market studies available at the
14 beginning of each 3-year period. However, at least 10 percent
15 of the program funds distributed during a 3-year period must
16 be allocated to each of the following categories of counties,
17 as determined by using the population statistics published in
18 the most recent edition of the Florida Statistical Abstract:

19 (a) Counties that have a population of more than
20 500,000 people;

21 (b) Counties that have a population between 100,000
22 and 500,000 people; and

23 (c) Counties that have a population of 100,000 or
24 less.

25

26 Any increase in funding required to reach the 10-percent
27 minimum shall be taken from the county category that has the
28 largest allocation. The corporation shall adopt rules which
29 establish an equitable process for distributing any portion of
30 the 10 percent of program funds allocated to the county
31 categories specified in this subsection which remains

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1 unallocated at the end of a 3-year period. Counties that have
2 a population of 100,000 or less shall be given preference
3 under these rules.

4 (5) The amount of the mortgage provided under this
5 program combined with any other mortgage in a superior
6 position shall be less than the value of the project without
7 the housing set-aside required by subsection (2). However, the
8 corporation may waive this requirement for projects in rural
9 areas or urban infill areas which have market rate rents that
10 are less than the allowable rents pursuant to applicable state
11 and federal guidelines. In no event shall the mortgage
12 provided under this program combined with any other mortgage
13 in a superior position exceed total project cost.

14 Section 24. Sections 420.630, 420.631, 420.632,
15 420.633, 420.634, and 420.635, Florida Statutes, are created
16 to read:

17 420.630 Short title.--Sections 420.630-420.635 may be
18 cited as the "Urban Homesteading Act."

19 420.631 Definitions.--As used in ss. 420.630-420.635:

20 (1) "Authority" or "housing authority" means any of
21 the public corporations created under s. 421.04.

22 (2) "Department" means the Department of Community
23 Affairs.

24 (3) "Homestead agreement" means a written contract
25 between a local government or its designee and a qualified
26 buyer which contains the terms under which the qualified buyer
27 may acquire a single-family housing property.

28 (4) "Local government" means any county or
29 incorporated municipality within this state.

30 (5) "Designee" means a housing authority appointed by
31 a local government, or a nonprofit community organization

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1 appointed by a local government, to administer the urban
2 homesteading program for single-family housing under ss.
3 420.630-420.635.

4 (6) "Nonprofit community organization" means an
5 organization that is exempt from taxation under s. 501(c)(3)
6 of the Internal Revenue Code.

7 (7) "Office" means the Office of Urban Opportunity
8 within the Office of Tourism, Trade, and Economic Development.

9 (8) "Qualified buyer" means a person who meets the
10 criteria under s. 420.633.

11 (9) "Qualified loan rate" means an interest rate that
12 does not exceed the interest rate charged for home improvement
13 loans by the Federal Housing Administration under Title I of
14 the National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C.
15 ss. 1702, 1703, 1705, and 1706b et seq.

16 420.632 Authority to operate.--By resolution, subject
17 to federal and state law, and in consultation with the Office
18 of Urban Opportunity, a local government or its designee may
19 operate a program that makes foreclosed single-family housing
20 properties available to qualified buyers to purchase. This
21 urban homesteading program is intended to be one component of
22 a comprehensive urban-core redevelopment initiative known as
23 Front Porch Florida, implemented by the Office of Urban
24 Opportunity.

25 420.633 Eligibility.--An applicant is eligible to
26 enter into a homestead agreement to acquire single-family
27 housing property as a qualified buyer under ss.
28 420.630-420.635 if:

29 (1) The applicant or his or her spouse is employed and
30 has been employed for the immediately preceding 12 months;

31 (2) The applicant or his or her spouse has not been

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1 convicted of a drug-related felony within the immediately
2 preceding 3 years;

3 (3) All school-age children of the applicant or his or
4 her spouse who will reside in the single-family housing
5 property attend school regularly; and

6 (4) The applicant and his or her spouse have incomes
7 below the median for the state, as determined by the United
8 States Department of Housing and Urban Development, for
9 families with the same number of family members as the
10 applicant and his or her spouse.

