

By the Committee on Community Affairs and Representatives
Constantine and Goodlette

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 Growth Policy
5 Act; providing legislative findings; providing
6 definitions; authorizing counties and
7 municipalities to designate urban infill and
8 redevelopment areas based on specified
9 criteria; providing for community
10 participation; requiring preparation of a plan
11 or designation of an existing plan and
12 providing requirements with respect thereto;
13 requiring notice and public hearing for the
14 ordinance adopting the plan; providing for
15 amendment of the local comprehensive plan;
16 providing requirements for continued
17 eligibility for economic and regulatory
18 incentives and providing that such incentives
19 may be rescinded if the plan is not
20 implemented; providing that counties and
21 municipalities that have adopted such plan may
22 issue revenue bonds and employ tax increment
23 financing under the Community Redevelopment Act
24 and exercise powers granted to community
25 redevelopment neighborhood improvement
26 districts; providing that such areas shall have
27 priority in the allocation of private activity
28 bonds; requiring a report by certain state
29 agencies; providing a program for grants to
30 counties and municipalities with urban infill
31 and redevelopment areas; providing for review

1 and evaluation of the act and requiring a
2 report; amending s. 163.3180, F.S.; authorizing
3 exemptions from the transportation facilities
4 concurrency requirement for developments
5 located in an urban infill and redevelopment
6 area; amending s. 163.3187, F.S.; providing
7 that comprehensive plan amendments to designate
8 such areas are not subject to statutory limits
9 on the frequency of plan amendments; including
10 such areas within certain limitations relating
11 to small scale development amendments;
12 authorizing the Department of Community Affairs
13 to contract with a regional planning council
14 for the review of local government
15 comprehensive plan amendments; amending s.
16 187.201, F.S.; including policies relating to
17 urban policy in the State Comprehensive Plan;
18 amending s. 380.06, F.S., relating to
19 developments of regional impact; increasing
20 certain numerical standards for determining a
21 substantial deviation for projects located in
22 certain urban infill and redevelopment areas;
23 amending ss. 163.3220 and 163.3221, F.S.;
24 revising legislative intent with respect to the
25 Florida Local Government Development Agreement
26 Act to include intent with respect to certain
27 assurance to a developer upon receipt of a
28 brownfield designation; amending s. 163.375,
29 F.S.; authorizing acquisition by eminent domain
30 of property in unincorporated enclaves
31 surrounded by a community redevelopment area

1 when necessary to accomplish a community
2 development plan; amending s. 165.041, F.S.;
3 providing for consideration by the Legislature
4 of the appropriateness of a proposed municipal
5 incorporation; redesignating the study that is
6 submitted to the Legislature in conjunction
7 with a proposed special act for a municipal
8 charter as an incorporation study and revising
9 requirements for such study; amending s.
10 171.0413, F.S., relating to municipal
11 annexation procedures; requiring public
12 hearings; deleting a requirement that a
13 separate referendum be held in the annexing
14 municipality when the annexation exceeds a
15 certain size and providing that the governing
16 body may choose to hold such a referendum;
17 providing procedures by which a county or
18 combination of counties and the municipalities
19 therein may develop and adopt a plan to improve
20 the efficiency, accountability, and
21 coordination of the delivery of local
22 government services; providing for initiation
23 of the process by resolution; providing
24 requirements for the plan; requiring approval
25 by the local governments' governing bodies and
26 by referendum; authorizing municipal annexation
27 through such plan; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Sections 163.2511, 163.2514, 163.2517,
2 163.2520, 163.2523, and 163.2526, Florida Statutes, are
3 created to read:

4 163.2511 Urban infill and redevelopment.--

5 (1) Sections 163.2511-163.2526 may be cited as the
6 "Growth Policy Act."

7 (2) It is found and declared that:

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

12 (b) The health and vibrancy of the urban cores benefit
13 their respective regions and the state; conversely, the
14 deterioration of those urban cores negatively impacts the
15 surrounding area and the state.

