

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Carlton, Klein and Jones

316-1907B-99

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, 163.2526, F.S., the Urban Infill and  
5           Redevelopment Act; providing legislative  
6           findings; providing definitions; authorizing  
7           counties and municipalities to designate urban  
8           infill and redevelopment areas based on  
9           specified criteria; requiring preparation of a  
10          plan or designation of an existing plan and  
11          providing requirements with respect thereto;  
12          requiring a public hearing; providing for  
13          amendment of the local comprehensive plan;  
14          providing that counties and municipalities that  
15          have adopted such plan may issue revenue bonds  
16          and employ tax increment financing under the  
17          Community Redevelopment Act and exercise powers  
18          granted to community redevelopment neighborhood  
19          improvement districts; granting such areas  
20          priority in the allocation of private-activity  
21          bonds; requiring a report by certain state  
22          agencies; providing a program for grants to  
23          counties and municipalities with urban infill  
24          and redevelopment areas; providing for review  
25          and evaluation of the act and requiring a  
26          report; amending s. 163.3180, F.S.; authorizing  
27          exemptions from the transportation facilities  
28          concurrency requirement for developments  
29          located in an urban infill and redevelopment  
30          area; amending s. 163.3187, F.S.; providing  
31          that comprehensive plan amendments to designate

1 such areas are not subject to statutory limits  
2 on the frequency of plan amendments; including  
3 such areas within certain limitations relating  
4 to small scale development amendments; amending  
5 s. 187.201, F.S.; including policies relating  
6 to urban policy in the State Comprehensive  
7 Plan; creating s. 220.185, F.S.; creating the  
8 State Housing Tax Credit Program; providing  
9 legislative findings and policy; providing  
10 definitions; providing for a credit against the  
11 corporate income tax in an amount equal to a  
12 percentage of the eligible basis of certain  
13 housing projects; providing a limitation;  
14 amending s. 380.06, F.S., relating to  
15 developments of regional impact; increasing  
16 certain numerical standards for determining a  
17 substantial deviation for projects located in  
18 certain urban infill and redevelopment areas;  
19 amending ss. 163.3220, 163.3221, F.S.; revising  
20 legislative intent with respect to the Florida  
21 Local Government Development Agreement Act to  
22 include intent with respect to certain  
23 assurance to a developer upon receipt of a  
24 brownfield designation; amending s. 163.375,  
25 F.S.; authorizing acquisition by eminent domain  
26 of property in unincorporated enclaves  
27 surrounded by a community redevelopment area  
28 when necessary to accomplish a community  
29 development plan; amending s. 165.041, F.S.;  
30 providing that the incorporation feasibility  
31 study be submitted to the Legislature;

1 specifying requirements for the feasibility  
2 study; amending s. 171.0413, F.S., relating to  
3 municipal annexation procedures; requiring  
4 public hearings; deleting a requirement that a  
5 separate referendum be held in the annexing  
6 municipality when the annexation exceeds a  
7 certain size and providing that the governing  
8 body may choose to hold such a referendum;  
9 providing procedures by which a county or  
10 combination of counties and the municipalities  
11 therein may develop and adopt a plan to improve  
12 the efficiency, accountability, and  
13 coordination of the delivery of local  
14 government services; providing for initiation  
15 of the process by resolution; providing  
16 requirements for the plan; requiring approval  
17 by the local governments' governing bodies and  
18 by referendum; authorizing municipal annexation  
19 through such plan; creating s. 420.5093, F.S.;  
20 providing for allocation of state housing tax  
21 credits and administration by the Florida  
22 Housing Finance Corporation; providing for an  
23 annual plan; providing application procedures;  
24 providing that neither tax credits nor  
25 financing generated thereby may be considered  
26 income for ad valorem tax purposes; providing  
27 for recognition of certain income by the  
28 property appraiser; creating s. 420.630, F.S.;  
29 creating the Urban Homesteading Act; creating  
30 s. 420.631, F.S.; providing definitions;  
31 creating s. 420.632, F.S.; authorizing housing

1 authorities or nonprofit community  
2 organizations appointed by the housing  
3 authority to operate a program to make  
4 foreclosed single-family housing available to  
5 purchase by certain qualified buyers; creating  
6 s. 420.633, F.S.; providing eligibility  
7 requirements for entering into a homestead  
8 agreement to acquire such housing; creating s.  
9 420.634, F.S.; providing an application  
10 process; providing requirements for deeding the  
11 property to the qualified buyer; creating s.  
12 420.635, F.S.; providing for the Department of  
13 Community Affairs to make loans to qualified  
14 buyers, contingent upon an appropriation;  
15 providing requirements for the loan agreement;  
16 providing an appropriation; providing an  
17 effective date.

18

19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Sections 163.2511, 163.2514, 163.2517,  
22 163.2520, 163.2523, and 163.2526, Florida Statutes, are  
23 created to read:

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163.2511 Urban infill and redevelopment.--

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(1) Sections 163.2511-163.2526 may be cited as the

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"Urban Infill and Redevelopment Act."

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(2) It is declared that:

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(a) Fiscally strong urban centers are beneficial to

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regional and state economies and resources, are a method for

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reduction of future urban sprawl, and should be promoted by

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state, regional, and local governments.

1           (b) The health and vibrancy of the urban cores benefit  
2 their respective regions and the state; conversely, the  
3 deterioration of those urban cores negatively impacts the  
4 surrounding area and the state.

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

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

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

22           (f) Infill development and redevelopment are  
23 recognized to be important components and useful mechanisms  
24 for promoting and sustaining urban cores. State and regional  
25 entities and local governments should provide incentives to  
26 promote urban infill and redevelopment. Existing programs and  
27 incentives should be integrated to the extent possible to  
28 promote urban infill and redevelopment and to achieve the  
29 goals of the state urban policy.

