

By the Committees on Water & Resource Management,
 Community Affairs and Representatives Constantine, Bradley,
 Goodlette and Murman

1 A bill to be entitled
 2 An act relating to local government; creating
 3 ss. 163.2511, 163.2514, 163.2517, 163.2520,
 4 163.2523, and 163.2526, F.S., the Urban Infill
 5 and Redevelopment Act; providing legislative
 6 findings; providing definitions; authorizing
 7 counties and municipalities to designate urban
 8 infill and redevelopment areas based on
 9 specified criteria; providing for community and
 10 neighborhood participation; requiring
 11 preparation of a plan or designation of an
 12 existing plan and providing requirements with
 13 respect thereto; providing for amendment of the
 14 local comprehensive plan to delineate area
 15 boundaries; providing for adoption of the plan
 16 by ordinance; providing requirements for
 17 continued eligibility for economic and
 18 regulatory incentives and providing that such
 19 incentives may be rescinded if the plan is not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; requiring a report by certain state
 27 agencies; providing that such areas shall have
 28 priority in the allocation of private activity
 29 bonds; 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; providing an appropriation; amending s.
3 163.3164, F.S.; revising the definition of
4 "projects that promote public transportation"
5 under the Local Government Comprehensive
6 Planning and Land Development Regulation Act;
7 amending s. 163.3177, F.S.; modifying the date
8 by which local government comprehensive plans
9 must comply with school siting requirements,
10 and the consequences of failure to comply;
11 amending s. 163.3180, F.S.; specifying that the
12 concurrency requirement applies to
13 transportation facilities; providing
14 requirements with respect to measuring level of
15 service for specified transportation modes and
16 multimodal analysis; providing that the
17 concurrency requirement does not apply to
18 public transit facilities; authorizing
19 exemptions from the transportation facilities
20 concurrency requirement for developments
21 located in an urban infill and redevelopment
22 area; revising requirements for establishment
23 of level-of-service standards for certain
24 facilities on the Florida Intrastate Highway
25 System; authorizing establishment of multimodal
26 transportation districts in certain areas under
27 a local comprehensive plan, providing for
28 certain multimodal level-of-service standards,
29 and providing requirements with respect
30 thereto; providing for issuance of development
31 permits; authorizing reduction of certain fees

1 for development in such districts; amending s.
2 163.3187, F.S.; providing that comprehensive
3 plan amendments to designate urban infill and
4 redevelopment areas are not subject to
5 statutory limits on the frequency of plan
6 amendments; including such areas within certain
7 limitations relating to small scale development
8 amendments; authorizing the Department of
9 Community Affairs to contract with a regional
10 planning council for the review of local
11 government comprehensive plan amendments;
12 amending s. 187.201, F.S.; including policies
13 relating to urban policy in the State
14 Comprehensive Plan; amending s. 380.06, F.S.,
15 relating to developments of regional impact;
16 increasing certain numerical standards for
17 determining a substantial deviation for
18 projects located in certain urban infill and
19 redevelopment areas; amending ss. 163.3220 and
20 163.3221, F.S.; revising legislative intent
21 with respect to the Florida Local Government
22 Development Agreement Act to include intent
23 with respect to certain assurance to a
24 developer upon receipt of a brownfield
25 designation; amending s. 163.375, F.S.;
26 authorizing acquisition by eminent domain of
27 property in unincorporated enclaves surrounded
28 by a community redevelopment area when
29 necessary to accomplish a community development
30 plan; amending s. 165.041, F.S.; specifying the
31 date for submission to the Legislature of a

1 feasibility study in connection with a proposed
2 municipal incorporation and revising
3 requirements for such study; amending s.
4 171.0413, F.S., relating to municipal
5 annexation procedures; requiring public
6 hearings; deleting a requirement that a
7 separate referendum be held in the annexing
8 municipality when the annexation exceeds a
9 certain size and providing that the governing
10 body may choose to hold such a referendum;
11 providing procedures by which a county or
12 combination of counties and the municipalities
13 therein may develop and adopt a plan to improve
14 the efficiency, accountability, and
15 coordination of the delivery of local
16 government services; providing for initiation
17 of the process by resolution; providing
18 requirements for the plan; requiring approval
19 by the local governments' governing bodies and
20 by referendum; authorizing municipal annexation
21 through such plan; amending s. 170.201, F.S.;
22 revising provisions which authorize a
23 municipality to exempt property owned or
24 occupied by certain religious or educational
25 institutions or housing facilities from special
26 assessments for emergency medical services;
27 extending application of such provisions to any
28 service; creating s. 196.1978, F.S.; providing
29 that property used to provide housing for
30 certain persons under ch. 420, F.S., or other
31 local or federal affordable housing programs,