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

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

27 (e) Successfully revitalizing and sustaining the urban
28 centers is dependent on addressing, through an integrated and
29 coordinated community effort, a range of varied components
30 essential to a healthy urban environment, including cultural,
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1 educational, recreational, economic, transportation, and
2 social service components.
3 (f) Infill development and redevelopment are
4 recognized as one of the important components and useful
5 mechanisms to promote and sustain urban centers. State and
6 regional entities and local governments should provide
7 incentives to promote urban infill and redevelopment. Existing
8 programs and incentives should be integrated to the extent
9 possible to promote urban infill and redevelopment and to
10 achieve the goals of the state urban policy.
11 163.2514 Definitions.--As used in ss.
12 163.2511-163.2526:
13 (1) "Local government" means any county or
14 municipality.
15 (2) "Urban infill and redevelopment area" means an
16 area or areas designated by a local government where:
17 (a) Public services such as water and wastewater,
18 transportation, schools, and recreation are already available
19 or are scheduled to be provided in an adopted 5-year schedule
20 of capital improvements and are located within the existing
21 urban service area as defined in the local government's
22 comprehensive plan;
23 (b) The area, or one or more neighborhoods within the
24 area, suffers from pervasive poverty, unemployment, and
25 general distress as defined by s. 290.0058;
26 (c) The area exhibits a higher than average
27 proportion, compared to the local government as a whole, of
28 buildings that are substandard, overcrowded, dilapidated,
29 vacant or abandoned, or functionally obsolete;
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1 (d) More than 50 percent of the area is within 1/4
2 mile of a transit stop or stops, or such transit stop or stops
3 will be made available concurrent with the designation; and

4 (e) The area includes or is adjacent to community
5 redevelopment areas, brownfields, enterprise zones, or Main
6 Street programs, or has been designated by the Federal
7 Government as an empowerment zone, enterprise community,
8 brownfield showcase community, or similar urban revitalization
9 designation.

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, neighborhood revitalization
16 and preservation, and land use incentives to encourage urban
17 infill and redevelopment within the urban core.

18 (2) As part of the preparation of an urban infill and
19 redevelopment area plan, a community participation process
20 shall be implemented in each neighborhood within the area
21 targeted for designation as an urban infill and redevelopment
22 area. The process shall include the input of stakeholders,
23 including, but not limited to, community-based organizations,
24 neighborhood associations, and educational and religious
25 organizations. The objective of the community participation is
26 to encourage communities within the proposed urban infill and
27 redevelopment area to participate in the design and
28 implementation of the plan, including a "visioning" of the
29 community core, before redevelopment. Issues to be addressed
30 in the planning process include the size of the area, the
31 objectives for urban infill and redevelopment, coordination

1 with existing redevelopment programs, goals for improving
2 transit and transportation, the objectives for economic
3 development, job creation, crime reduction, and neighborhood
4 preservation and revitalization.

5 (3) A local government seeking to designate a
6 geographic area within its jurisdiction as an urban infill and
7 redevelopment area shall prepare a plan that describes the
8 infill and redevelopment objectives of the local government
9 within the proposed area. In lieu of preparing a new plan, the
10 local government may demonstrate that an existing plan or
11 combination of plans associated with a community development
12 area, Florida Main Street program, sustainable community,
13 enterprise zone, or neighborhood improvement district includes
14 the factors listed in paragraphs (a)-(1), or may amend such
15 existing plans to include the factors listed in paragraphs
16 (a)-(1). The plan shall demonstrate the local government and
17 community's commitment to comprehensively addressing the urban
18 problems within the urban infill and redevelopment area and
19 identify activities and programs to accomplish locally
20 identified goals such as code enforcement; improved
21 educational opportunities; reduction in crime; neighborhood
22 preservation and revitalization; provision of infrastructure
23 needs, including mass transit and multimodal linkages; and
24 mixed-use planning to promote multifunctional redevelopment to
25 improve both the residential and commercial quality of life in
26 the area. The 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 urban infill and redevelopment
30 area is within an existing urban service area defined in the
31 local government's comprehensive plan.

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

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

16 (e) Identify each neighborhood within the proposed
17 area and state preservation and revitalization goals and
18 projects identified through the community participation
19 process and how such projects shall be implemented.