30           163.2514 Definitions.--As used in ss.  
31 163.2511-163.2526, the term:

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

3           (2) "Urban infill and redevelopment area" means an  
4 area or areas designated by a local government where:

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

11           (b) The area, or one or more neighborhoods within the  
12 area, suffer from pervasive poverty, unemployment, and general  
13 distress as defined in s. 290.0058;

14           (c) The area exhibits a high proportion of properties  
15 that are substandard, overcrowded, dilapidated, vacant or  
16 abandoned, or functionally obsolete which is higher than the  
17 average for the local government;

18           (d) More than 50 percent of the area is within  
19 1/4-mile of a transit stop, or a sufficient number of such  
20 transit stops will be made available concurrent with the  
21 designation; and

22           (e) The area includes or is adjacent to community  
23 redevelopment areas, brownfields, enterprise zones, or  
24 Mainstreet programs, or has been designated by the state or  
25 federal government as an urban redevelopment, revitalization,  
26 or infill area under empowerment zone, enterprise community,  
27 and brownfield showcase community programs or similar  
28 programs.

29           163.2517 Designation of urban infill and redevelopment  
30 area.--

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1           (1) A local government may designate a geographic area  
2 or areas within its jurisdiction as an urban infill and  
3 redevelopment area for the purpose of targeting economic  
4 development, job creation, housing, transportation, crime  
5 prevention, neighborhood revitalization and preservation, and  
6 land-use incentives to encourage urban infill and  
7 redevelopment within the urban core.

8           (2) As part of the preparation and implementation of  
9 an urban infill and redevelopment plan, a collaborative and  
10 holistic community participation process must be implemented  
11 to include each neighborhood within the area targeted for  
12 designation as an urban infill and redevelopment area. The  
13 objective of the community participation process is to  
14 encourage communities within the proposed urban infill and  
15 redevelopment area to participate in the design and  
16 implementation of the plan, including a "visioning" of the  
17 urban core, before redevelopment.

18           (a) A neighborhood participation process must be  
19 developed to provide for the ongoing involvement of  
20 stakeholder groups including, but not limited to,  
21 community-based organizations, neighborhood associations,  
22 financial institutions, faith organizations, housing  
23 authorities, financial institutions, existing businesses and  
24 businesses interested in operating in the community, schools,  
25 and neighborhood residents, in preparing and implementing the  
26 urban infill and redevelopment plan.

27           (b) The neighborhood participation process must  
28 include a governance structure whereby the local government  
29 shares decisionmaking authority for developing and  
30 implementing the urban infill and redevelopment plan with  
31 community-wide representatives. For example, the local

1 government and community representatives could organize a  
2 corporation under s. 501(c)(3) of the Internal Revenue Code to  
3 implement specific redevelopment projects.

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

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

29 (b) Confirm that the infill and redevelopment area is  
30 within an existing urban service area defined in the local  
31 government's comprehensive plan.



1           (c) Identify and map existing enterprise zones,  
2 community redevelopment areas, community development  
3 corporations, brownfield areas, downtown redevelopment  
4 districts, safe neighborhood improvement districts, historic  
5 preservation districts, and empowerment zones or enterprise  
6 communities located within the area proposed for designation  
7 as an urban infill and redevelopment area and provide a  
8 framework for coordinating infill and redevelopment programs  
9 within the urban core.

10           (d) Identify a memorandum of understanding between the  
11 district school board and the local government jurisdiction  
12 regarding public school facilities located within the urban  
13 infill and redevelopment area to identify how the school board  
14 will provide priority to enhancing public school facilities  
15 and programs in the designated area, including the reuse of  
16 existing buildings for schools within the area.

17           (e) Identify each neighborhood within the proposed  
18 area and state community preservation and revitalization goals  
19 and projects identified through a collaborative and holistic  
20 community participation process and how such projects will be  
21 implemented.

22           (f) Identify how the local government and  
23 community-based organizations intend to implement affordable  
24 housing programs, including, but not limited to, economic and  
25 community development programs administered by federal and  
26 state agencies, within the urban infill and redevelopment  
27 area.

28           (g) Identify strategies for reducing crime.

29           (h) If applicable, provide guidelines for the adoption  
30 of land development regulations specific to the urban infill  
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1 and redevelopment area which include, for example, setbacks  
2 and parking requirements appropriate to urban development.

3 (i) Identify and map any existing transportation  
4 concurrency exception areas and any relevant public  
5 transportation corridors designated by a metropolitan planning  
6 organization in its long-range transportation plans or by the  
7 local government in its comprehensive plan for which the local  
8 government seeks designation as a transportation concurrency  
9 exception area. For those areas, describe how public  
10 transportation, pedestrian ways, and bikeways will be  
11 implemented as an alternative to increased automobile use.

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

- 17 1. Waiver of license and permit fees.
- 18 2. Waiver of local option sales taxes.
- 19 3. Waiver of delinquent taxes or fees to promote the  
20 return of property to productive use.
- 21 4. Expedited permitting.
- 22 5. Lower transportation impact fees for development  
23 which encourage more use of public transit, pedestrian, and  
24 bicycle modes of transportation.
- 25 6. Prioritization of infrastructure spending within  
26 the urban infill and redevelopment area.
- 27 7. Local government absorption of developers'  
28 concurrency costs.

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

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

5 (m) Identify the governance structure that the local  
6 government will use to involve community representatives in  
7 the implementation of the plan.

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

11 (4) In order for a local government to designate an  
12 urban infill and redevelopment area, it must amend its  
13 comprehensive land-use plan under s. 163.3187 to delineate the  
14 boundaries of the urban infill and redevelopment area within  
15 the future land-use element of its comprehensive plan. The  
16 state land planning agency shall review the boundary  
17 delineation of the urban infill and redevelopment area in the  
18 future land-use element under s. 163.3184. However, an urban  
19 infill and redevelopment plan adopted by a local government is  
20 not subject to review pursuant to s. 163.3184(1)(b), and the  
21 local government is not required to adopt the plan as a  
22 comprehensive plan amendment. An amendment to the local  
23 comprehensive plan to designate an urban infill and  
24 redevelopment area is exempt from the twice-a-year amendment  
25 limitation of s. 163.3187.

26 (5) After the preparation of an urban infill and  
27 redevelopment plan or designation of an existing plan, the  
28 local government shall adopt the plan by ordinance. Notice for  
29 the public hearing on the ordinance must be in the form  
30 established in s. 166.041(3)(c)2. for municipalities and s.  
31 125.66(4)(b)2. for counties.

1           163.2520 Economic incentives; report.--

2           (1) A local government with an adopted urban infill  
3 and redevelopment plan or plan employed in lieu thereof may  
4 issue revenue bonds under s. 163.385 and employ tax increment  
5 financing under s. 163.387 for the purpose of financing the  
6 implementation of the plan.