11 420.634 Application process; deed to qualified
12 buyer.--

13 (1) A qualified buyer may apply to a local government
14 or its designee to acquire single-family housing property. The
15 application must be in a form and in a manner provided by the
16 local government or its designee. If the application is
17 approved, the qualified buyer and the local government or its
18 designee shall enter into a homestead agreement for the
19 single-family housing property. The local government or its
20 designee may add additional terms and conditions to the
21 homestead agreement.

22 (2) The local government or its designee shall deed or
23 cause to be deeded the single-family housing property to the
24 qualified buyer for \$1 if the qualified buyer:

25 (a) Is in compliance with the terms of the homestead
26 agreement for at least 5 years or has resided in the
27 single-family housing property before the local government or
28 its designee adopts the urban homesteading program;

29 (b) Resides in that property for at least 5 years;

30 (c) Meets the criteria in the homestead agreement; and

31 (d) Has otherwise promptly met his or her financial

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1 obligations with the local government or its designee.

2

3 However, if the local government or its designee has received
4 federal funds for which bonds or notes were issued and those
5 bonds or notes are outstanding for the housing project where
6 the single-family housing property is located, the local
7 government or its designee shall deed the property to the
8 qualified buyer only upon payment of the pro rata share of the
9 bonded debt on that specific property by the qualified buyer.

10 The local government or its designee shall obtain the
11 appropriate releases from the holders of the bonds or notes.

12 420.635 Loans to qualified buyers.--Contingent upon an
13 appropriation, the department, in consultation with the Office
14 of Urban Opportunity, shall provide loans to qualified buyers
15 who are required to pay the pro rata portion of the bonded
16 debt on single-family housing pursuant to s. 420.634. Loans
17 provided under this section shall be made at a rate of
18 interest which does not exceed the qualified loan rate. A
19 buyer must maintain the qualifications specified in s. 420.633
20 for the full term of the loan. The loan agreement may contain
21 additional terms and conditions as determined by the
22 department.

23 Section 25. Subsection (8) of section 235.193, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 235.193 Coordination of planning with local governing
26 bodies.--

27 (8) Existing schools shall be considered consistent
28 with the applicable local government comprehensive plan
29 adopted under part II of chapter 163. The collocation of a new
30 proposed public educational facility with an existing public
31 educational facility, or the expansion of an existing public

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1 educational facility is not inconsistent with the local
 2 comprehensive plan, if the site is consistent with the
 3 comprehensive plan's future land use policies and categories
 4 in which public schools are identified as allowable uses, and
 5 levels of service adopted by the local government for any
 6 facilities affected by the proposed location for the new
 7 facility are maintained. If a board submits an application to
 8 expand an existing school site, the local governing body may
 9 impose reasonable development standards and conditions on the
 10 expansion only, and in a manner consistent with s.235.34(1).
 11 Standards and conditions may not be imposed which conflict
 12 with those established in this chapter or the State Uniform
 13 Building Code, unless mutually agreed. Local government review
 14 or approval is not required for:

- 15 (a) The placement of temporary or portable classroom
- 16 facilities; or
- 17 (b) Proposed renovation or construction on existing
- 18 school sites, with the exception of construction that changes
- 19 the primary use of a facility, includes stadiums, or results
- 20 in a greater than 5 percent increase in student capacity , or
- 21 as mutually agreed.

22 Section 26. The sum of \$5 million is appropriated from
 23 the General Revenue Fund to the Department of Community
 24 Affairs for the purpose of funding the Urban Infill and
 25 Redevelopment Grant Program under section 163.2523, Florida
 26 Statutes.

