

1 A bill to be entitled
2 An act relating to community revitalization;
3 creating ss. 163.2511, 163.2514, 163.2517,
4 163.2520, 163.2523, and 163.2526, F.S., the
5 Growth Policy 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19 incentives may be rescinded if the plan is not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; amending s. 163.3164, F.S.; revising
3 the definition of "projects that promote public
4 transportation" under the Local Government
5 Comprehensive Planning and Land Development
6 Regulation Act; amending s. 163.3177, F.S.;
7 modifying the date by which local government
8 comprehensive plans must comply with school
9 siting requirements, and the consequences of
10 failure to comply; amending s. 163.3180, F.S.;
11 specifying that the concurrency requirement
12 applies to transportation facilities; providing
13 requirements with respect to measuring level of
14 service for specified transportation modes and
15 multimodal analysis; providing that the
16 concurrency requirement does not apply to
17 public transit facilities; authorizing
18 exemptions from the transportation facilities
19 concurrency requirement for developments
20 located in an urban infill and redevelopment
21 area; specifying the parties that may request
22 certain exemptions from the transportation
23 facilities concurrency requirement; revising
24 requirements for establishment of
25 level-of-service standards for certain
26 facilities on the Florida Intrastate Highway
27 System; providing that a multiuse development
28 of regional impact may satisfy certain
29 transportation concurrency requirements by
30 payment of a proportionate-share contribution
31 for traffic impacts under certain conditions;

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

1 when necessary to accomplish a community
2 development plan; amending s. 165.041, F.S.;
3 specifying the date for submission to the
4 Legislature of a feasibility study in
5 connection with a proposed municipal
6 incorporation and revising requirements for
7 such study; amending s. 171.0413, F.S.,
8 relating to municipal annexation procedures;
9 requiring public hearings; deleting a
10 requirement that a separate referendum be held
11 in the annexing municipality when the
12 annexation exceeds a certain size and providing
13 that the governing body may choose to hold such
14 a referendum; providing procedures by which a
15 county or combination of counties and the
16 municipalities therein may develop and adopt a
17 plan to improve the efficiency, accountability,
18 and coordination of the delivery of local
19 government services; providing for initiation
20 of the process by resolution; providing
21 requirements for the plan; requiring approval
22 by the local governments' governing bodies and
23 by referendum; authorizing municipal annexation
24 through such plan; amending s. 170.201, F.S.;
25 revising provisions which authorize a
26 municipality to exempt property owned or
27 occupied by certain religious or educational
28 institutions or housing facilities from special
29 assessments for emergency medical services;
30 extending application of such provisions to any
31 service; creating s. 196.1978, F.S.; providing

1 that property used to provide housing for
2 certain persons under ch. 420, F.S., and owned
3 by certain nonprofit corporations is exempt
4 from ad valorem taxation; creating ss. 220.185
5 and 420.5093, F.S.; creating the State Housing
6 Tax Credit Program; providing legislative
7 findings and policy; providing definitions;
8 providing for a credit against the corporate
9 income tax in an amount equal to a percentage
10 of the eligible basis of certain housing
11 projects; providing a limitation; providing for
12 allocation of credits and administration by the
13 Florida Housing Finance Corporation; providing
14 for an annual plan; providing application
15 procedures; providing that neither tax credits
16 nor financing generated thereby shall be
17 considered income for ad valorem tax purposes;
18 providing for recognition of certain income by
19 the property appraiser; amending s. 420.503,
20 F.S.; providing that certain projects shall
21 qualify as housing for the elderly for purposes
22 of certain loans under the State Apartment
23 Incentive Loan Program, and shall qualify as a
24 project targeted for the elderly in connection
25 with allocation of low-income housing tax
26 credits and with the HOME program under certain
27 conditions; amending s. 420.5087, F.S.;
28 directing the Florida Housing Finance
29 Corporation to adopt rules for the equitable
30 distribution of certain unallocated funds under
31 the State Apartment Incentive Loan Program;