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

12           (3) State agencies that provide infrastructure  
13 funding, cost reimbursement, grants, or loans to local  
14 governments, including, but not limited to, the Department of  
15 Environmental Protection (Clean Water State Revolving Fund,  
16 Drinking Water State Revolving Fund, and the State of Florida  
17 Pollution Control Bond Program); the Department of Community  
18 Affairs (Economic Development and Housing Programs, Florida  
19 Communities Trust); the Florida Housing Finance Corporation;  
20 and the Department of Transportation (Intermodal  
21 Transportation Efficiency Act funds), are directed to report  
22 to the President of the Senate and the Speaker of the House of  
23 Representatives by January 1, 2000, regarding statutory and  
24 rule changes necessary to give urban infill and redevelopment  
25 areas identified by local governments under this act an  
26 elevated priority in infrastructure funding, loan, and grant  
27 programs.

28           (4) Areas designated by a local government as urban  
29 infill and redevelopment areas have priority to receive  
30 private-activity bonds under s. 159.807.

31           163.2523 Grant program.--

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

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

1 initiated 90 days after issuing a written letter of warning to  
2 the local government. In addition, in order to continue  
3 eligibility for the economic and regulatory incentives, the  
4 local government must demonstrate during the evaluation,  
5 assessment, and review of its comprehensive plan as required  
6 under s. 163.3191 that a combination of at least 10 percent of  
7 its annual residential, commercial, and institutional  
8 development has occurred within the designated urban infill  
9 and redevelopment area.

10 163.2526 Review and evaluation.--Before the 2004  
11 Regular Session of the Legislature, the Office of Program  
12 Policy Analysis and Government Accountability shall perform a  
13 review and evaluation of ss. 163.2511-163.2526, including the  
14 financial incentives listed in s. 163.2520. The report must  
15 evaluate the effectiveness of the designation of urban infill  
16 and redevelopment areas in stimulating urban infill and  
17 redevelopment and strengthening the urban core. A report of  
18 the findings and recommendations of the Office of Program  
19 Policy Analysis and Government Accountability shall be  
20 submitted to the President of the Senate and the Speaker of  
21 the House of Representatives before the 2004 Regular Session  
22 of the Legislature.

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

25 163.3180 Concurrency.--

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

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

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

- 14 1. Urban infill development;7
- 15 2. Urban redevelopment;7~~or~~
- 16 3. Downtown revitalization; or~~7~~
- 17 4. Urban infill and redevelopment under s. 163.2517.

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

28 (d) A local government shall establish guidelines for  
29 granting the exceptions authorized in paragraphs (b) and (c)  
30 in the comprehensive plan. These guidelines must include  
31 consideration of the impacts on the Florida Intrastate Highway

1 System, as defined in s. 338.001. The exceptions may be  
2 available only within the specific geographic area of the  
3 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
4 any affected person may challenge a plan amendment  
5 establishing these guidelines and the areas within which an  
6 exception could be granted.

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

9 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

22 (b) Any local government comprehensive plan amendments  
23 directly related to a proposed development of regional impact,  
24 including changes which have been determined to be substantial  
25 deviations and including Florida Quality Developments pursuant  
26 to s. 380.061, may be initiated by a local planning agency and  
27 considered by the local governing body at the same time as the  
28 application for development approval using the procedures  
29 provided for local plan amendment in this section and  
30 applicable local ordinances, without regard to statutory or  
31 local ordinance limits on the frequency of consideration of



1 amendments to the local comprehensive plan. Nothing in this  
2 subsection shall be deemed to require favorable consideration  
3 of a plan amendment solely because it is related to a  
4 development of regional impact.

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

11 1. The proposed amendment involves a use of 10 acres  
12 or fewer and:

13 a. The cumulative annual effect of the acreage for all  
14 small scale development amendments adopted by the local  
15 government shall not exceed:

16 (I) A maximum of 120 acres in a local government that  
17 contains areas specifically designated in the local  
18 comprehensive plan for urban infill, urban redevelopment, or  
19 downtown revitalization as defined in s. 163.3164, urban  
20 infill and redevelopment areas designated under s. 163.2517,  
21 transportation concurrency exception areas approved pursuant  
22 to s. 163.3180(5), or regional activity centers and urban  
23 central business districts approved pursuant to s.  
24 380.06(2)(e); however, amendments under this paragraph may be  
25 applied to no more than 60 acres annually of property outside  
26 the designated areas listed in this sub-sub-subparagraph.

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

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

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

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

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

11           e. The property that is the subject of the proposed  
12 amendment is not located within an area of critical state  
13 concern.

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

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

3       b. The local government shall send copies of the  
4 notice and amendment to the state land planning agency, the  
5 regional planning council, and any other person or entity  
6 requesting a copy. This information shall also include a  
7 statement identifying any property subject to the amendment  
8 that is located within a coastal high hazard area as  
9 identified in the local comprehensive plan.

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

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

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

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

31

1 (g) Any local government comprehensive plan amendments  
2 directly related to proposed redevelopment of brownfield areas  
3 designated under s. 376.80 may be approved without regard to  
4 statutory limits on the frequency of consideration of  
5 amendments to the local comprehensive plan.

6 (h) A comprehensive plan amendment for the purpose of  
7 designating an urban infill and redevelopment area under s.  
8 163.2517 may be approved without regard to the statutory  
9 limits on the frequency of amendments to the comprehensive  
10 plan.

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

13 187.201 State Comprehensive Plan adopted.--The  
14 Legislature hereby adopts as the State Comprehensive Plan the  
15 following specific goals and policies:

16 (17) URBAN AND DOWNTOWN REVITALIZATION.--

17 (a) Goal.--In recognition of the importance of  
18 Florida's vital urban centers and of the need to develop and  
19 redevelop ~~developing and redeveloping~~ downtowns to the state's  
20 ability to use existing infrastructure and to accommodate  
21 growth in an orderly, efficient, and environmentally  
22 acceptable manner, Florida shall encourage the centralization  
23 of commercial, governmental, retail, residential, and cultural  
24 activities within downtown areas.

25 (b) Policies.--

26 1. Provide incentives to encourage private sector  
27 investment in the preservation and enhancement of downtown  
28 areas.

29 2. Assist local governments in the planning,  
30 financing, and implementation of development efforts aimed at  
31 revitalizing distressed downtown areas.