27 Section 27. The sum of \$5 million is appropriated from
 28 the General Revenue Fund to the Department of Community
 29 Affairs for the purpose of funding the state housing tax
 30 credit as provided in section 220.185, Florida Statutes.

31 Section 28. This act shall take effect July 1, 1999.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause,

4

5 and insert:

6 A bill to be entitled

7 An act relating to community revitalization;
8 creating ss. 163.2511, 163.2514, 163.2517,
9 163.2520, 163.2523, and 163.2526, F.S., the
10 Growth Policy Act; providing legislative
11 findings; providing definitions; authorizing
12 counties and municipalities to designate urban
13 infill and redevelopment areas based on
14 specified criteria; providing for community and
15 neighborhood participation; requiring
16 preparation of a plan or designation of an
17 existing plan and providing requirements with
18 respect thereto; providing for amendment of the
19 local comprehensive plan to delineate area
20 boundaries; providing for adoption of the plan
21 by ordinance; providing requirements for
22 continued eligibility for economic and
23 regulatory incentives and providing that such
24 incentives may be rescinded if the plan is not
25 implemented; providing that counties and
26 municipalities that have adopted such plan may
27 issue revenue bonds and employ tax increment
28 financing under the Community Redevelopment Act
29 and exercise powers granted to community
30 redevelopment neighborhood improvement
31 districts; requiring a report by certain state

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1 agencies; providing that such areas shall have
2 priority in the allocation of private activity
3 bonds; providing a program for grants to
4 counties and municipalities with urban infill
5 and redevelopment areas; providing for review
6 and evaluation of the act and requiring a
7 report; amending s. 163.3164, F.S.; revising
8 the definition of "projects that promote public
9 transportation" under the Local Government
10 Comprehensive Planning and Land Development
11 Regulation Act; amending s. 163.3177, F.S.;
12 modifying the date by which local government
13 comprehensive plans must comply with school
14 siting requirements, and the consequences of
15 failure to comply; amending s. 163.3180, F.S.;
16 specifying that the concurrency requirement
17 applies to transportation facilities; providing
18 requirements with respect to measuring level of
19 service for specified transportation modes and
20 multimodal analysis; providing that the
21 concurrency requirement does not apply to
22 public transit facilities; authorizing
23 exemptions from the transportation facilities
24 concurrency requirement for developments
25 located in an urban infill and redevelopment
26 area; revising requirements for establishment
27 of level-of-service standards for certain
28 facilities on the Florida Intrastate Highway
29 System; providing that a multiuse development
30 of regional impact may satisfy certain
31 transportation concurrency requirements by

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1 payment of a proportionate-share contribution
2 for traffic impacts under certain conditions;
3 authorizing establishment of multimodal
4 transportation districts in certain areas under
5 a local comprehensive plan, providing for
6 certain multimodal level-of-service standards,
7 and providing requirements with respect
8 thereto; providing for issuance of development
9 permits; authorizing reduction of certain fees
10 for development in such districts; amending s.
11 163.3187, F.S.; providing that comprehensive
12 plan amendments to designate urban infill and
13 redevelopment areas are not subject to
14 statutory limits on the frequency of plan
15 amendments; including such areas within certain
16 limitations relating to small scale development
17 amendments; amending s. 187.201, F.S.;
18 including policies relating to urban policy in
19 the State Comprehensive Plan; amending s.
20 380.06, F.S., relating to developments of
21 regional impact; increasing certain numerical
22 standards for determining a substantial
23 deviation for projects located in certain urban
24 infill and redevelopment areas; amending ss.
25 163.3220 and 163.3221, F.S.; revising
26 legislative intent with respect to the Florida
27 Local Government Development Agreement Act to
28 include intent with respect to certain
29 assurance to a developer upon receipt of a
30 brownfield designation; amending s. 163.375,
31 F.S.; authorizing acquisition by eminent domain