1 and owned by certain nonprofit corporations, is
2 exempt from ad valorem taxation; providing for
3 retroactive application; creating ss. 220.185
4 and 420.5093, F.S.; creating the State Housing
5 Tax Credit Program; providing legislative
6 findings and policy; providing definitions;
7 providing for a credit against the corporate
8 income tax based on a percentage of the
9 eligible basis of certain housing projects;
10 providing limitations; providing for allocation
11 of credits and administration by the Florida
12 Housing Finance Corporation; providing for
13 audits and recapture of credits under certain
14 conditions; providing for an annual plan;
15 providing application procedures; providing
16 that neither tax credits nor financing
17 generated thereby shall be considered income
18 for ad valorem tax purposes; providing for
19 recognition of certain income by the property
20 appraiser; amending s. 420.503, F.S.; providing
21 that certain projects shall qualify as housing
22 for the elderly for purposes of certain loans
23 under the State Apartment Incentive Loan
24 Program, and shall qualify as a project
25 targeted for the elderly in connection with
26 allocation of low-income housing tax credits
27 and with the HOME program under certain
28 conditions; amending s. 420.5087, F.S.;
29 directing the Florida Housing Finance
30 Corporation to adopt rules for the equitable
31 distribution of certain unallocated funds under

1 the State Apartment Incentive Loan Program;
2 creating ss. 420.630, 420.631, 420.632,
3 420.633, 420.634, and 420.635, F.S., the Urban
4 Homesteading Act; providing definitions;
5 authorizing a local government or its designee
6 to operate a program to make foreclosed
7 single-family housing available for purchase by
8 qualified buyers; providing eligibility
9 requirements; providing application procedures;
10 providing conditions under which such property
11 may be deeded to a qualified buyer; requiring
12 payment of a pro rata share of certain bonded
13 debt under certain conditions and providing for
14 loans to buyers who are required to make such
15 payment; providing effective dates.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Sections 163.2511, 163.2514, 163.2517,
20 163.2520, 163.2523, and 163.2526, Florida Statutes, are
21 created to read:

22 163.2511 Urban infill and redevelopment.--

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

25 (2) It is declared that:

26 (a) Fiscally strong urban centers are beneficial to
27 regional and state economies and resources, are a method for
28 reduction of future urban sprawl, and should be promoted by
29 state, regional, and local governments.

30 (b) The health and vibrancy of the urban cores benefit
31 their respective regions and the state; conversely, the

1 deterioration of those urban cores negatively impacts the
2 surrounding area and the state.

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

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

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

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

28 163.2514 Definitions.--As used in ss.
29 163.2511-163.2526:

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

1 (2) "Urban infill and redevelopment area" means an
2 area or areas designated by a local government where:
3 (a) Public services such as water and wastewater,
4 transportation, schools, and recreation are already available
5 or are scheduled to be provided in an adopted 5-year schedule
6 of capital improvements and are located within the existing
7 urban service area as defined in the local government's
8 comprehensive plan;
9 (b) The area, or one or more neighborhoods within the
10 area, suffers from pervasive poverty, unemployment, and
11 general distress as defined by s. 290.0058;
12 (c) The area exhibits a proportion of properties that
13 are substandard, overcrowded, dilapidated, vacant or
14 abandoned, or functionally obsolete which is higher than the
15 average for the local government;
16 (d) More than 50 percent of the area is within 1/4
17 mile of a transit stop, or a sufficient number of such transit
18 stops will be made available concurrent with the designation;
19 and
20 (e) The area includes or is adjacent to community
21 redevelopment areas, brownfields, enterprise zones, or Main
22 Street programs, or has been designated by the state or
23 Federal Government as an urban redevelopment, revitalization,
24 or infill area under empowerment zone, enterprise community,
25 or brownfield showcase community programs or similar programs.
26 163.2517 Designation of urban infill and redevelopment
27 area.--
28 (1) A local government may designate a geographic area
29 or areas within its jurisdiction as an urban infill and
30 redevelopment area for the purpose of targeting economic
31 development, job creation, housing, transportation, crime

1 prevention, neighborhood revitalization and preservation, and
2 land use incentives to encourage urban infill and
3 redevelopment within the urban core.

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

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

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

31

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

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

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

29 (c) Identify and map existing enterprise zones,
30 community redevelopment areas, community development
31 corporations, brownfield areas, downtown redevelopment

1 districts, safe neighborhood improvement districts, historic
2 preservation districts, and empowerment zones or enterprise
3 communities located within the area proposed for designation
4 as an urban infill and redevelopment area and provide a
5 framework for coordinating infill and redevelopment programs
6 within the urban core.

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

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

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

25 (g) Identify strategies for reducing crime.

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

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

1 transportation corridors designated by a metropolitan planning
2 organization in its long-range transportation plans or by the
3 local government in its comprehensive plan for which the local
4 government seeks designation as a transportation concurrency
5 exception area. For those areas, describe how public
6 transportation, pedestrian ways, and bikeways will be
7 implemented as an alternative to increased automobile use.

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

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

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

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

31

1 (m) Identify the governance structure that the local
2 government will use to involve community representatives in
3 the implementation of the plan.

4 (n) Identify performance measures to evaluate the
5 success of the local government in implementing the urban
6 infill and redevelopment plan.

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

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

28 (6)(a) In order to continue to be eligible for the
29 economic and regulatory incentives granted with respect to an
30 urban infill and redevelopment area, the local government must
31 demonstrate during the evaluation, assessment, and review of

1 its comprehensive plan required pursuant to s. 163.3191, that
2 at least 10 percent of its combined annual residential,
3 commercial, and institutional development has occurred within
4 the designated urban infill and redevelopment area.