1           3. Promote state programs and investments ~~that which~~  
2 encourage redevelopment of downtown areas.

3           4. Promote and encourage communities to engage in a  
4 redesign step to include public participation of members of  
5 the community in envisioning redevelopment goals and design of  
6 the community core before redevelopment.

7           5. Ensure that local governments have adequate  
8 flexibility to determine and address their urban priorities  
9 within the state urban policy.

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

13          7. Develop concurrency requirements that do not  
14 compromise public health and safety for urban areas that  
15 promote redevelopment efforts.

16          8. Promote processes for the state, general purpose  
17 local governments, school boards, and local community colleges  
18 to coordinate and cooperate regarding educational facilities  
19 in urban areas, including planning functions, the development  
20 of joint facilities, and the reuse of existing buildings.

21          9. Encourage the development of mass transit systems  
22 for urban centers, including multimodal transportation feeder  
23 systems, as a priority of local, metropolitan, regional, and  
24 state transportation planning.

25          10. Locate appropriate public facilities within urban  
26 centers to demonstrate public commitment to the centers and to  
27 encourage private sector development.

28          11. Integrate state programs that have been developed  
29 to promote economic development and neighborhood  
30 revitalization through incentives to promote the development  
31 of designated urban infill areas.

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

3           Section 5. Section 220.185, Florida Statutes, is  
4 created to read:

5           220.185 State housing tax credit.--

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

7           (a) There exist within the urban areas of the state  
8 conditions of blight evidenced by extensive deterioration of  
9 public and private facilities, abandonment of sound  
10 structures, and high unemployment, and these conditions impede  
11 the conservation and development of healthy, safe, and  
12 economically viable communities.

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

23           (c) In order to ultimately restore social and economic  
24 viability to urban areas, it is necessary to renovate or  
25 construct new infrastructure and housing, including housing  
26 specifically targeted for the elderly, and to specifically  
27 provide mechanisms to attract and encourage private economic  
28 activity.

29           (d) The various local governments and other  
30 redevelopment organizations now undertaking physical  
31 revitalization projects and new housing developments in urban

1 areas are limited by tightly constrained budgets and  
2 inadequate resources.

3 (e) In order to significantly improve revitalization  
4 efforts by local governments and community development  
5 organizations and to retain as much of the historic character  
6 of our communities as possible, it is necessary to provide  
7 additional resources, and the participation of private  
8 enterprise in revitalization efforts is an effective means for  
9 accomplishing that goal.

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

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

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

22 (b) "Eligible basis" means a project's adjusted basis  
23 as of the close of the first taxable year of the credit  
24 period.

25 (c) "Adjusted basis" means the owner's adjusted basis  
26 in the project, calculated in a manner consistent with the  
27 calculation of basis under the Internal Revenue Code, taking  
28 into account the adjusted basis of property of a character  
29 subject to the allowance for depreciation used in common areas  
30 or provided as comparable amenities to the entire project.

31

1           (d) "Designated project" means a qualified project  
2 designated pursuant to s. 420.5093 to receive the tax credit  
3 under this section.

4           (e) "Qualified project" means a project located in an  
5 urban infill area, at least 50 percent of which, on a cost  
6 basis, consists of a qualified low-income project within the  
7 meaning of s. 42(g) of the Internal Revenue Code, including  
8 such projects designed specifically for the elderly but  
9 excluding any income restrictions imposed pursuant to s. 42(g)  
10 of the Internal Revenue Code upon residents of the project  
11 unless such restrictions are otherwise established by the  
12 Florida Housing Finance Corporation pursuant to s. 420.5093,  
13 and the remainder of which constitutes commercial or  
14 single-family residential development consistent with and  
15 serving to complement the qualified low-income project.

16           (f) "Urban infill area" means an area designated for  
17 urban infill as defined by s. 163.3164.

18           (4) AUTHORIZATION TO GRANT STATE HOUSING TAX CREDITS;  
19 LIMITATION.--

20           (a) There shall be allowed a credit of 9 percent of  
21 the eligible basis of any designated project for each year of  
22 the credit period against any tax due for a taxable year under  
23 this chapter.

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

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

30           (d) Each designated project must comply with the  
31 applicable provisions of s. 42 of the Internal Revenue Code



1 with respect to the multifamily residential rental housing  
2 element of the project, including specifically the provisions  
3 of s. 42(h)(6).

4 (e) A tax credit shall be allocated to a designated  
5 project and shall not be subject to transfer by the recipient  
6 unless the transferee is also an owner of the designated  
7 project.

8 Section 6. Paragraph (b) of subsection (19) of section  
9 380.06, Florida Statutes, 1998 Supplement, is amended to read:

10 380.06 Developments of regional impact.--

11 (19) SUBSTANTIAL DEVIATIONS.--

12 (b) Any proposed change to a previously approved  
13 development of regional impact or development order condition  
14 which, either individually or cumulatively with other changes,  
15 exceeds any of the following criteria shall constitute a  
16 substantial deviation and shall cause the development to be  
17 subject to further development-of-regional-impact review  
18 without the necessity for a finding of same by the local  
19 government:

20 1. An increase in the number of parking spaces at an  
21 attraction or recreational facility by 5 percent or 300  
22 spaces, whichever is greater, or an increase in the number of  
23 spectators that may be accommodated at such a facility by 5  
24 percent or 1,000 spectators, whichever is greater.

25 2. A new runway, a new terminal facility, a 25-percent  
26 lengthening of an existing runway, or a 25-percent increase in  
27 the number of gates of an existing terminal, but only if the  
28 increase adds at least three additional gates. However, if an  
29 airport is located in two counties, a 10-percent lengthening  
30 of an existing runway or a 20-percent increase in the number  
31 of gates of an existing terminal is the applicable criteria.

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

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

5           5. An increase in the average annual acreage mined by  
6 5 percent or 10 acres, whichever is greater, or an increase in  
7 the average daily water consumption by a mining operation by 5  
8 percent or 300,000 gallons, whichever is greater. An increase  
9 in the size of the mine by 5 percent or 750 acres, whichever  
10 is less.

11          6. An increase in land area for office development by  
12 5 percent or 6 acres, whichever is greater, or an increase of  
13 gross floor area of office development by 5 percent or 60,000  
14 gross square feet, whichever is greater.

