

By Senator Carlton

24-1034-99

See HB 17

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15 incentives may be rescinded if the plan is not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

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

1 requirements for the plan; requiring approval
2 by the local governments' governing bodies and
3 by referendum; authorizing municipal annexation
4 through such plan; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

11 163.2511 Urban infill and redevelopment.--

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

14 (2) It is found and declared that:

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

29 (e) Identify how the local government intends to
30 implement affordable housing programs, including, but not
31

1 limited to, the State Housing Initiatives Partnership Program,
2 within the urban infill and redevelopment area.

3 (f) Adopt, if applicable, land development regulations
4 specific to the urban infill and redevelopment area which
5 include, for example, setbacks and parking requirements
6 appropriate to urban development.

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

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

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

28 (i) Identify how activities and incentives within the
29 urban infill and redevelopment area will be coordinated and
30 what administrative mechanism the local government will use
31 for the coordination.

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

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

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

1 infill and redevelopment plan, the local government must amend
2 its comprehensive land use plan under s. 163.3187 to delineate
3 the urban infill and redevelopment area within the future land
4 use element of its comprehensive plan. An amendment to the
5 local comprehensive plan to designate an urban infill and
6 redevelopment area is exempt from the twice-a-year amendment
7 limitation of s. 163.3187.

8 (5) If the local government fails to implement the
9 urban infill and redevelopment plan, the Department of
10 Community Affairs may seek to rescind the economic and
11 regulatory incentives granted to the urban infill and
12 redevelopment area subject to the provisions of chapter 120.
13 The action to rescind may be initiated 90 days after issuing a
14 written letter of warning to the local government.

15 163.2520 Economic incentives; report.--

16 (1) A local government with an adopted urban infill
17 and redevelopment plan or plan employed in lieu thereof may
18 issue revenue bonds under s. 163.385 and employ tax increment
19 financing under s. 163.387 for the purpose of financing the
20 implementation of the plan.

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

26 (3) State agencies that provide infrastructure
27 funding, cost reimbursement, grants, or loans to local
28 governments, including, but not limited to, the Department of
29 Environmental Protection (Clean Water State Revolving Fund,
30 Drinking Water Revolving Loan Trust Fund, and the state
31 pollution control bond program); the Department of Community

1 Affairs (State Housing Initiatives Partnership, Florida
2 Communities Trust); and the Department of Transportation
3 (Intermodal Surface Transportation Efficiency Act funds), are
4 directed to report to the President of the Senate and the
5 Speaker of the House of Representatives by January 1, 2000,
6 regarding statutory and rule changes necessary to give urban
7 infill and redevelopment areas identified by local governments
8 under this act an elevated priority in infrastructure funding,
9 loan, and grant programs.

10 163.2523 Grant program.--An Urban Infill and
11 Redevelopment Assistance Grant Program is created for local
12 governments with adopted urban infill and redevelopment areas.
13 Ninety percent of the general revenue appropriated for this
14 program shall be available for fifty/fifty matching grants for
15 planning and implementing urban infill and redevelopment
16 projects that further the objectives set forth in the local
17 government's adopted urban infill and redevelopment plan or
18 plan employed in lieu thereof. The remaining 10 percent of the
19 revenue must be used for outright grants for projects
20 requiring an expenditure of under \$50,000. Projects that
21 provide employment opportunities to clients of the WAGES
22 program and projects within urban infill and redevelopment
23 areas that include a community redevelopment area, Florida
24 Main Street Program, sustainable community, enterprise zone,
25 or neighborhood improvement district must be given an elevated
26 priority in the scoring of competing grant applications. The
27 Division of Housing and Community Development of the
28 Department of Community Affairs shall administer the grant
29 program. The Department of Community Affairs shall adopt rules
30 establishing grant review criteria consistent with this
31 section.

1 163.2526 Review and evaluation.--Before the 2004
2 Regular Session of the Legislature, the Office of Program
3 Policy Analysis and Government Accountability shall perform a
4 review and evaluation of ss. 163.2511-163.2526, including the
5 financial incentives listed in s. 163.2520. The report must
6 evaluate the effectiveness of the designation of urban infill
7 and redevelopment areas in stimulating urban infill and
8 redevelopment and strengthening the urban core. A report of
9 the findings and recommendations of the Office of Program
10 Policy Analysis and Government Accountability shall be
11 submitted to the President of the Senate and the Speaker of
12 the House of Representatives before the 2004 Regular Session
13 of the Legislature.