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

13 163.2520 Economic incentives; report.--

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

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

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

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

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

13 163.2523 Grant program.--An Urban Infill and
14 Redevelopment Assistance Grant Program is created for local
15 governments. Thirty percent of the general revenue
16 appropriated for this program shall be available for planning
17 grants to be used by local governments to develop community
18 participation processes for the development of an urban infill
19 and redevelopment plan. Sixty percent of the general revenue
20 appropriated for this program shall be available for
21 fifty/fifty matching grants for implementing urban infill and
22 redevelopment projects that further the objectives set forth
23 in the local government's adopted urban infill and
24 redevelopment plan or plan employed in lieu thereof. The
25 remaining 10 percent of the revenue must be used for outright
26 grants for implementing projects requiring an expenditure of
27 under \$50,000. Projects that provide employment opportunities
28 to clients of the WAGES program and projects within urban
29 infill and redevelopment areas that include a community
30 redevelopment area, Florida Main Street program, sustainable
31 community, enterprise zone, federal enterprise zone,

1 enterprise community, or neighborhood improvement district
2 must be given an elevated priority in the scoring of competing
3 grant applications. The Division of Housing and Community
4 Development of the Department of Community Affairs shall
5 administer the grant program. The Department of Community
6 Affairs shall adopt rules establishing grant review criteria
7 consistent with this section.

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

21 Section 2. The sum of \$5 million is appropriated from
22 the General Revenue Fund to the Department of Community
23 Affairs for the purpose of funding the Urban Infill and
24 Redevelopment Grant Program under s. 163.2523, Florida
25 Statutes.

26 Section 3. Subsection (28) of section 163.3164,
27 Florida Statutes, 1998 Supplement, is amended to read:

28 163.3164 Definitions.--As used in this act:

29 (28) "Projects that promote public transportation"
30 means projects that directly affect the provisions of public
31 transit, including transit terminals, transit lines and

1 routes, separate lanes for the exclusive use of public transit
2 services, transit stops (shelters and stations), ~~and~~ office
3 buildings or projects that include fixed-rail or transit
4 terminals as part of the building, and projects which are
5 transit-oriented and designed to complement reasonably
6 proximate planned or existing public facilities.

7 Section 4. Paragraph (a) of subsection (6) of section
8 163.3177, Florida Statutes, 1998 Supplement, is amended to
9 read:

10 163.3177 Required and optional elements of
11 comprehensive plan; studies and surveys.--

12 (6) In addition to the requirements of subsections
13 (1)-(5), the comprehensive plan shall include the following
14 elements:

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

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

1 ~~1999, this requirement~~ will result in the prohibition of the
2 local government's ability to amend the local comprehensive
3 plan, except for plan amendments described in s.
4 163.3187(1)(b), until the school siting requirements are met
5 ~~as provided by s. 163.3187(6)~~. An amendment proposed by a
6 local government for purposes of identifying the land use
7 categories in which public schools are an allowable use is
8 exempt from the limitation on the frequency of plan amendments
9 contained in s. 163.3187. The future land use element shall
10 include criteria which encourage the location of schools
11 proximate to urban residential areas to the extent possible
12 and shall require that the local government seek to collocate
13 public facilities, such as parks, libraries, and community
14 centers, with schools to the extent possible.

15 Section 5. Subsections (1), (4), (5), and (10) of
16 section 163.3180, Florida Statutes, 1998 Supplement, are
17 amended, and subsection (14) is added to said section, to
18 read:

19 163.3180 Concurrency.--

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

30 (b) Local governments shall use professionally
31 accepted techniques for measuring level of service for

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

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

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

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

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

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

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

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

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

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

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

19 (14)(a) Multimodal transportation districts may be
20 established under a local government comprehensive plan in
21 areas delineated on the future land use map for which the
22 local comprehensive plan assigns secondary priority to vehicle
23 mobility and primary priority to assuring a safe, comfortable,
24 and attractive pedestrian environment, with convenient
25 interconnection to transit. Such districts must incorporate
26 community design features that will reduce the number of
27 automobile trips or vehicle miles of travel and will support
28 an integrated, multimodal transportation system.

29 (b) Community design elements of such a district
30 include: a complementary mix and range of land uses,
31 including educational, recreational, and cultural uses;

1 interconnected networks of streets designed to encourage
2 walking and bicycling, with traffic-calming where desirable;
3 appropriate densities and intensities of use within walking
4 distance of transit stops; daily activities within walking
5 distance of residences, allowing independence to persons who
6 do not drive; public uses, streets, and squares that are safe,
7 comfortable, and attractive for the pedestrian, with adjoining
8 buildings open to the street and with parking not interfering
9 with pedestrian, transit, automobile, and truck travel modes.