15          7. An increase in the storage capacity for chemical or  
16 petroleum storage facilities by 5 percent, 20,000 barrels, or  
17 7 million pounds, whichever is greater.

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

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

26          10. An increase in commercial development by 6 acres  
27 of land area or by 50,000 square feet of gross floor area, or  
28 of parking spaces provided for customers for 300 cars or a  
29 5-percent increase of any of these, whichever is greater.

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

1           12. An increase in a recreational vehicle park area by  
2 5 percent or 100 vehicle spaces, whichever is less.

3           13. A decrease in the area set aside for open space of  
4 5 percent or 20 acres, whichever is less.

5           14. A proposed increase to an approved multiuse  
6 development of regional impact where the sum of the increases  
7 of each land use as a percentage of the applicable substantial  
8 deviation criteria is equal to or exceeds 100 percent. The  
9 percentage of any decrease in the amount of open space shall  
10 be treated as an increase for purposes of determining when 100  
11 percent has been reached or exceeded.

12           15. A 15-percent increase in the number of external  
13 vehicle trips generated by the development above that which  
14 was projected during the original  
15 development-of-regional-impact review.

16           16. Any change which would result in development of  
17 any area which was specifically set aside in the application  
18 for development approval or in the development order for  
19 preservation or special protection of endangered or threatened  
20 plants or animals designated as endangered, threatened, or  
21 species of special concern and their habitat, primary dunes,  
22 or archaeological and historical sites designated as  
23 significant by the Division of Historical Resources of the  
24 Department of State. The further refinement of such areas by  
25 survey shall be considered under sub-subparagraph (e)5.b.

26  
27 The substantial deviation numerical standards in subparagraphs  
28 4., 6., 10., 14., excluding residential uses, and 15., are  
29 increased by 100 percent for a project certified under s.  
30 403.973 which creates jobs and meets criteria established by  
31 the Office of Tourism, Trade, and Economic Development as to

1 its impact on an area's economy, employment, and prevailing  
2 wage and skill levels. The substantial deviation numerical  
3 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
4 increased by 50 percent for a project located wholly within an  
5 urban infill and redevelopment area designated on the  
6 applicable adopted local comprehensive plan future land use  
7 map and not located within the coastal high hazard area.

8 Section 7. Paragraph (b) of subsection (2) of section  
9 163.3220, Florida Statutes, is amended to read:

10 163.3220 Short title; legislative intent.--

11 (2) The Legislature finds and declares that:

12 (b) Assurance to a developer that upon receipt of his  
13 or her development permit or brownfield designation he or she  
14 may proceed in accordance with existing laws and policies,  
15 subject to the conditions of a development agreement,  
16 strengthens the public planning process, encourages sound  
17 capital improvement planning and financing, assists in  
18 assuring there are adequate capital facilities for the  
19 development, encourages private participation in comprehensive  
20 planning, and reduces the economic costs of development.

21 Section 8. Present subsections (1) through (13) of  
22 section 163.3221, Florida Statutes, are renumbered as  
23 subsections (2) through (14), respectively, and a new  
24 subsection (1) is added to that section to read:

25 163.3221 Definitions.--As used in ss.

26 163.3220-163.3243:

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

30 Section 9. Subsection (1) of section 163.375, Florida  
31 Statutes, is amended to read:

1           163.375 Eminent domain.--

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

27           Section 10. Subsection (1) of section 165.041, Florida  
28 Statutes, is amended to read:

29           165.041 Incorporation; merger.--

30           (1)(a) A charter for incorporation of a municipality,  
31 except in case of a merger which is adopted as otherwise

1 provided in subsections (2) and (3), shall be adopted only by  
2 a special act of the Legislature upon determination that the  
3 standards herein provided have been met.

4 (b) To inform the Legislature on the feasibility of a  
5 proposed incorporation of a municipality, a feasibility study  
6 shall be completed and submitted to the Legislature 90 days  
7 before the first day of the regular session of the Legislature  
8 ~~in conjunction with a proposed special act~~ for the enactment  
9 of the municipal charter. The ~~Such~~ feasibility study shall  
10 contain the following:

11 1. The general location of territory subject to  
12 boundary change and a map of the area which identifies the  
13 proposed change.

14 2. The major reasons for proposing the boundary  
15 change.

16 3. The following characteristics of the area:

17 a. A list of the current land use designations applied  
18 to the subject area in the county comprehensive plan.

19 b. A list of the current county zoning designations  
20 applied to the subject area.

21 c. A general statement of present land use  
22 characteristics of the area.

23 d. A description of development being proposed for the  
24 territory, if any, and a statement of when actual development  
25 is expected to begin, if known.

26 4. A list of all public agencies, such as local  
27 governments, school districts, and special districts, whose  
28 current boundary falls within the boundary of the territory  
29 proposed for the change or reorganization.

30 5. A list of current services being provided within  
31 the proposed incorporation area, including, but not limited

1 to, water, sewer, solid waste, transportation and public  
2 works, law enforcement, police and fire rescue, zoning, street  
3 lighting, parks and recreation, library and cultural  
4 facilities, and the estimated costs for each current service.

5 6. A list of proposed services to be provided within  
6 the proposed incorporation area, and the estimated cost of  
7 such proposed services.

8 7. The names and addresses of three officers or  
9 persons submitting the proposal.

10 8. Evidence of fiscal capacity and an organizational  
11 plan as it relates to the area seeking incorporation that, at  
12 a minimum, includes:

13 a. Existing tax bases, including ad valorem taxable  
14 value, utility taxes, sales and use taxes, franchise taxes,  
15 license and permit fees, charges for services, fines and  
16 forfeitures, and other revenue sources, as appropriate.

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

20 9.1. Data and analysis to support the conclusions that  
21 incorporation is necessary and financially feasible, including  
22 population projections and population density calculations,  
23 and an explanation concerning methodologies used for such  
24 analysis.

25 10.2. Evaluation of the alternatives available to the  
26 area to address its policy concerns.

27 11.3. Evidence that the proposed municipality meets  
28 the requirements for incorporation pursuant to s. 165.061.

29 (c) In counties that have adopted a municipal overlay  
30 for municipal incorporation pursuant to s. 163.3217, such  
31 information shall be submitted to the Legislature in

1 conjunction with any proposed municipal incorporation in the  
2 county. This information should be used to evaluate the  
3 feasibility of a proposed municipal incorporation in the  
4 geographic area.