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1 of property in unincorporated enclaves
2 surrounded by a community redevelopment area
3 when necessary to accomplish a community
4 development plan; amending s. 165.041, F.S.;
5 specifying the date for submission to the
6 Legislature of a feasibility study in
7 connection with a proposed municipal
8 incorporation and revising requirements for
9 such study; amending s. 171.0413, F.S.,
10 relating to municipal annexation procedures;
11 requiring public hearings; deleting a
12 requirement that a separate referendum be held
13 in the annexing municipality when the
14 annexation exceeds a certain size and providing
15 that the governing body may choose to hold such
16 a referendum; providing procedures by which a
17 county or combination of counties and the
18 municipalities therein may develop and adopt a
19 plan to improve the efficiency, accountability,
20 and coordination of the delivery of local
21 government services; providing for initiation
22 of the process by resolution; providing
23 requirements for the plan; requiring approval
24 by the local governments' governing bodies and
25 by referendum; authorizing municipal annexation
26 through such plan; amending s. 170.201, F.S.;
27 revising provisions which authorize a
28 municipality to exempt property owned or
29 occupied by certain religious or educational
30 institutions or housing facilities from special
31 assessments for emergency medical services;

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1 extending application of such provisions to any
2 service; amending s. 196.1975, F.S.; amending
3 criteria for exempting property used by
4 nonprofit homes for the aged from ad valorem
5 taxes; creating s. 196.1978, F.S.; providing
6 that property used to provide housing for
7 certain persons under ch. 420, F.S., and owned
8 by certain nonprofit corporations is exempt
9 from ad valorem taxation; amending s. 220.02,
10 F.S.; amending the list specifying the order in
11 which credits against the corporate income tax
12 or the franchise tax must be applied, to
13 conform to changes made by this act; amending
14 s. 220.13, F.S.; amending the term "adjusted
15 federal income," to conform to changes made by
16 this act; creating ss. 220.185 and 420.5093,
17 F.S.; creating the State Housing Tax Credit
18 Program; providing legislative findings and
19 policy; providing definitions; providing for a
20 credit against the corporate income tax in an
21 amount equal to a percentage of the eligible
22 basis of certain housing projects; providing a
23 limitation; providing for allocation of credits
24 and administration by the Florida Housing
25 Finance Corporation; providing for an annual
26 plan; providing application procedures;
27 providing that neither tax credits nor
28 financing generated thereby shall be considered
29 income for ad valorem tax purposes; providing
30 for recognition of certain income by the
31 property appraiser; amending s. 420.503, F.S.;

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1 providing that certain projects shall qualify
2 as housing for the elderly for purposes of
3 certain loans under the State Apartment
4 Incentive Loan Program, and shall qualify as a
5 project targeted for the elderly in connection
6 with allocation of low-income housing tax
7 credits and with the HOME program under certain
8 conditions; amending s. 420.5087, F.S.;
9 directing the Florida Housing Finance
10 Corporation to adopt rules for the equitable
11 distribution of certain unallocated funds under
12 the State Apartment Incentive Loan Program;
13 authorizing the corporation to waive a mortgage
14 limitation under said program for projects in
15 certain areas; creating ss. 420.630, 420.631,
16 420.632, 420.633, 420.634, and 420.635, F.S.,
17 the Urban Homesteading Act; providing
18 definitions; authorizing a local government or
19 its designee to operate a program to make
20 foreclosed single-family housing available for
21 purchase by qualified buyers; providing
22 eligibility requirements; providing application
23 procedures; providing conditions under which
24 such property may be deeded to a qualified
25 buyer; requiring payment of a pro rata share of
26 certain bonded debt under certain conditions
27 and providing for loans to buyers who are
28 required to make such payment; amending s.
29 235.193, F.S.; providing that the collocation
30 of a new educational facility with an existing
31 educational facility or the expansion of an

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existing educational facility shall not be
deemed inconsistent with local government
comprehensive plans under certain
circumstances; providing appropriations;
providing an effective date.