10 (c) Local governments may establish multimodal
11 level-of-service standards that rely primarily on nonvehicular
12 modes of transportation within the district, when justified by
13 an analysis demonstrating that the existing and planned
14 community design will provide an adequate level of mobility
15 within the district based upon professionally accepted
16 multimodal level-of-service methodologies. The analysis must
17 take into consideration the impact on the Florida Intrastate
18 Highway System. The analysis must also demonstrate that the
19 capital improvements required to promote community design are
20 financially feasible over the development or redevelopment
21 timeframe for the district and that community design features
22 within the district provide convenient interconnection for a
23 multimodal transportation system. Local governments may issue
24 development permits in reliance upon all planned community
25 design capital improvements that are financially feasible over
26 the development or redevelopment timeframe for the district,
27 without regard to the period of time between development or
28 redevelopment and the scheduled construction of the capital
29 improvements. A determination of financial feasibility shall
30 be based upon currently available funding or funding sources
31

1 that could reasonably be expected to become available over the
2 planning period.

3 (d) Local governments may reduce impact fees or local
4 access fees for development within multimodal transportation
5 districts based on the reduction of vehicle trips per
6 household or vehicle miles of travel expected from the
7 development pattern planned for the district.

8 Section 6. Subsection (1) of section 163.3187, Florida
9 Statutes, 1998 Supplement, is amended, and subsection (8) is
10 added to said section, to read:

11 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

24 (b) Any local government comprehensive plan amendments
25 directly related to a proposed development of regional impact,
26 including changes which have been determined to be substantial
27 deviations and including Florida Quality Developments pursuant
28 to s. 380.061, may be initiated by a local planning agency and
29 considered by the local governing body at the same time as the
30 application for development approval using the procedures
31 provided for local plan amendment in this section and

1 applicable local ordinances, without regard to statutory or
2 local ordinance limits on the frequency of consideration of
3 amendments to the local comprehensive plan. Nothing in this
4 subsection shall be deemed to require favorable consideration
5 of a plan amendment solely because it is related to a
6 development of regional impact.

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

13 1. The proposed amendment involves a use of 10 acres
14 or fewer and:

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

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

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

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

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

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

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

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

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

27 2.a. A local government that proposes to consider a
28 plan amendment pursuant to this paragraph is not required to
29 comply with the procedures and public notice requirements of
30 s. 163.3184(15)(c) for such plan amendments if the local
31 government complies with the provisions in s. 125.66(4)(a) for

1 a county or in s. 166.041(3)(c) for a municipality. If a
2 request for a plan amendment under this paragraph is initiated
3 by other than the local government, public notice is required.

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

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

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

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

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

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

19 Section 7. Subsection (17) of section 187.201, Florida
20 Statutes, is amended to read:

21 187.201 State Comprehensive Plan adopted.--The
22 Legislature hereby adopts as the State Comprehensive Plan the
23 following specific goals and policies:

24 (17) URBAN AND DOWNTOWN REVITALIZATION.--

25 (a) Goal.--In recognition of the importance of
26 Florida's vital urban centers and of the need to develop and
27 redevelop ~~developing and redeveloping~~ downtowns to the state's
28 ability to use existing infrastructure and to accommodate
29 growth in an orderly, efficient, and environmentally
30 acceptable manner, Florida shall encourage the centralization

31

1 of commercial, governmental, retail, residential, and cultural
2 activities within downtown areas.

3 (b) Policies.--

4 1. Provide incentives to encourage private sector
5 investment in the preservation and enhancement of downtown
6 areas.

7 2. Assist local governments in the planning,
8 financing, and implementation of development efforts aimed at
9 revitalizing distressed downtown areas.

10 3. Promote state programs and investments which
11 encourage redevelopment of downtown areas.

12 4. Promote and encourage communities to engage in a
13 redesign step to include public participation of members of
14 the community in envisioning redevelopment goals and design of
15 the community core before redevelopment.

16 5. Ensure that local governments have adequate
17 flexibility to determine and address their urban priorities
18 within the state urban policy.

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

22 7. Develop concurrency requirements that do not
23 compromise public health and safety for urban areas that
24 promote redevelopment efforts.

25 8. Promote processes for the state, general purpose
26 local governments, school boards, and local community colleges
27 to coordinate and cooperate regarding educational facilities
28 in urban areas, including planning functions, the development
29 of joint facilities, and the reuse of existing buildings.

30 9. Encourage the development of mass transit systems
31 for urban centers, including multimodal transportation feeder

1 systems, as a priority of local, metropolitan, regional, and
2 state transportation planning.

3 10. Locate appropriate public facilities within urban
4 centers to demonstrate public commitment to the centers and to
5 encourage private sector development.

6 11. Integrate state programs that have been developed
7 to promote economic development and neighborhood
8 revitalization through incentives to promote the development
9 of designated urban infill areas.

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

12 Section 8. Paragraph (b) of subsection (19) of section
13 380.06, Florida Statutes, 1998 Supplement, is amended to read:

14 380.06 Developments of regional impact.--

15 (19) SUBSTANTIAL DEVIATIONS.--

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

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

29 2. A new runway, a new terminal facility, a 25-percent
30 lengthening of an existing runway, or a 25-percent increase in
31 the number of gates of an existing terminal, but only if the

1 increase adds at least three additional gates. However, if an
2 airport is located in two counties, a 10-percent lengthening
3 of an existing runway or a 20-percent increase in the number
4 of gates of an existing terminal is the applicable criteria.