5 Section 11. Section 171.0413, Florida Statutes, is  
6 amended to read:

7 171.0413 Annexation procedures.--Any municipality may  
8 annex contiguous, compact, unincorporated territory in the  
9 following manner:

10 (1) An ordinance proposing to annex an area of  
11 contiguous, compact, unincorporated territory shall be adopted  
12 by the governing body of the annexing municipality pursuant to  
13 the procedure for the adoption of a nonemergency ordinance  
14 established by s. 166.041. Prior to the adoption of the  
15 ordinance of annexation the local governing body shall hold at  
16 least two advertised public hearings. The first public  
17 hearing shall be on a weekday at least 7 days after the day  
18 that the first advertisement is published. The second public  
19 hearing shall be held on a weekday at least 5 days after the  
20 day that the second advertisement is published. Each such  
21 ordinance shall propose only one reasonably compact area to be  
22 annexed. However, prior to the ordinance of annexation  
23 becoming effective, a referendum on annexation shall be held  
24 as set out below, and, if approved by the referendum, the  
25 ordinance shall become effective 10 days after the referendum  
26 or as otherwise provided in the ordinance, but not more than 1  
27 year following the date of the referendum.

28 (2) Following the final adoption of the ordinance of  
29 annexation by the governing body of the annexing municipality,  
30 the ordinance shall be submitted to a vote of the registered  
31 electors of the area proposed to be annexed. The governing



1 body of the annexing municipality may also choose to submit  
2 the ordinance of annexation to a separate vote of the  
3 registered electors of the annexing municipality. ~~if the~~  
4 ~~proposed ordinance would cause the total area annexed by a~~  
5 ~~municipality pursuant to this section during any one calendar~~  
6 ~~year period cumulatively to exceed more than 5 percent of the~~  
7 ~~total land area of the municipality or cumulatively to exceed~~  
8 ~~more than 5 percent of the municipal population, the ordinance~~  
9 ~~shall be submitted to a separate vote of the registered~~  
10 ~~electors of the annexing municipality and of the area proposed~~  
11 ~~to be annexed.~~The referendum on annexation shall be called  
12 and conducted and the expense thereof paid by the governing  
13 body of the annexing municipality.

14 (a) The referendum on annexation shall be held at the  
15 next regularly scheduled election following the final adoption  
16 of the ordinance of annexation by the governing body of the  
17 annexing municipality or at a special election called for the  
18 purpose of holding the referendum. However, the referendum,  
19 whether held at a regularly scheduled election or at a special  
20 election, shall not be held sooner than 30 days following the  
21 final adoption of the ordinance by the governing body of the  
22 annexing municipality.

23 (b) The governing body of the annexing municipality  
24 shall publish notice of the referendum on annexation at least  
25 once each week for 2 consecutive weeks immediately preceding  
26 the date of the referendum in a newspaper of general  
27 circulation in the area in which the referendum is to be held.  
28 The notice shall give the ordinance number, the time and  
29 places for the referendum, and a brief, general description of  
30 the area proposed to be annexed. The description shall  
31 include a map clearly showing the area and a statement that

1 the complete legal description by metes and bounds and the  
2 ordinance can be obtained from the office of the city clerk.

3 (c) On the day of the referendum on annexation there  
4 shall be prominently displayed at each polling place a copy of  
5 the ordinance of annexation and a description of the property  
6 proposed to be annexed. The description shall be by metes and  
7 bounds and shall include a map clearly showing such area.

8 (d) Ballots or mechanical voting devices used in the  
9 referendum on annexation shall offer the choice "For  
10 annexation of property described in ordinance number .... of  
11 the City of ...." and "Against annexation of property  
12 described in ordinance number .... of the City of ...." in  
13 that order.

14 (e) If the referendum is held only in the area  
15 proposed to be annexed and receives a majority vote, or if the  
16 ordinance is submitted to a separate vote of the registered  
17 electors of the annexing municipality and the area proposed to  
18 be annexed and there is a separate majority vote for  
19 annexation in the annexing municipality and in the area  
20 proposed to be annexed, the ordinance of annexation shall  
21 become effective on the effective date specified therein. If  
22 there is any majority vote against annexation, the ordinance  
23 shall not become effective, and the area proposed to be  
24 annexed shall not be the subject of an annexation ordinance by  
25 the annexing municipality for a period of 2 years from the  
26 date of the referendum on annexation.

27 (3) Any parcel of land which is owned by one  
28 individual, corporation, or legal entity, or owned  
29 collectively by one or more individuals, corporations, or  
30 legal entities, proposed to be annexed under the provisions of  
31 this act shall not be severed, separated, divided, or

1 partitioned by the provisions of said ordinance, but shall, if  
2 intended to be annexed, or if annexed, under the provisions of  
3 this act, be annexed in its entirety and as a whole. However,  
4 nothing herein contained shall be construed as affecting the  
5 validity or enforceability of any ordinance declaring an  
6 intention to annex land under the existing law that has been  
7 enacted by a municipality prior to July 1, 1975. The owner of  
8 such property may waive the requirements of this subsection if  
9 such owner does not desire all of the tract or parcel included  
10 in said annexation.

11 (4) Except as otherwise provided in this law, the  
12 annexation procedure as set forth in this section shall  
13 constitute a uniform method for the adoption of an ordinance  
14 of annexation by the governing body of any municipality in  
15 this state, and all existing provisions of special laws which  
16 establish municipal annexation procedures are repealed hereby;  
17 except that any provision or provisions of special law or laws  
18 which prohibit annexation of territory that is separated from  
19 the annexing municipality by a body of water or watercourse  
20 shall not be repealed.

21 (5) If more than 70 percent of the land in an area  
22 proposed to be annexed is owned by individuals, corporations,  
23 or legal entities which are not registered electors of such  
24 area, such area shall not be annexed unless the owners of more  
25 than 50 percent of the land in such area consent to such  
26 annexation. Such consent shall be obtained by the parties  
27 proposing the annexation prior to the referendum to be held on  
28 the annexation.