1 authorizing the corporation to waive a mortgage
2 limitation under said program for projects in
3 certain areas; creating ss. 420.630, 420.631,
4 420.632, 420.633, 420.634, and 420.635, F.S.,
5 the Urban Homesteading Act; providing
6 definitions; authorizing a local government or
7 its designee to operate a program to make
8 foreclosed single-family housing available for
9 purchase by qualified buyers; providing
10 eligibility requirements; providing application
11 procedures; providing conditions under which
12 such property may be deeded to a qualified
13 buyer; requiring payment of a pro rata share of
14 certain bonded debt under certain conditions
15 and providing for loans to buyers who are
16 required to make such payment; amending s.
17 235.193, F.S.; providing that certain proposed
18 educational facilities or the expansion of
19 certain existing facilities shall not be deemed
20 inconsistent with local government
21 comprehensive plans under certain
22 circumstances; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Sections 163.2511, 163.2514, 163.2517,
27 163.2520, 163.2523, and 163.2526, Florida Statutes, are
28 created to read:

29 163.2511 Urban infill and redevelopment.--
30 (1) Sections 163.2511-163.2526 may be cited as the
31 "Growth Policy Act."

1 (2) It is declared that:

2 (a) Fiscally strong urban centers are beneficial to
3 regional and state economies and resources, are a method for
4 reduction of future urban sprawl, and should be promoted by
5 state, regional, and local governments.

6 (b) The health and vibrancy of the urban cores benefit
7 their respective regions and the state; conversely, the
8 deterioration of those urban cores negatively impacts the
9 surrounding area and the state.

10 (c) In recognition of the interwoven destiny between
11 the urban center, the suburbs, the region, and the state, the
12 respective governments need to establish a framework and work
13 in partnership with communities and the private sector to
14 revitalize urban centers.

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

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

27 (f) Infill development and redevelopment are
28 recognized to be important components and useful mechanisms
29 for promoting and sustaining urban cores. State and regional
30 entities and local governments should provide incentives to
31 promote urban infill and redevelopment. Existing programs and

1 incentives should be integrated to the extent possible to
2 promote urban infill and redevelopment and to achieve the
3 goals of the state urban policy.

4 163.2514 Definitions.--As used in ss.

5 163.2511-163.2526:

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

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

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

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

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

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

25 (e) The area includes or is adjacent to community
26 redevelopment areas, brownfields, enterprise zones, or Main
27 Street programs, or has been designated by the state or
28 Federal Government as an urban redevelopment, revitalization,
29 or infill area under empowerment zone, enterprise community,
30 or brownfield showcase community programs or similar programs.

31

1 163.2517 Designation of urban infill and redevelopment
2 area.--

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

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

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

29 2. The neighborhood participation process must include
30 a governance structure whereby the local government shares
31 decisionmaking authority for developing and implementing the

1 urban infill and redevelopment plan with communitywide
2 representatives. For example, the local government and
3 community representatives could organize a corporation under
4 s. 501(c)(3) of the Internal Revenue Code to implement
5 specific redevelopment projects.

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

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

31

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

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

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

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

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

31 (g) Identify strategies for reducing crime.

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

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

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

19 1. Waiver of license and permit fees.
20 2. Waiver of local option sales taxes.
21 3. Waiver of delinquent taxes or fees to promote the
22 return of property to productive use.

23 4. Expedited permitting.
24 5. Lower transportation impact fees for development
25 which encourages more use of public transit, pedestrian, and
26 bicycle modes of transportation.

27 6. Prioritization of infrastructure spending within
28 the urban infill and redevelopment area.

29 7. Local government absorption of developers'
30 concurrency costs.

31

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

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

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

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

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

29 (5) After the preparation of an urban infill and
30 redevelopment plan or designation of an existing plan, the
31 local government shall adopt the plan by ordinance. Notice for

1 the public hearing on the ordinance must be in the form
2 established in s. 166.041(3)(c)2. for municipalities, and s.
3 125.66(4)(b)2. for counties.

4 (6)(a) In order to continue to be eligible for the
5 economic and regulatory incentives granted with respect to an
6 urban infill and redevelopment area, the local government must
7 demonstrate during the evaluation, assessment, and review of
8 its comprehensive plan required pursuant to s. 163.3191, that
9 within designated urban infill and redevelopment areas, the
10 amount of combined annual residential, commercial, and
11 institutional development has increased by at least 10
12 percent.