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

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

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

15 6. An increase in land area for office development by
16 5 percent or 6 acres, whichever is greater, or an increase of
17 gross floor area of office development by 5 percent or 60,000
18 gross square feet, whichever is greater.

19 7. An increase in the storage capacity for chemical or
20 petroleum storage facilities by 5 percent, 20,000 barrels, or
21 7 million pounds, whichever is greater.

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

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

30 10. An increase in commercial development by 6 acres
31 of land area or by 50,000 square feet of gross floor area, or

1 of parking spaces provided for customers for 300 cars or a
2 5-percent increase of any of these, whichever is greater.

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

5 12. An increase in a recreational vehicle park area by
6 5 percent or 100 vehicle spaces, whichever is less.

7 13. A decrease in the area set aside for open space of
8 5 percent or 20 acres, whichever is less.

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

16 15. A 15-percent increase in the number of external
17 vehicle trips generated by the development above that which
18 was projected during the original
19 development-of-regional-impact review.

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

30
31

1 The substantial deviation numerical standards in subparagraphs
2 4., 6., 10., 14., excluding residential uses, and 15., are
3 increased by 100 percent for a project certified under s.
4 403.973 which creates jobs and meets criteria established by
5 the Office of Tourism, Trade, and Economic Development as to
6 its impact on an area's economy, employment, and prevailing
7 wage and skill levels. The substantial deviation numerical
8 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
9 increased by 50 percent for a project located wholly within an
10 urban infill and redevelopment area designated on the
11 applicable adopted local comprehensive plan future land use
12 map and not located within the coastal high hazard area.

13 Section 9. Paragraph (b) of subsection (2) of section
14 163.3220, Florida Statutes, is amended to read:

15 163.3220 Short title; legislative intent.--

16 (2) The Legislature finds and declares that:

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

26 Section 10. Subsections (1) through (13) of section
27 163.3221, Florida Statutes, are renumbered as subsections (2)
28 through (14), respectively, and a new subsection (1) is added
29 to said section to read:

30 163.3221 Definitions.--As used in ss.

31 163.3220-163.3243:

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

4 Section 11. Subsection (1) of section 163.375, Florida
5 Statutes, is amended to read:

6 163.375 Eminent domain.--

7 (1) Any county or municipality, or any community
8 redevelopment agency pursuant to specific approval of the
9 governing body of the county or municipality which established
10 the agency, as provided by any county or municipal ordinance
11 has the right to acquire by condemnation any interest in real
12 property, including a fee simple title thereto, which it deems
13 necessary for, or in connection with, community redevelopment
14 and related activities under this part. Any county or
15 municipality, or any community redevelopment agency pursuant
16 to specific approval by the governing body of the county or
17 municipality which established the agency, as provided by any
18 county or municipal ordinance may exercise the power of
19 eminent domain in the manner provided in chapters 73 and 74
20 and acts amendatory thereof or supplementary thereto, or it
21 may exercise the power of eminent domain in the manner now or
22 which may be hereafter provided by any other statutory
23 provision for the exercise of the power of eminent domain.

24 Property in unincorporated enclaves surrounded by the
25 boundaries of a community redevelopment area may be acquired
26 when it is determined necessary by the agency to accomplish
27 the community redevelopment plan.Property already devoted to
28 a public use may be acquired in like manner. However, no real
29 property belonging to the United States, the state, or any
30 political subdivision of the state may be acquired without its
31 consent.

1 Section 12. Subsection (1) of section 165.041, Florida
2 Statutes, is amended to read:

3 165.041 Incorporation; merger.--

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

9 (b) To inform the Legislature on the feasibility of a
10 proposed incorporation of a municipality, a feasibility study
11 shall be completed and submitted to the Legislature 90 days
12 before the first day of the regular session of the Legislature
13 during which ~~in conjunction with a proposed special act for~~
14 the enactment of the municipal charter would be enacted. The
15 Such feasibility study shall contain the following:

16 1. The general location of territory subject to
17 boundary change and a map of the area which identifies the
18 proposed change.

19 2. The major reasons for proposing the boundary
20 change.

21 3. The following characteristics of the area:

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

24 b. A list of the current county zoning designations
25 applied to the subject area.

26 c. A general statement of present land use
27 characteristics of the area.

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

31

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

5 5. A list of current services being provided within
6 the proposed incorporation area, including, but not limited
7 to, water, sewer, solid waste, transportation, public works,
8 law enforcement, fire and rescue, zoning, street lighting,
9 parks and recreation, and library and cultural facilities, and
10 the estimated costs for each current service.

11 6. A list of proposed services to be provided within
12 the proposed incorporation area, and the estimated cost of
13 such proposed services.

14 7. The names and addresses of three officers or
15 persons submitting the proposal.

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

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

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

26 ~~9.1.~~ Data and analysis to support the conclusions that
27 incorporation is necessary and financially feasible, including
28 population projections and population density calculations,
29 and an explanation concerning methodologies used for such
30 analysis.