14 Section 2. Subsection (5) of section 163.3180, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 163.3180 Concurrency.--

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

30 (b) A local government may grant an exception from the
31 concurrency requirement for transportation facilities if the

1 proposed development is otherwise consistent with the adopted
2 local government comprehensive plan and is a project that
3 promotes public transportation or is located within an area
4 designated in the comprehensive plan for:

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

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

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

29 Section 3. Subsection (1) of section 163.3187, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

27 (c) Any local government comprehensive plan amendments
28 directly related to proposed small scale development
29 activities may be approved without regard to statutory limits
30 on the frequency of consideration of amendments to the local
31

1 comprehensive plan. A small scale development amendment may
2 be adopted only under the following conditions:

3 1. The proposed amendment involves a use of 10 acres
4 or fewer and:

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

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

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

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

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

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

29 d. The proposed amendment does not involve a text
30 change to the goals, policies, and objectives of the local
31 government's comprehensive plan, but only proposes a land use

1 change to the future land use map for a site-specific small
2 scale development activity.

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

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

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

25 b. The local government shall send copies of the
26 notice and amendment to the state land planning agency, the
27 regional planning council, and any other person or entity
28 requesting a copy. This information shall also include a
29 statement identifying any property subject to the amendment
30 that is located within a coastal high hazard area as
31 identified in the local comprehensive plan.

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

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

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

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

22 (g) Any local government comprehensive plan amendments
23 directly related to proposed redevelopment of brownfield areas
24 designated under s. 376.80 may be approved without regard to
25 statutory limits on the frequency of consideration of
26 amendments to the local comprehensive plan.

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

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

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

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

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

16 (b) Policies.--

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

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

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

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

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

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

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

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

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

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

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

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

25 Section 5. Paragraph (b) of subsection (19) of section
26 380.06, Florida Statutes, 1998 Supplement, is amended to read:

27 380.06 Developments of regional impact.--

28 (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 163.375 Eminent domain.--

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

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

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

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

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

1 established by s. 166.041. Prior to the adoption of the
2 ordinance of annexation the local governing body shall hold at
3 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.

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.

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

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

1 Section 8. Efficiency and accountability in local
2 government services.--

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (h) Provide specific procedures for modification or
31 termination of the plan.

1 (i) Specify the effective date of the plan.
2 (4)(a) A plan developed pursuant to this section must
3 conform to all comprehensive plans that have been found to be
4 in compliance under part II of chapter 163, Florida Statutes,
5 for the local governments participating in the plan.
6 (b) No provision of a plan developed pursuant to this
7 section shall restrict the authority of any state or regional
8 governmental agency to perform any duty required to be
9 performed by that agency by law.
10 (5)(a) A plan developed pursuant to this section must
11 be approved by a majority vote of the governing body of each
12 county involved in the plan, and by a majority vote of the
13 governing bodies of a majority of municipalities in each
14 county, and by a majority vote of the governing bodies of the
15 municipality or municipalities that represent a majority of
16 the municipal population of each county.
17 (b) After approval by the county and municipal
18 governing bodies as required by paragraph (a), the plan shall
19 be submitted for referendum approval in a countywide election
20 in each county involved. The plan shall not take effect unless
21 approved by a majority of the electors of each county who vote
22 in the referendum, and also by a majority of the electors of
23 the municipalities that represent a majority of the municipal
24 population of each county who vote in the referendum. If
25 approved by the electors as required by this paragraph, the
26 plan shall take effect on the date specified in the plan.
27 (6) If a plan developed pursuant to this section
28 includes areas proposed for municipal annexation that meet the
29 standards for annexation provided in chapter 171, Florida
30 Statutes, such annexation shall take effect upon approval of
31 the plan as provided in this section, notwithstanding the

1 procedures for approval of municipal annexation specified in
2 chapter 171, Florida Statutes.

3 Section 9. This act shall take effect July 1, 1999.
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LEGISLATIVE SUMMARY

Creates the Urban Infill and Redevelopment Act, authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria. Requires preparation of a plan or designation of an existing plan and provides requirements with respect thereto. Requires a public hearing, and provides for amendment of the local comprehensive plan. Provides that economic and regulatory incentives may be rescinded if the plan is not implemented. Provides that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act, and exercise powers granted to community redevelopment neighborhood improvement districts. Requires a report by certain state agencies. Provides a program for grants to counties and municipalities with urban infill and redevelopment areas. Provides for review and evaluation of the act and requires a report.

Authorizes exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area. Provides that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments, and includes such areas within certain limitations relating to small scale development amendments. Includes policies relating to urban policy in the State Comprehensive Plan. Revises provisions relating to developments of regional impact to increase certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment areas.

Authorizes acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan. Requires public hearings on a municipal annexation ordinance. Deletes a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size, but allows the governing board to choose to hold such a referendum.

Provides procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services. Provides for initiation of the process by resolution. Provides requirements for the plan. Requires approval by the local governments' governing bodies and by referendum. Authorizes municipal annexation through such plan.