13 (b) If the local government fails to implement the
14 urban infill and redevelopment plan in accordance with the
15 deadlines set forth in the plan, the Department of Community
16 Affairs may seek to rescind the economic and regulatory
17 incentives granted to the urban infill and redevelopment area,
18 subject to the provisions of chapter 120. The action to
19 rescind may be initiated 90 days after issuing a written
20 letter of warning to the local government.

21 163.2520 Economic incentives; report.--

22 (1) A local government with an adopted urban infill
23 and redevelopment plan or plan employed in lieu thereof may
24 issue revenue bonds under s. 163.385 and employ tax increment
25 financing under s. 163.387 for the purpose of financing the
26 implementation of the plan, except that in a charter county
27 such incentives shall be employed consistent with the
28 provisions of s. 163.410.

29 (2) A local government with an adopted urban infill
30 and redevelopment plan or plan employed in lieu thereof may
31 exercise the powers granted under s. 163.514 for community

1 redevelopment neighborhood improvement districts, including
2 the authority to levy special assessments.

3 (3) State agencies that provide infrastructure
4 funding, cost reimbursement, grants, or loans to local
5 governments, including, but not limited to, the Department of
6 Environmental Protection (Clean Water State Revolving Fund,
7 Drinking Water Revolving Loan Trust Fund, and the state
8 pollution control bond program); the Department of Community
9 Affairs (economic development and housing programs, Florida
10 Communities Trust); the Florida Housing Finance Corporation;
11 and the Department of Transportation (Intermodal Surface
12 Transportation Efficiency Act funds), are directed to report
13 to the President of the Senate and the Speaker of the House of
14 Representatives by January 1, 2000, regarding statutory and
15 rule changes necessary to give urban infill and redevelopment
16 areas identified by local governments under this act an
17 elevated priority in infrastructure funding, loan, and grant
18 programs.

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

23 163.2523 Grant program.--An Urban Infill and
24 Redevelopment Assistance Grant Program is created for local
25 governments. A local government may allocate grant money to
26 special districts, including community redevelopment agencies,
27 and nonprofit community development organizations to implement
28 projects consistent with an adopted urban infill and
29 redevelopment plan or plan employed in lieu thereof. Thirty
30 percent of the general revenue appropriated for this program
31 shall be available for planning grants to be used by local

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

23 163.2526 Review and evaluation.--Before the 2004
24 Regular Session of the Legislature, the Office of Program
25 Policy Analysis and Government Accountability shall perform a
26 review and evaluation of ss. 163.2511-163.2526, including the
27 financial incentives listed in s. 163.2520. The report must
28 evaluate the effectiveness of the designation of urban infill
29 and redevelopment areas in stimulating urban infill and
30 redevelopment and strengthening the urban core. A report of
31 the findings and recommendations of the Office of Program

1 Policy Analysis and Government Accountability shall be
2 submitted to the President of the Senate and the Speaker of
3 the House of Representatives before the 2004 Regular Session
4 of the Legislature.

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

7 163.3164 Definitions.--As used in this act:

8 (28) "Projects that promote public transportation"
9 means projects that directly affect the provisions of public
10 transit, including transit terminals, transit lines and
11 routes, separate lanes for the exclusive use of public transit
12 services, transit stops (shelters and stations), ~~and~~ office
13 buildings or projects that include fixed-rail or transit
14 terminals as part of the building, and projects which are
15 transit-oriented and designed to complement reasonably
16 proximate planned or existing public facilities.