31

1 ~~10.2.~~ Evaluation of the alternatives available to the
2 area to address its policy concerns.

3 ~~11.3.~~ Evidence that the proposed municipality meets
4 the requirements for incorporation pursuant to s. 165.061.

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

12 Section 13. Section 171.0413, Florida Statutes, is
13 amended to read:

14 171.0413 Annexation procedures.--Any municipality may
15 annex contiguous, compact, unincorporated territory in the
16 following manner:

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

1 ordinance shall become effective 10 days after the referendum
2 or as otherwise provided in the ordinance, but not more than 1
3 year following the date of the referendum.

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

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

30 (b) The governing body of the annexing municipality
31 shall publish notice of the referendum on annexation at least

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

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

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

21 (e) If the referendum is held only in the area
22 proposed to be annexed and receives a majority vote, or if the
23 ordinance is submitted to a separate vote of the registered
24 electors of the annexing municipality and the area proposed to
25 be annexed and there is a separate majority vote for
26 annexation in the annexing municipality and in the area
27 proposed to be annexed, the ordinance of annexation shall
28 become effective on the effective date specified therein. If
29 there is any majority vote against annexation, the ordinance
30 shall not become effective, and the area proposed to be
31 annexed shall not be the subject of an annexation ordinance by

1 the annexing municipality for a period of 2 years from the
2 date of the referendum on annexation.

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

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

28 (5) If more than 70 percent of the land in an area
29 proposed to be annexed is owned by individuals, corporations,
30 or legal entities which are not registered electors of such
31 area, such area shall not be annexed unless the owners of more

1 than 50 percent of the land in such area consent to such
2 annexation. Such consent shall be obtained by the parties
3 proposing the annexation prior to the referendum to be held on
4 the annexation.

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

20 Section 14. Efficiency and accountability in local
21 government services.--

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

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

27 (b) Increase local government efficiency and
28 accountability.

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

31

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

27 (a) Designate the areawide and local government
28 services that 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 any special act modifications which must
25 be made to effectuate the plan.

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

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

31

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

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

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

22 (6) If the plan calls for merger or dissolution of
23 special districts, such merger or dissolution shall comply
24 with the provisions of chapter 189, Florida Statutes.

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

1 Section 15. Subsection (2) of section 170.201, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 170.201 Special assessments.--

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

23 Section 16. (1) Section 196.1978, Florida Statutes,
24 is created to read:

25 196.1978 Low-income housing property
26 exemption.--Property used to provide housing pursuant to any
27 state housing program authorized under chapter 420 or other
28 similar local or federal government affordable housing program
29 for persons with incomes defined under s. 420.0004, which
30 property is owned entirely by a nonprofit corporation which is
31 qualified as charitable under s. 501(c)(3) of the Internal

1 Revenue Code and which complies with Rev. Proc. 96-32, 1996-1
2 C.B. 717, shall be considered property owned by an exempt
3 entity and used for a charitable purpose, and such property
4 shall be exempt from ad valorem taxation.

5 (2) This section shall take effect upon this act
6 becoming a law and shall apply retroactively to January 1,
7 1997.

8 Section 17. Section 220.185, Florida Statutes, is
9 created to read:

10 220.185 State housing tax credit.--

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

12 (a) There exist within the urban areas of the state
13 conditions of blight evidenced by extensive deterioration of
14 public and private facilities, abandonment of sound
15 structures, and high unemployment, and these conditions impede
16 the conservation and development of healthy, safe, and
17 economically viable communities.

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

28 (c) In order to ultimately restore social and economic
29 viability to urban areas, it is necessary to renovate or
30 construct new infrastructure and housing, including housing
31 specifically targeted for the elderly, and to specifically

1 provide mechanisms to attract and encourage private economic
2 activity.

3 (d) The various local governments and other
4 redevelopment organizations now undertaking physical
5 revitalization projects and new housing developments in urban
6 areas are limited by tightly constrained budgets and
7 inadequate resources.

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

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

24 (3) DEFINITIONS.--As used in this section:

25 (a) "Credit period" means the period of 5 taxable
26 years beginning with the taxable year in which the building is
27 placed in service, or at the election of the taxpayer, the
28 succeeding taxable year. Once this election is made by the
29 taxpayer, it shall be irrevocable.

30
31

1 (b) "Eligible basis" means a project's adjusted basis
2 as of the close of the first taxable year of the credit
3 period.

4 (c) "Adjusted basis" means the owner's adjusted basis
5 in the project, calculated in a manner consistent with the
6 calculation of basis under the Internal Revenue Code, taking
7 into account the adjusted basis of property of a character
8 subject to the allowance for depreciation used in common areas
9 or provided as comparable amenities to the entire project.

10 (d) "Designated project" means a qualified project
11 designated pursuant to s. 420.5093 to receive the tax credit
12 under this section.

13 (e) "Qualified project" means a development located in
14 an urban infill area which meets the following requirements:

15 1. At least 50 percent of the development cost must go
16 towards producing affordable units, and the remainder of the
17 development must constitute commercial or single-family
18 residential development consistent with and serving to
19 complement the qualified low-income project.