20 (f) Identify how the local government intends to
21 implement affordable housing programs, including, but not
22 limited to, economic and community development programs
23 administered by the Department of Community Affairs, within
24 the urban infill and redevelopment area.

25 (g) Identify strategies for reducing crime.

26 (h) Adopt, if applicable, land development regulations
27 specific to the urban infill and redevelopment area which
28 include, for example, setbacks and parking requirements
29 appropriate to urban development.

30 (i) Identify and map any existing transportation
31 concurrency exception areas, transportation concurrency

1 management areas, and any relevant public transportation
2 corridors designated by a metropolitan planning organization
3 in its long-range transportation plans or by the local
4 government in its comprehensive plan for which the local
5 government seeks designation as a transportation concurrency
6 exception area, and describe how public transportation,
7 pedestrian ways, and bicycle ways will be implemented as an
8 alternative to increased automobile use for such areas.
9 (j) Identify and adopt a package of financial and
10 local government incentives which the local government will
11 offer for new development, expansion of existing development,
12 and redevelopment within the urban infill and redevelopment
13 area. Examples of such incentives include:
14 1. Waiver of license and permit fees.
15 2. Waiver of local option sales taxes.
16 3. Waiver of delinquent taxes or fees to promote the
17 return of property to productive use.
18 4. Expedited permitting.
19 5. Lower transportation impact fees for development
20 which encourages higher use of public transit, pedestrian, and
21 bicycle modes of transportation.
22 6. Prioritization of infrastructure spending within
23 the urban infill and redevelopment area.
24 7. Local government absorption of developers'
25 concurrency costs.
26 (k) Identify how activities and incentives within the
27 urban infill and redevelopment area will be coordinated and
28 what administrative mechanism the local government will use
29 for the coordination.
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1 (1) Identify performance measures to evaluate the
2 success of the local government in implementing the urban
3 infill and redevelopment plan.

4 (4) After the preparation of an urban infill and
5 redevelopment plan or designation of an existing plan, the
6 local government shall adopt the plan by ordinance. Public
7 hearings shall be held on such ordinance, and notice shall be
8 given of such hearings, in accordance with s. 166.041(3)(c)2.
9 for municipalities, and s. 125.66(4)(b) for counties.

10 (5) In order for a local government to designate an
11 urban infill and redevelopment area, it must amend its
12 comprehensive land use plan under s. 163.3187 to adopt the
13 urban infill and redevelopment area plan and delineate the
14 urban infill and redevelopment area within the future land use
15 element of its comprehensive plan. If the local government
16 elects to employ an existing or amended community
17 redevelopment, Florida Main Street program, sustainable
18 community, enterprise zone, or neighborhood improvement
19 district plan or plans in lieu of preparation of an urban
20 infill and redevelopment plan, the local government must amend
21 its comprehensive land use plan under s. 163.3187 to delineate
22 the urban infill and redevelopment area within the future land
23 use element of its comprehensive plan. An amendment to the
24 local comprehensive plan to designate an urban infill and
25 redevelopment area is exempt from the twice-a-year amendment
26 limitation of s. 163.3187.

27 (6)(a) In order to continue to be eligible for the
28 economic and regulatory incentives granted with respect to an
29 urban infill and redevelopment area, the local government must
30 demonstrate during the evaluation, assessment, and review of
31 its comprehensive plan required pursuant to s. 163.3191, that

1 at least 10 percent of its combined annual residential,
2 commercial, and institutional development has occurred within
3 the designated urban infill and redevelopment area.

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

12 163.2520 Economic incentives; report.--

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

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

23 (3) An area designated by a local government as an
24 urban infill and redevelopment area shall have priority in the
25 allocation of private activity bonds pursuant to s. 159.807.

26 (4) 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 (economic development and housing programs, 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, and subsection (8) is
31 added to said section, to read:

1 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

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

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 (8) The Department of Community Affairs may contract
2 with a regional planning council in order to delegate the
3 review of local government comprehensive plan amendments. When
4 the review has been delegated to a regional planning council,
5 any local government in the region may elect to have its
6 amendments reviewed by the council rather than the agency. The
7 department shall retain the oversight necessary to ensure
8 compliance with the purposes of this chapter.