17 Section 3. Paragraph (a) of subsection (6) of section
18 163.3177, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 163.3177 Required and optional elements of
21 comprehensive plan; studies and surveys.--

22 (6) In addition to the requirements of subsections
23 (1)-(5), the comprehensive plan shall include the following
24 elements:

25 (a) A future land use plan element designating
26 proposed future general distribution, location, and extent of
27 the uses of land for residential uses, commercial uses,
28 industry, agriculture, recreation, conservation, education,
29 public buildings and grounds, other public facilities, and
30 other categories of the public and private uses of land. The
31 future land use plan shall include standards to be followed in

1 the control and distribution of population densities and
2 building and structure intensities. The proposed
3 distribution, location, and extent of the various categories
4 of land use shall be shown on a land use map or map series
5 which shall be supplemented by goals, policies, and measurable
6 objectives. Each land use category shall be defined in terms
7 of the types of uses included and specific standards for the
8 density or intensity of use. The future land use plan shall
9 be based upon surveys, studies, and data regarding the area,
10 including the amount of land required to accommodate
11 anticipated growth; the projected population of the area; the
12 character of undeveloped land; the availability of public
13 services; and the need for redevelopment, including the
14 renewal of blighted areas and the elimination of nonconforming
15 uses which are inconsistent with the character of the
16 community. The future land use plan may designate areas for
17 future planned development use involving combinations of types
18 of uses for which special regulations may be necessary to
19 ensure development in accord with the principles and standards
20 of the comprehensive plan and this act. The future land use
21 plan of a county may also designate areas for possible future
22 municipal incorporation. The land use maps or map series
23 shall generally identify and depict historic district
24 boundaries and shall designate historically significant
25 properties meriting protection. The future land use element
26 must clearly identify the land use categories in which public
27 schools are an allowable use. When delineating the land use
28 categories in which public schools are an allowable use, a
29 local government shall include in the categories sufficient
30 land proximate to residential development to meet the
31 projected needs for schools in coordination with public school

1 boards and may establish differing criteria for schools of
2 different type or size. Each local government shall include
3 lands contiguous to existing school sites, to the maximum
4 extent possible, within the land use categories in which
5 public schools are an allowable use. All comprehensive plans
6 must comply with the school siting requirements of this
7 paragraph no later than October 1, 1999, ~~or the deadline for~~
8 ~~the local government evaluation and appraisal report,~~
9 ~~whichever occurs first.~~ The failure by a local government to
10 comply with these school siting requirements by October 1,
11 1999, ~~this requirement~~ will result in the prohibition of the
12 local government's ability to amend the local comprehensive
13 plan, except for plan amendments described in s.
14 163.3187(1)(b), until the school siting requirements are met
15 ~~as provided by s. 163.3187(6).~~ An amendment proposed by a
16 local government for purposes of identifying the land use
17 categories in which public schools are an allowable use is
18 exempt from the limitation on the frequency of plan amendments
19 contained in s. 163.3187. The future land use element shall
20 include criteria which encourage the location of schools
21 proximate to urban residential areas to the extent possible
22 and shall require that the local government seek to collocate
23 public facilities, such as parks, libraries, and community
24 centers, with schools to the extent possible.

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

30 163.3180 Concurrency.--

31

1 (1)(a) ~~Roads~~, Sanitary sewer, solid waste, drainage,
2 potable water, parks and recreation, and transportation
3 facilities, including mass transit, where applicable, are the
4 only public facilities and services subject to the concurrency
5 requirement on a statewide basis. Additional public facilities
6 and services may not be made subject to concurrency on a
7 statewide basis without appropriate study and approval by the
8 Legislature; however, any local government may extend the
9 concurrency requirement so that it applies to additional
10 public facilities within its jurisdiction.

11 (b) Local governments shall use professionally
12 accepted techniques for measuring level of service for
13 automobiles, bicycles, pedestrians, transit, and trucks.
14 These techniques may be used to evaluate increased
15 accessibility by multiple modes and reductions in vehicle
16 miles of travel in an area or zone. The Department of
17 Transportation shall develop methodologies to assist local
18 governments in implementing this multimodal level-of-service
19 analysis. The Department of Community Affairs and the
20 Department of Transportation shall provide technical
21 assistance to local governments in applying these
22 methodologies.

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

27 (b) The concurrency requirement as implemented in
28 local comprehensive plans does not apply to public transit
29 facilities. For the purposes of this paragraph, public
30 transit facilities include transit stations and terminals,
31 transit station parking, park-and-ride lots, intermodal public

1 transit connection or transfer facilities, and fixed bus,
 2 guideway, and rail stations. As used in this paragraph, the
 3 terms "terminals" and "transit facilities" do not include
 4 airports or seaports or commercial or residential development
 5 constructed in conjunction with a public transit facility.