20 2. Affordable units must be rented to tenants in
21 accordance with s. 42(g) of the internal Revenue Code, with
22 the exception that elderly tenants shall not be income
23 restricted unless the Florida Housing Finance Corporation
24 establishes such requirements pursuant to s. 420.5093.

25 (f) "Urban infill area" means an area designated for
26 urban infill as defined by s. 163.3164 and as defined through
27 a statewide urban infill study solicited and approved by the
28 board of directors of the Florida Housing Finance Corporation.

29 (4) AUTHORIZATION TO GRANT STATE HOUSING TAX CREDITS;
30 LIMITATION.--

31

1 (a) There shall be allowed a credit of up to 9
2 percent, but no more than needed to make the project feasible,
3 of the eligible basis of any designated project for each year
4 of the credit period against any tax due for a taxable year
5 under this chapter.

6 (b) The total amount of tax credit which may be
7 allocated for all projects approved under this section is \$25
8 million annually.

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

12 (d) Each designated project must comply with the
13 applicable provisions of s. 42 of the Internal Revenue Code
14 with respect to the multifamily residential rental housing
15 element of the project, including specifically the provisions
16 of s. 42(h)(6).

17 (e) A tax credit shall be allocated to a designated
18 project and shall not be subject to transfer by the recipient
19 unless the transferee is also an owner of the designated
20 project.

21 Section 18. Section 420.5093, Florida Statutes, is
22 created to read:

23 420.5093 State Housing Tax Credit Program.--

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

30 (2) The Florida Housing Finance Corporation shall
31 determine those qualified projects which shall be considered

1 designated projects under s. 220.185 and eligible for the
2 corporate tax credit under that section. The corporation shall
3 establish procedures necessary for proper allocation and
4 distribution of state housing tax credits, including the
5 establishment of criteria for any single-family or commercial
6 component of a project, and may exercise all powers necessary
7 to administer the allocation of such credits, including the
8 authority to audit recipients for compliance with the
9 requirements of s. 220.185 and this section, and the power to
10 recapture allocated state housing tax credits, if the
11 requirements of s. 220.185 and this section are not complied
12 with by the recipients of such state housing tax credits. The
13 board of directors of the corporation shall administer the
14 allocation procedures and determine allocations on behalf of
15 the corporation. The corporation shall prepare an annual plan,
16 which must be approved by the Governor, containing general
17 guidelines for the allocation and distribution of credits to
18 designated projects.

19 (3) The corporation shall adopt allocation procedures
20 that will ensure the maximum use of available tax credits in
21 order to encourage development of low-income housing and
22 associated mixed-use projects in urban areas, taking into
23 consideration the timeliness of the application, the location
24 of the proposed project, the relative need in the area of
25 revitalization and low-income housing and the availability of
26 such housing, the economic feasibility of the project, and the
27 ability of the applicant to proceed to a timely completion of
28 the project.

29 (4)(a) A taxpayer who wishes to participate in the
30 State Housing Tax Credit Program must submit an application
31 for tax credit to the corporation. The application shall

1 identify the project and its location and include evidence
2 that the project is a qualified project as defined by s.
3 220.185. The corporation may request any information from an
4 applicant necessary to enable the corporation to make tax
5 credit allocations according to the guidelines set forth in
6 subsection (3).

7 (b) The corporation's approval of an applicant as a
8 designated project shall be in writing and shall include a
9 statement of the maximum credit allowable to the applicant. A
10 copy of this approval shall be transmitted to the executive
11 director of the Department of Revenue, who shall apply the tax
12 credit to the tax liability of the applicant until such tax
13 credit is fully utilized.

14 (5) For purposes of implementing this program and
15 assessing the property for ad valorem taxation under s.
16 193.011, neither the tax credits nor financing generated by
17 tax credits shall be considered as income to the property, and
18 only the actual rental income from rent-restricted units in a
19 state housing tax credit development shall be recognized by
20 the property appraiser in assessing the property.

21 (6) The corporation is authorized to expend fees
22 received in conjunction with the allocation of state housing
23 tax credits only for the purpose of administration of the
24 program, including private legal services which relate to
25 interpretation of s. 42 of the Internal Revenue Code.

26 Section 19. Subsection (19) of section 420.503,
27 Florida Statutes, 1998 Supplement, is amended to read:

28 420.503 Definitions.--As used in this part, the term:

29 (19) "Housing for the elderly" means, for purposes of
30 s. 420.5087(3)(c)2., any nonprofit housing community that is
31 financed by a mortgage loan made or insured by the United

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

22 Section 20. Subsection (1) of section 420.5087,
23 Florida Statutes, 1998 Supplement, is amended to read:

24 420.5087 State Apartment Incentive Loan
25 Program.--There is hereby created the State Apartment
26 Incentive Loan Program for the purpose of providing first,
27 second, or other subordinated mortgage loans or loan
28 guarantees to sponsors, including for-profit, nonprofit, and
29 public entities, to provide housing affordable to
30 very-low-income persons.
31

1 (1) Program funds shall be distributed over successive
2 3-year periods in a manner that meets the need and demand for
3 very-low-income housing throughout the state. That need and
4 demand must be determined by using the most recent statewide
5 low-income rental housing market studies available at the
6 beginning of each 3-year period. However, at least 10 percent
7 of the program funds distributed during a 3-year period must
8 be allocated to each of the following categories of counties,
9 as determined by using the population statistics published in
10 the most recent edition of the Florida Statistical Abstract:

11 (a) Counties that have a population of more than
12 500,000 people;

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

15 (c) Counties that have a population of 100,000 or
16 less.