29 (6) Notwithstanding subsections (1) and (2), if the  
30 area proposed to be annexed does not have any registered  
31 electors on the date the ordinance is finally adopted, a vote

1 of electors of the area proposed to be annexed is not  
2 required. In addition to the requirements of subsection (5),  
3 the area may not be annexed unless the owners of more than 50  
4 percent of the parcels of land in the area proposed to be  
5 annexed consent to the annexation. If the governing body does  
6 not choose to hold a referendum of the annexing municipality  
7 ~~is not required as well~~ pursuant to subsection (2), then the  
8 property owner consents required pursuant to subsection (5)  
9 shall be obtained by the parties proposing the annexation  
10 prior to the final adoption of the ordinance, and the  
11 annexation ordinance shall be effective upon becoming a law or  
12 as otherwise provided in the ordinance.

13 Section 12. Efficiency and accountability in local  
14 government services.--

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

17 (a) Allow municipalities and counties to resolve  
18 conflicts among local jurisdictions regarding the delivery and  
19 financing of local services.

20 (b) Increase local government efficiency and  
21 accountability.

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

24 (2) Any county or combination of counties, and the  
25 municipalities therein, may use the procedures provided by  
26 this section to develop and adopt a plan to improve the  
27 efficiency, accountability, and coordination of the delivery  
28 of local government services. The development of such a plan  
29 may be initiated by a resolution adopted by a majority vote of  
30 the governing body of each of the counties involved, by  
31 resolutions adopted by a majority vote of the governing bodies

1 of a majority of the municipalities within each county, or by  
2 resolutions adopted by a majority vote of the governing bodies  
3 of the municipality or combination of municipalities  
4 representing a majority of the municipal population of each  
5 county. The resolution shall specify the representatives of  
6 the county and municipal governments, of any affected special  
7 districts, and of any relevant local government agencies who  
8 will be responsible for developing the plan. The resolution  
9 must include a proposed timetable for development of the plan  
10 and must specify the local government support and personnel  
11 services that will be made available to the representatives  
12 developing the plan.

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

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

19 (b) Describe the existing organization of such  
20 services and the means of financing the services, and create a  
21 reorganization of such services and the financing thereof that  
22 will meet the goals of this section.

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

25 (d) Designate those services that should be delivered  
26 regionally or countywide. No provision of the plan shall  
27 operate to restrict the power of a municipality to finance and  
28 deliver services in addition to, or at a higher level than,  
29 the services designated for regional or countywide delivery  
30 under this paragraph.

31

1           (e) Provide means to reduce the cost of providing  
2 local services and enhance the accountability of service  
3 providers.

4           (f) Include a multiyear capital outlay plan for  
5 infrastructure.

6           (g) Specifically describe any expansion of municipal  
7 boundaries that would further the goals of this section. Any  
8 area proposed to be annexed must meet the standards for  
9 annexation provided in chapter 171, Florida Statutes. The plan  
10 shall not contain any provision for contraction of municipal  
11 boundaries or elimination of any municipality.

12           (h) Provide specific procedures for modification or  
13 termination of the plan.

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

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

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

23           (5)(a) A plan developed pursuant to this section must  
24 be approved by a majority vote of the governing body of each  
25 county involved in the plan, and by a majority vote of the  
26 governing bodies of a majority of municipalities in each  
27 county, and by a majority vote of the governing bodies of the  
28 municipality or municipalities that represent a majority of  
29 the municipal population of each county.

30           (b) After approval by the county and municipal  
31 governing bodies as required by paragraph (a), the plan shall

1 be submitted for referendum approval in a countywide election  
2 in each county involved. The plan shall not take effect unless  
3 approved by a majority of the electors of each county who vote  
4 in the referendum, and also by a majority of the electors of  
5 the municipalities that represent a majority of the municipal  
6 population of each county who vote in the referendum. If  
7 approved by the electors as required by this paragraph, the  
8 plan shall take effect on the date specified in the plan.

9 (6) If a plan developed pursuant to this section  
10 includes areas proposed for municipal annexation which meet  
11 the standards for annexation provided in chapter 171, Florida  
12 Statutes, such annexation shall take effect upon approval of  
13 the plan as provided in this section, notwithstanding the  
14 procedures for approval of municipal annexation specified in  
15 chapter 171, Florida Statutes.

16 Section 13. Section 420.5093, Florida Statutes, is  
17 created to read:

18 420.5093 State Housing Tax Credit Program.--

19 (1) There is created the State Housing Tax Credit  
20 Program for the purposes of stimulating creative private  
21 sector initiatives to increase the supply of affordable  
22 housing in urban areas, including, specifically, housing for  
23 the elderly, and to provide associated commercial facilities  
24 associated with such housing facilities.

25 (2) The Florida Housing Finance Corporation shall  
26 determine those qualified projects that shall be considered  
27 designated projects under s. 220.185 and eligible for the  
28 corporate tax credit under that section. The corporation shall  
29 establish procedures necessary for proper allocation and  
30 distribution of state housing tax credits, including the  
31 establishment of criteria for any single-family or commercial

1 component of a project, and may exercise all powers necessary  
2 to administer the allocation of such credits. The board of  
3 directors of the corporation shall administer the allocation  
4 procedures and determine allocations on behalf of the  
5 corporation. The corporation shall prepare an annual plan,  
6 which must be approved by the Governor, containing general  
7 guidelines for the allocation and distribution of credits to  
8 designated projects.

9       (3) The corporation shall adopt allocation procedures  
10 that will ensure the maximum use of available tax credits in  
11 order to encourage development of low-income housing and  
12 associated mixed-use projects in urban areas, taking into  
13 consideration the timeliness of the application, the location  
14 of the proposed project, the relative need in the area of  
15 revitalization and low-income housing and the availability of  
16 such housing, the economic feasibility of the project, and the  
17 ability of the applicant to proceed to completion of the  
18 project in the calendar year for which the credit is sought.

19       (4)(a) A taxpayer who wishes to participate in the  
20 State Housing Tax Credit Program must submit an application  
21 for tax credit to the corporation. The application shall  
22 identify the project and its location and include evidence  
23 that the project is a qualified project as defined in s.  
24 220.185. The corporation may request any information from an  
25 applicant necessary to enable the corporation to make tax  
26 credit allocations according to the guidelines set forth in  
27 subsection (3).

28       (b) The corporation's approval of an applicant as a  
29 designated project shall be in writing and shall include a  
30 statement of the maximum credit allowable to the applicant. A  
31 copy of this approval shall be transmitted to the executive



1 director of the Department of Revenue, who shall apply the tax  
2 credit to the tax liability of the applicant.