6 (5)(a) The Legislature finds that under limited
 7 circumstances dealing with transportation facilities,
 8 countervailing planning and public policy goals may come into
 9 conflict with the requirement that adequate public facilities
 10 and services be available concurrent with the impacts of such
 11 development. The Legislature further finds that often the
 12 unintended result of the concurrency requirement for
 13 transportation facilities is the discouragement of urban
 14 infill development and redevelopment. Such unintended results
 15 directly conflict with the goals and policies of the state
 16 comprehensive plan and the intent of this part. Therefore,
 17 exceptions from the concurrency requirement for transportation
 18 facilities may be granted as provided by this subsection.

19 (b) A local government may grant an exception from the
 20 concurrency requirement for transportation facilities if the
 21 proposed development is otherwise consistent with the adopted
 22 local government comprehensive plan and is a project that
 23 promotes public transportation or is located within an area
 24 designated in the comprehensive plan for:

- 25 1. Urban infill development,
- 26 2. Urban redevelopment, ~~or~~
- 27 3. Downtown revitalization, ~~or~~
- 28 4. Urban infill and redevelopment under s. 163.2517.

29
 30 Exceptions under this paragraph may be requested by an
 31 affected property owner, an affected local government, or, in

1 those counties which have countywide concurrency requirements
2 for transportation facilities, by the county.

3 (c) The Legislature also finds that developments
4 located within urban infill, urban redevelopment, existing
5 urban service, or downtown revitalization areas or areas
6 designated as urban infill and redevelopment areas under s.
7 163.2517 which pose only special part-time demands on the
8 transportation system should be excepted from the concurrency
9 requirement for transportation facilities. A special
10 part-time demand is one that does not have more than 200
11 scheduled events during any calendar year and does not affect
12 the 100 highest traffic volume hours.

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

23 (10) With regard to facilities on the Florida
24 Intrastate Highway System as defined in s. 338.001, with
25 concurrence from the Department of Transportation, the
26 level-of-service standard for general-lanes in urbanized
27 areas, as defined in s. 334.03(36), may be established by the
28 local government in the comprehensive plan. For all other
29 facilities on the Florida Intrastate Highway System, local
30 governments shall adopt the level-of-service standard
31 established by the Department of Transportation by rule. For

1 all other roads on the State Highway System, local governments
2 shall establish an adequate level-of-service standard that
3 need not be consistent with any level-of-service standard
4 established by the Department of Transportation.

5 (12) When authorized by a local comprehensive plan, a
6 multiuse development of regional impact may satisfy the
7 transportation concurrency requirements of the local
8 comprehensive plan, the local government's concurrency
9 management system, and s. 380.06 by payment of a
10 proportionate-share contribution for local and regionally
11 significant traffic impacts, if:

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

18 (b) The development of regional impact contains an
19 integrated mix of land uses and is designed to encourage
20 pedestrian or other nonautomotive modes of transportation;

21 (c) The proportionate-share contribution for local and
22 regionally significant traffic impacts is sufficient to pay
23 for one or more required improvements that will benefit a
24 regionally significant transportation facility;

25 (d) The owner and developer of the development of
26 regional impact pays or assures payment of the
27 proportionate-share contribution; and

28 (e) If the regionally significant transportation
29 facility to be constructed or improved is under the
30 maintenance authority of a governmental entity, as defined by
31 s. 334.03(12), other than the local government with

1 jurisdiction over the development of regional impact, the
2 developer is required to enter into a binding and legally
3 enforceable commitment to transfer funds to the governmental
4 entity having maintenance authority or to otherwise assure
5 construction or improvement of the facility.

6
7 The proportionate-share contribution may be applied to any
8 transportation facility to satisfy the provisions of this
9 subsection and the local comprehensive plan, but, for the
10 purposes of this subsection, the amount of the
11 proportionate-share contribution shall be calculated based
12 upon the cumulative number of trips from the proposed
13 development expected to reach roadways during the peak hour
14 from the complete buildout of a stage or phase being approved,
15 divided by the change in the peak hour maximum service volume
16 of roadways resulting from construction of an improvement
17 necessary to maintain the adopted level of service, multiplied
18 by the construction cost, at the time of developer payment, of
19 the improvement necessary to maintain the adopted level of
20 service. For purposes of this subsection, "construction cost"
21 includes all associated costs of the improvement.