17
18 Any increase in funding required to reach the 10-percent
19 minimum shall be taken from the county category that has the
20 largest allocation. The corporation shall adopt rules which
21 establish an equitable process for distributing any portion of
22 the 10 percent of program funds allocated to the county
23 categories specified in this subsection which remains
24 unallocated at the end of a 3-year period. Counties that have
25 a population of 100,000 or less shall be given preference
26 under these rules.

27 Section 21. Sections 420.630, 420.631, 420.632,
28 420.633, 420.634, and 420.635, Florida Statutes, are created
29 to read:

30 420.630 Short title.--Sections 420.630-420.635 may be
31 cited as the "Urban Homesteading Act."

- 1 420.631 Definitions.--As used in ss. 420.630-420.635:
2 (1) "Authority" or "housing authority" means any of
3 the public corporations created under s. 421.04.
4 (2) "Department" means the Department of Community
5 Affairs.
6 (3) "Homestead agreement" means a written contract
7 between a local government or its designee and a qualified
8 buyer which contains the terms under which the qualified buyer
9 may acquire a single-family housing property.
10 (4) "Local government" means any county or
11 incorporated municipality within this state.
12 (5) Designee" means a housing authority appointed by a
13 local government, or a nonprofit community organization
14 appointed by a local government, to administer the urban
15 homesteading program for single-family housing under ss.
16 420.630-420.635.
17 (6) "Nonprofit community organization" means an
18 organization that is exempt from taxation under s. 501(c)(3)
19 of the Internal Revenue Code.
20 (7) "Office" means the Office of Urban Opportunity
21 within the Office of Tourism, Trade, and Economic Development.
22 (8) "Qualified buyer" means a person who meets the
23 criteria under s. 420.633.
24 (9) "Qualified loan rate" means an interest rate that
25 does not exceed the interest rate charged for home improvement
26 loans by the Federal Housing Administration under Title I of
27 the National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C.
28 ss. 1702, 1703, 1705, and 1706b et seq.
29 420.632 Authority to operate.--By resolution, subject
30 to federal and state law, and in consultation with the Office
31 of Urban Opportunity, a local government or its designee may

1 operate a program that makes foreclosed single-family housing
2 properties available to qualified buyers to purchase. This
3 urban homesteading program is intended to be one component of
4 a comprehensive urban-core redevelopment initiative known as
5 Front Porch Florida, implemented by the Office of Urban
6 Opportunity.
7 420.633 Eligibility.--An applicant is eligible to
8 enter into a homestead agreement to acquire single-family
9 housing property as a qualified buyer under ss.
10 420.630-420.635 if:
11 (1) The applicant or his or her spouse is employed and
12 has been employed for the immediately preceding 12 months;
13 (2) The applicant or his or her spouse has not been
14 convicted of a drug-related felony within the immediately
15 preceding 3 years;
16 (3) All school-age children of the applicant or his or
17 her spouse who will reside in the single-family housing
18 property attend school regularly; and
19 (4) The applicant and his or her spouse have incomes
20 below the median for the state, as determined by the United
21 States Department of Housing and Urban Development, for
22 families with the same number of family members as the
23 applicant and his or her spouse.
24 420.634 Application process; deed to qualified
25 buyer.--
26 (1) A qualified buyer may apply to a local government
27 or its designee to acquire single-family housing property. The
28 application must be in a form and in a manner provided by the
29 local government or its designee. If the application is
30 approved, the qualified buyer and the local government or its
31 designee shall enter into a homestead agreement for the

1 single-family housing property. The local government or its
2 designee may add additional terms and conditions to the
3 homestead agreement.

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

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

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

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

13 (d) Has otherwise promptly met his or her financial
14 obligations with the local government or its designee.

15
16 However, if the local government or its designee has received
17 federal funds for which bonds or notes were issued and those
18 bonds or notes are outstanding for the housing project where
19 the single-family housing property is located, the local
20 government or its designee shall deed the property to the
21 qualified buyer only upon payment of the pro rata share of the
22 bonded debt on that specific property by the qualified buyer.

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

25 420.635 Loans to qualified buyers.--Contingent upon an
26 appropriation, the department, in consultation with the Office
27 of Urban Opportunity, shall provide loans to qualified buyers
28 who are required to pay the pro rata portion of the bonded
29 debt on single-family housing pursuant to s. 420.634. Loans
30 provided under this section shall be made at a rate of
31 interest which does not exceed the qualified loan rate. A

1 buyer must maintain the qualifications specified in s. 420.633
2 for the full term of the loan. The loan agreement may contain
3 additional terms and conditions as determined by the
4 department.

5 Section 22. Except as otherwise provided herein, this
6 act shall take effect July 1, 1999.

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