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

11 187.201 State Comprehensive Plan adopted.--The
12 Legislature hereby adopts as the State Comprehensive Plan the
13 following specific goals and policies:

14 (17) URBAN REDEVELOPMENT AND DOWNTOWN
15 REVITALIZATION.--

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

24 (b) Policies.--

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

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

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1 3. Promote state programs and investments 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 for urban areas
14 that promote redevelopment efforts where the requirements do
15 not compromise public health and safety.

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. Paragraph (b) of subsection (19) of section
4 380.06, Florida Statutes, 1998 Supplement, is amended to read:

5 380.06 Developments of regional impact.--

6 (19) SUBSTANTIAL DEVIATIONS.--

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

15 1. An increase in the number of parking spaces at an
16 attraction or recreational facility by 5 percent or 300
17 spaces, whichever is greater, or an increase in the number of
18 spectators that may be accommodated at such a facility by 5
19 percent or 1,000 spectators, whichever is greater.

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

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

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

31

1 5. An increase in the average annual acreage mined by
2 5 percent or 10 acres, whichever is greater, or an increase in
3 the average daily water consumption by a mining operation by 5
4 percent or 300,000 gallons, whichever is greater. An increase
5 in the size of the mine by 5 percent or 750 acres, whichever
6 is less.

7 6. An increase in land area for office development by
8 5 percent or 6 acres, whichever is greater, or an increase of
9 gross floor area of office development by 5 percent or 60,000
10 gross square feet, whichever is greater.

11 7. An increase in the storage capacity for chemical or
12 petroleum storage facilities by 5 percent, 20,000 barrels, or
13 7 million pounds, whichever is greater.

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

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

22 10. An increase in commercial development by 6 acres
23 of land area or by 50,000 square feet of gross floor area, or
24 of parking spaces provided for customers for 300 cars or a
25 5-percent increase of any of these, whichever is greater.

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

28 12. An increase in a recreational vehicle park area by
29 5 percent or 100 vehicle spaces, whichever is less.

30 13. A decrease in the area set aside for open space of
31 5 percent or 20 acres, whichever is less.

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

8 15. A 15-percent increase in the number of external
9 vehicle trips generated by the development above that which
10 was projected during the original
11 development-of-regional-impact review.

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

22
23 The substantial deviation numerical standards in subparagraphs
24 4., 6., 10., 14., excluding residential uses, and 15., are
25 increased by 100 percent for a project certified under s.
26 403.973 which creates jobs and meets criteria established by
27 the Office of Tourism, Trade, and Economic Development as to
28 its impact on an area's economy, employment, and prevailing
29 wage and skill levels. The substantial deviation numerical
30 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
31 increased by 50 percent for a project located wholly within an

1 urban infill and redevelopment area designated on the
2 applicable adopted local comprehensive plan future land use
3 map and not located within the coastal high hazard area.

4 Section 6. Paragraph (b) of subsection (2) of section
5 163.3220, Florida Statutes, is amended to read:

6 163.3220 Short title; legislative intent.--

7 (2) The Legislature finds and declares that:

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

17 Section 7. Subsections (1) through (13) of section
18 163.3221, Florida Statutes, are renumbered as subsections (2)
19 through (14), respectively, and a new subsection (1) is added
20 to said section to read:

21 163.3221 Definitions.--As used in ss.

22 163.3220-163.3243:

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

26 Section 8. 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 9. Subsection (1) of section 165.041, Florida
24 Statutes, is amended to read:

25 165.041 Incorporation; merger.--

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

31

1 (b) To inform the Legislature on the feasibility and
2 appropriateness of a proposed incorporation of a municipality,
3 an incorporation ~~a feasibility~~ study shall be completed and
4 submitted to the Legislature in conjunction with a proposed
5 special act for the enactment of the municipal charter. The
6 incorporation ~~Such feasibility~~ study shall contain the
7 following:

8 1. The general location of territory subject to
9 boundary change and a map of the area which identifies the
10 proposed change.