3 (5) For purposes of implementing this program and  
4 assessing the property for ad valorem taxation under s.  
5 193.011, neither the tax credits nor financing generated by  
6 tax credits shall be considered as income to the property, and  
7 the rental income from rent-restricted units in a state  
8 housing tax credit development shall be recognized by the  
9 property appraiser.

10 (6) The corporation is authorized to expend fees  
11 received in conjunction with the allocation of state housing  
12 tax credits only for the purpose of administration of the  
13 program, including private legal services that relate to  
14 interpretation of s. 42 of the Internal Revenue Code.

15 Section 14. Section 420.630, Florida Statutes, is  
16 created to read:

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

19 Section 15. Section 420.631, Florida Statutes, is  
20 created to read:

21 420.631 Definitions.--As used in ss. 420.630-420.635,  
22 the term:

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

25 (2) "Community-based organization" or "nonprofit  
26 organization" means a private corporation that is organized  
27 under chapter 617 which assists in providing housing and  
28 related services on a not-for-profit basis and that is  
29 acceptable to federal, state, and local agencies and financial  
30 institutions as a sponsor of low-income housing.

31

1           (3) "Department" means the Department of Community  
2 Affairs.

3           (4) "Homestead agreement" means a written contract  
4 between a housing authority or community-based organization  
5 and a qualified buyer which contains the terms under which the  
6 qualified buyer may acquire the single-family housing  
7 property.

8           (5) "Nonprofit community organization" means an  
9 organization that is exempt from taxation under s. 501(c)(3)  
10 of the Internal Revenue Code of 1986, and that contracts with  
11 a housing authority to administer an urban homesteading  
12 program for single-family housing under ss. 420.630-420.635.

13           (6) "Office" means the Office of Urban Opportunity  
14 within the Office of Tourism, Trade, and Economic Development.

15           (7) "Project" means a specific work or improvement,  
16 including land, buildings, real and personal property, or any  
17 interest therein, acquired, owned, constructed, reconstructed,  
18 rehabilitated, or improved with the financial assistance of  
19 the agency, including the construction of low-income and  
20 moderate-income housing facilities and facilities incident or  
21 appurtenant thereto, such as streets, sewers, utilities,  
22 parks, site preparation, landscaping, and any other  
23 administrative, community, and recreational facilities that  
24 the agency determines are necessary, convenient, or desirable  
25 appurtenances.

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

28           (9) "Qualified loan rate" means an interest rate that  
29 does not exceed the interest rate charged for home improvement  
30 loans by the Federal Housing Administration under Title I of  
31

1 the National Housing Act; chapter 847; 48 Stat. 1246; or 12  
2 U.S.C. ss. 1702, 1703, 1705, and 1706b et seq.

3 Section 16. Section 420.632, Florida Statutes, is  
4 created to read:

5 420.632 Authority to operate.--By resolution, subject  
6 to federal and state law, and in consultation with the Office  
7 of Urban Opportunity, a housing authority or a nonprofit  
8 community organization appointed by the housing authority may  
9 operate a program that makes foreclosed single-family housing  
10 properties available to eligible buyers to purchase. This  
11 urban homesteading program is intended to be one component of  
12 a comprehensive urban-core redevelopment initiative known as  
13 Front Porch Florida, implemented by the Office of Urban  
14 Opportunity.

15 Section 17. Section 420.633, Florida Statutes, is  
16 created to read:

17 420.633 Eligibility.--An applicant is eligible to  
18 enter into a homestead agreement to acquire single-family  
19 housing property as a qualified buyer under ss.  
20 420.630-420.635, if:

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

23 (2) The applicant or his or her spouse has not been  
24 convicted of a drug-related felony within the immediately  
25 preceding 3 years;

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

29 (4) The applicant and his or her spouse have incomes  
30 below the median for the state, as determined by the United  
31 States Department of Housing and Urban Development, for

1 families with the same number of family members as the  
2 applicant and his or her spouse.

3 Section 18. Section 420.634, Florida Statutes, is  
4 created to read:

5 420.634 Application process.--

6 (1) A qualified buyer may apply to the housing  
7 authority or a nonprofit community organization appointed by  
8 the housing authority to acquire the single-family housing  
9 property. The application must be in a form and in a manner  
10 provided by the housing authority or nonprofit community  
11 organization appointed by the housing authority. If the  
12 application is approved, the qualified buyer and housing  
13 authority or nonprofit community organization appointed by the  
14 housing authority shall enter into a homestead agreement for  
15 the single-family housing property. The housing authority or  
16 nonprofit community organization appointed by the housing  
17 authority may add additional terms and conditions to the  
18 homestead agreement.

19 (2) The housing authority or nonprofit community  
20 organization appointed by the housing authority shall deed or  
21 cause to be deeded the single-family housing property to the  
22 qualified buyer for \$1 if the qualified buyer:

23 (a) Is in compliance with the terms of the homestead  
24 agreement for at least 5 years or has resided in the  
25 single-family housing property before the housing authority or  
26 nonprofit community organization appointed by the housing  
27 authority adopts the urban homesteading program;

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

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

30 (d) Has otherwise promptly met his or her financial  
31 obligations with the housing commission.

1  
2 However, if the housing authority has received federal funds  
3 for which bonds or notes were issued and those bonds or notes  
4 are outstanding for that housing project, the housing  
5 authority shall deed the property to the qualified buyer only  
6 upon payment of the pro rata share of the bonded debt on that  
7 specific property by the qualified buyer. The housing  
8 authority shall obtain the appropriate releases from the  
9 holders of the bonds or notes.

10 Section 19. Section 420.635, Florida Statutes, is  
11 created to read:

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 the single-family housing. Loans provided under this  
17 section shall be made at a rate of interest which may not  
18 exceed the qualified loan rate. A buyer must maintain the  
19 qualifications specified in s. 420.633 for the full term of  
20 the loan. The loan agreement may contain additional terms and  
21 conditions as determined by the department.

22 Section 20. The sum of \$10 million is appropriated  
23 from 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 162.2523, Florida  
26 Statutes.

27 Section 21. This act shall take effect July 1, 1999.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB's 1078 and 1438

Combines the two bills and adds the Florida Tax Credit and the  
Urban Homesteading Programs.