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

1 (b) Community design elements of such a district
2 include: a complementary mix and range of land uses,
3 including educational, recreational, and cultural uses;
4 interconnected networks of streets designed to encourage
5 walking and bicycling, with traffic-calming where desirable;
6 appropriate densities and intensities of use within walking
7 distance of transit stops; daily activities within walking
8 distance of residences, allowing independence to persons who
9 do not drive; public uses, streets, and squares that are safe,
10 comfortable, and attractive for the pedestrian, with adjoining
11 buildings open to the street and with parking not interfering
12 with pedestrian, transit, automobile, and truck travel modes.

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

1 improvements. A determination of financial feasibility shall
2 be based upon currently available funding or funding sources
3 that could reasonably be expected to become available over the
4 planning period.

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

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

12 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

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

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

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

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

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

30

31

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

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

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

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

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

16 e. The property that is the subject of the proposed
17 amendment is not located within an area of critical state
18 concern.

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

30 2.a. A local government that proposes to consider a
31 plan amendment pursuant to this paragraph is not required to

1 comply with the procedures and public notice requirements of
2 s. 163.3184(15)(c) for such plan amendments if the local
3 government complies with the provisions in s. 125.66(4)(a) for
4 a county or in s. 166.041(3)(c) for a municipality. If a
5 request for a plan amendment under this paragraph is initiated
6 by other than the local government, public notice is required.

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

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

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

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

28 (f) Any comprehensive plan amendment that changes the
29 schedule in the capital improvements element, and any
30 amendments directly related to the schedule, may be made once
31 in a calendar year on a date different from the two times

1 provided in this subsection when necessary to coincide with
2 the adoption of the local government's budget and capital
3 improvements program.

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

9 (h) A comprehensive plan amendment for the purpose of
10 designating an urban infill and redevelopment area under s.
11 163.2517 may be approved without regard to the statutory
12 limits on the frequency of amendments to the comprehensive
13 plan.

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

16 187.201 State Comprehensive Plan adopted.--The
17 Legislature hereby adopts as the State Comprehensive Plan the
18 following specific goals and policies:

19 (17) URBAN AND DOWNTOWN REVITALIZATION.--

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

28 (b) Policies.--

29 1. Provide incentives to encourage private sector
30 investment in the preservation and enhancement of downtown
31 areas.

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

4 3. Promote state programs and investments which
5 encourage redevelopment of downtown areas.

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

10 5. Ensure that local governments have adequate
11 flexibility to determine and address their urban priorities
12 within the state urban policy.

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

16 7. Develop concurrency requirements that do not
17 compromise public health and safety for urban areas that
18 promote redevelopment efforts.

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

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

28 10. Locate appropriate public facilities within urban
29 centers to demonstrate public commitment to the centers and to
30 encourage private sector development.

31

1 11. Integrate state programs that have been developed
2 to promote economic development and neighborhood
3 revitalization through incentives to promote the development
4 of designated urban infill areas.

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

7 Section 7. Paragraph (b) of subsection (19) of section
8 380.06, Florida Statutes, 1998 Supplement, is amended to read:

9 380.06 Developments of regional impact.--

10 (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 163.3220 Short title; legislative intent.--

11 (2) The Legislature finds and declares that:

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

21 Section 9. Subsections (1) through (13) of section
22 163.3221, Florida Statutes, are renumbered as subsections (2)
23 through (14), respectively, and a new subsection (1) is added
24 to said section to read:

25 163.3221 Definitions.--As used in ss.

26 163.3220-163.3243:

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

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

1 163.375 Eminent domain.--

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

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

29 165.041 Incorporation; merger.--

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

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

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

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

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

16 3. The following characteristics of the area:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) Designate those services that should be delivered
28 regionally or countywide. No provision of the plan shall
29 operate to restrict the power of a municipality to finance and
30 deliver services in addition to, or at a higher level than,
31

1 the services designated for regional or countywide delivery
2 under this paragraph.