11 2. The major reasons for proposing the boundary
12 change.

13 3. The following characteristics of the area:

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

16 b. A list of the current county zoning designations
17 applied to the subject area.

18 c. A general statement of present land use
19 characteristics of the area.

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

23
24 As an alternative to providing the items listed in
25 sub-subparagraphs a.-d., a draft comprehensive plan that meets
26 state standards pursuant to s. 163.3167 may be submitted.

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

31

1 5. Evidence, through signed petitions, letters, or
2 some other method, that a minimum of 25 percent of the
3 landowners or residents consent or otherwise support the
4 proposed change or reorganization.

5 6. A list of current service providers, including, but
6 not limited to, such services as water, sewer, transportation,
7 law enforcement, fire and rescue, health care, zoning,
8 inspections, parks, library and other cultural facilities, and
9 street lighting, and the unit cost for each service.

10 7. A list of proposed service providers, the date each
11 service would become available, the projected unit cost for
12 each service, and a letter of intent or memorandum of
13 understanding from each proposed service provider indicating
14 intent to provide a specified service and level of service at
15 the cost noted in the application, should incorporation occur.

16 8. The names and addresses of three officers or
17 persons submitting the proposal.

18 9. Evidence of fiscal capacity and an organizational
19 plan that, at a minimum, includes:

20 a. Existing tax bases, including ad valorem taxable
21 value, utility taxes, sales and use taxes, franchise taxes,
22 license and permit fees, charge for services, fines and
23 forfeitures, and other revenue sources, as appropriate.

24 b. A 5-year operational plan that, at a minimum,
25 includes proposed staffing, building acquisition and
26 construction, debt issuance, budgets, and future boundaries at
27 build out.

28 ~~1. Data and analysis to support the conclusions that~~
29 ~~incorporation is necessary and financially feasible, including~~
30 ~~population projections and population density calculations,~~
31

1 ~~and an explanation concerning methodologies used for such~~
2 ~~analysis.~~

3 ~~2. Evaluation of the alternatives available to the~~
4 ~~area to address its policy concerns.~~

5 ~~3. Evidence that the proposed municipality meets the~~
6 ~~requirements for incorporation pursuant to s. 165.061.~~

7 (c) In counties that have adopted a municipal overlay
8 for municipal incorporation pursuant to s. 163.3217, such
9 information shall be submitted to the Legislature in
10 conjunction with any proposed municipal incorporation in the
11 county. This information should be used to evaluate the
12 feasibility and appropriateness of a proposed municipal
13 incorporation in the geographic area.

14 Section 10. Section 171.0413, Florida Statutes, is
15 amended to read:

16 171.0413 Annexation procedures.--Any municipality may
17 annex contiguous, compact, unincorporated territory in the
18 following manner:

19 (1) An ordinance proposing to annex an area of
20 contiguous, compact, unincorporated territory shall be adopted
21 by the governing body of the annexing municipality pursuant to
22 the procedure for the adoption of a nonemergency ordinance
23 established by s. 166.041. Prior to the adoption of the
24 ordinance of annexation the local governing body shall hold at
25 least two advertised public hearings. The first public
26 hearing shall be on a weekday at least 7 days after the day
27 that the first advertisement is published. The second public
28 hearing shall be held on a weekday at least 5 days after the
29 day that the second advertisement is published. Each such
30 ordinance shall propose only one reasonably compact area to be
31 annexed. However, prior to the ordinance of annexation

1 becoming effective, a referendum on annexation shall be held
2 as set out below, and, if approved by the referendum, the
3 ordinance shall become effective 10 days after the referendum
4 or as otherwise provided in the ordinance, but not more than 1
5 year following the date of the referendum.