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

6 (f) Include a multiyear capital outlay plan for
7 infrastructure.

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

14 (h) Provide specific procedures for modification or
15 termination of the plan.

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

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

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

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

27 (5)(a) A plan developed pursuant to this section must
28 be approved by a majority vote of the governing body of each
29 county involved in the plan, and by a majority vote of the
30 governing bodies of a majority of municipalities in each
31 county, and by a majority vote of the governing bodies of the

1 municipality or municipalities that represent a majority of
2 the municipal population of each county.

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

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

16 (7) If a plan developed pursuant to this section
17 includes areas proposed for municipal annexation which meet
18 the standards for annexation provided in chapter 171, Florida
19 Statutes, such annexation shall take effect upon approval of
20 the plan as provided in this section, notwithstanding the
21 procedures for approval of municipal annexation specified in
22 chapter 171, Florida Statutes.

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

25 170.201 Special assessments.--

26 (2) Property owned or occupied by a religious
27 institution and used as a place of worship or education; by a
28 public or private elementary, middle, or high school; or by a
29 governmentally financed, insured, or subsidized housing
30 facility that is used primarily for persons who are elderly or
31 disabled shall be exempt from any special assessment levied by

1 a municipality to fund any service ~~emergency medical services~~
2 if the municipality so desires. As used in this subsection,
3 the term "religious institution" means any church, synagogue,
4 or other established physical place for worship at which
5 nonprofit religious services and activities are regularly
6 conducted and carried on and the term "governmentally
7 financed, insured, or subsidized housing facility" means a
8 facility that is financed by a mortgage loan made or insured
9 by the United States Department of Housing and Urban
10 Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232,
11 or s. 236 of the National Housing Act and is owned or operated
12 by an entity that qualifies as an exempt charitable
13 organization under s. 501(c)(3) of the Internal Revenue Code.

14 Section 15. Section 196.1978, Florida Statutes, is
15 created to read:

16 196.1978 Low-income housing property
17 exemption.--Property used to provide housing pursuant to any
18 state housing program authorized under chapter 420 to
19 low-income or very-low-income persons as defined by s.
20 420.0004, which property is owned entirely by a nonprofit
21 corporation which is qualified as charitable under s.
22 501(c)(3) of the Internal Revenue Code and which complies with
23 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered
24 property owned by an exempt entity and used for a charitable
25 purpose, and such property shall be exempt from ad valorem
26 taxation. All property identified in this section shall comply
27 with the criteria for determination of exempt status to be
28 applied by property appraisers on an annual basis as defined
29 in s. 196.195.

30 Section 16. Section 220.185, Florida Statutes, is
31 created to read:

1 220.185 State housing tax credit.--

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

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

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

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

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

30 (e) In order to significantly improve revitalization
31 efforts by local governments and community development

1 organizations and to retain as much of the historic character
2 of our communities as possible, it is necessary to provide
3 additional resources, and the participation of private
4 enterprise in revitalization efforts is an effective means for
5 accomplishing that goal.

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

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

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

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

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

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

30 (e) "Qualified project" means a project located in an
31 urban infill area, at least 50 percent of which, on a cost

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

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

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

15 (a) There shall be allowed a credit of 9 percent of
16 the eligible basis of any designated project for each year of
17 the credit period against any tax due for a taxable year under
18 this chapter.

19 (b) The total amount of tax credits allocated for all
20 projects shall not exceed the amount appropriated for the
21 State Housing Tax Credit Program in the General Appropriations
22 Act. The total tax credits allocated is defined as the total
23 credits pledged over a 5-year period for all projects.

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

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

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

5 Section 17. Section 420.5093, Florida Statutes, is
6 created to read:

7 420.5093 State Housing Tax Credit Program.--

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

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

29 (3) The corporation shall adopt allocation procedures
30 that will ensure the maximum use of available tax credits in
31 order to encourage development of low-income housing and

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

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

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

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

30 (6) The corporation is authorized to expend fees
31 received in conjunction with the allocation of state housing

1 tax credits only for the purpose of administration of the
 2 program, including private legal services which relate to
 3 interpretation of s. 42 of the Internal Revenue Code.