6 (2) Following the final adoption of the ordinance of
7 annexation by the governing body of the annexing municipality,
8 the ordinance shall be submitted to a vote of the registered
9 electors of the area proposed to be annexed. The governing
10 body of the annexing municipality may also choose to submit
11 the ordinance of annexation to a separate vote of the
12 registered electors of the annexing municipality. ~~If the~~
13 ~~proposed ordinance would cause the total area annexed by a~~
14 ~~municipality pursuant to this section during any one calendar~~
15 ~~year period cumulatively to exceed more than 5 percent of the~~
16 ~~total land area of the municipality or cumulatively to exceed~~
17 ~~more than 5 percent of the municipal population, the ordinance~~
18 ~~shall be submitted to a separate vote of the registered~~
19 ~~electors of the annexing municipality and of the area proposed~~
20 ~~to be annexed.~~ The referendum on annexation shall be called
21 and conducted and the expense thereof paid by the governing
22 body of the annexing municipality.

23 (a) The referendum on annexation shall be held at the
24 next regularly scheduled election following the final adoption
25 of the ordinance of annexation by the governing body of the
26 annexing municipality or at a special election called for the
27 purpose of holding the referendum. However, the referendum,
28 whether held at a regularly scheduled election or at a special
29 election, shall not be held sooner than 30 days following the
30 final adoption of the ordinance by the governing body of the
31 annexing municipality.

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

12 (c) On the day of the referendum on annexation there
13 shall be prominently displayed at each polling place a copy of
14 the ordinance of annexation and a description of the property
15 proposed to be annexed. The description shall be by metes and
16 bounds and shall include a map clearly showing such area.

17 (d) Ballots or mechanical voting devices used in the
18 referendum on annexation shall offer the choice "For
19 annexation of property described in ordinance number of
20 the City of" and "Against annexation of property
21 described in ordinance number of the City of" in
22 that order.

23 (e) If the referendum is held only in the area
24 proposed to be annexed and receives a majority vote, or if the
25 ordinance is submitted to a separate vote of the registered
26 electors of the annexing municipality and the area proposed to
27 be annexed and there is a separate majority vote for
28 annexation in the annexing municipality and in the area
29 proposed to be annexed, the ordinance of annexation shall
30 become effective on the effective date specified therein. If
31 there is any majority vote against annexation, the ordinance

1 shall not become effective, and the area proposed to be
2 annexed shall not be the subject of an annexation ordinance by
3 the annexing municipality for a period of 2 years from the
4 date of the referendum on annexation.

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

20 (4) Except as otherwise provided in this law, the
21 annexation procedure as set forth in this section shall
22 constitute a uniform method for the adoption of an ordinance
23 of annexation by the governing body of any municipality in
24 this state, and all existing provisions of special laws which
25 establish municipal annexation procedures are repealed hereby;
26 except that any provision or provisions of special law or laws
27 which prohibit annexation of territory that is separated from
28 the annexing municipality by a body of water or watercourse
29 shall not be repealed.

30 (5) If more than 70 percent of the land in an area
31 proposed to be annexed is owned by individuals, corporations,

1 or legal entities which are not registered electors of such
2 area, such area shall not be annexed unless the owners of more
3 than 50 percent of the land in such area consent to such
4 annexation. Such consent shall be obtained by the parties
5 proposing the annexation prior to the referendum to be held on
6 the annexation.

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

22 Section 11. Efficiency and accountability in local
23 government services.--

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

26 (a) Allow municipalities and counties to resolve
27 conflicts among local jurisdictions regarding the delivery and
28 financing of local services.

29 (b) Increase local government efficiency and
30 accountability.

31

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

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

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

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

29 (b) Describe the existing organization of such
30 services and the means of financing the services, and create a
31

1 reorganization of such services and the financing thereof that
2 will meet the goals of this section.

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

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

11 (e) Provide means to reduce the cost of providing
12 local services and enhance the accountability of service
13 providers.

14 (f) Include a multiyear capital outlay plan for
15 infrastructure.

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

22 (h) Provide specific procedures for modification or
23 termination of the plan.

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

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

29 (b) No provision of a plan developed pursuant to this
30 section shall restrict the authority of any state or regional
31

1 governmental agency to perform any duty required to be
2 performed by that agency by law.

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

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

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

27 Section 12. This act shall take effect July 1, 1999.
28
29
30
31