4 Section 18. Subsection (19) of section 420.503,
 5 Florida Statutes, 1998 Supplement, is amended to read:

6 420.503 Definitions.--As used in this part, the term:

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

31

1 Section 19. Subsections (1) and (5) of section
2 420.5087, Florida Statutes, 1998 Supplement, are amended to
3 read:

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

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

21 (a) Counties that have a population of more than
22 500,000 people;

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

25 (c) Counties that have a population of 100,000 or
26 less.

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

1 the 10 percent of program funds allocated to the county
2 categories specified in this subsection which remains
3 unallocated at the end of a 3-year period. Counties that have
4 a population of 100,000 or less shall be given preference
5 under these rules.

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

16 Section 20. Sections 420.630, 420.631, 420.632,
17 420.633, 420.634, and 420.635, Florida Statutes, are created
18 to read:

19 420.630 Short title.--Sections 420.630-420.635 may be
20 cited as the "Urban Homesteading Act."

21 420.631 Definitions.--As used in ss. 420.630-420.635:

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

24 (2) "Department" means the Department of Community
25 Affairs.

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

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

1 (5) "Designee" means a housing authority appointed by
2 a local government, or a nonprofit community organization
3 appointed by a local government, to administer the urban
4 homesteading program for single-family housing under ss.
5 420.630-420.635.

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

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

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

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

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

27 420.633 Eligibility.--An applicant is eligible to
28 enter into a homestead agreement to acquire single-family
29 housing property as a qualified buyer under ss.
30 420.630-420.635 if:
31

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

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

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

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

14 420.634 Application process; deed to qualified
15 buyer.--

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

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

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

1 (b) Resides in that property for at least 5 years;
2 (c) Meets the criteria in the homestead agreement; and
3 (d) Has otherwise promptly met his or her financial
4 obligations with the local government or its designee.

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

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

26 Section 21. Subsection(s) (3) and (8) of Section
27 235.193, Florida Statutes, 1998 Supplement, are amended as
28 follows:

29 235.193 Coordination of planning with local governing
30 bodies.--

1 (3) The location of public educational facilities
2 shall be consistent with the comprehensive plan of the
3 appropriate local governing body developed under part II of
4 chapter 163 and the plan's implementing land development
5 regulations, to the extent that the regulations are not in
6 conflict with or the subject regulated is not specifically
7 addressed by this chapter or the State Uniform Building Code,
8 unless mutually agreed by the local government and the board.
9 If a local government comprehensive plan restricts the
10 construction of new public educational facilities to locations
11 within the existing primary urban service district, a proposed
12 new public educational facility located outside the primary
13 urban services district is not inconsistent with the
14 comprehensive plan of the appropriate local governing body if
15 that facility is designed to serve students residing in, or
16 projected to be residing in, residential development located
17 outside the primary urban services district which has been
18 previously approved or allowed by the local government.

19 (8) Existing schools shall be considered consistent
20 with the applicable local government comprehensive plan
21 adopted under part II of chapter 163. The collocation of a new
22 proposed public educational facility with an existing public
23 educational facility, or the expansion of an existing public
24 educational facility is not inconsistent with the local
25 comprehensive plan, if the site is consistent with the
26 comprehensive plan's future land use policies and categories
27 in which public schools are identified as allowable uses, and
28 levels of service adopted by the local government for any
29 facilities affected by the proposed location for the new
30 facility are maintained.If a board submits an application to
31 expand an existing school site, the local governing body may

1 impose reasonable development standard and conditions on the
2 expansion only, and in a manner consistent with s.235.34(1).
3 Standards and conditions may not be imposed which conflict
4 with those established in this chapter or the State Uniform
5 Building Code, unless mutually agreed. Local government review
6 or approval is not required for:

7 (a) The placement of temporary or portable classroom
8 facilities; or

9 (b) Proposed renovation or construction on existing
10 school sites, with the exception of construction that changes
11 the primary use of a facility, includes stadiums, or results
12 in a greater than 5 percent increase in student capacity , or
13 as mutually agreed.

14 Section 22. This act shall take effect July 1, 1999.
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