

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19 incentives may be rescinded if the plan is not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 the collocation
18 of a new educational facility with an existing
19 educational facility or the expansion of an
20 existing educational facility shall not be
21 deemed inconsistent with local government
22 comprehensive plans under certain
23 circumstances; providing an effective date.
24

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

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

30 163.2511 Urban infill and redevelopment.--
31

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

3 (2) It is declared that:

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

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

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

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

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

29 (f) Infill development and redevelopment are
30 recognized to be important components and useful mechanisms
31 for promoting and sustaining urban cores. State and regional

1 entities and local governments should provide incentives to
2 promote urban infill and redevelopment. Existing programs and
3 incentives should be integrated to the extent possible to
4 promote urban infill and redevelopment and to achieve the
5 goals of the state urban policy.

6 163.2514 Definitions.--As used in ss.

7 163.2511-163.2526:

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

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

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

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

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

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

27 (e) The area includes or is adjacent to community
28 redevelopment areas, brownfields, enterprise zones, or Main
29 Street programs, or has been designated by the state or
30 Federal Government as an urban redevelopment, revitalization,
31

1 or infill area under empowerment zone, enterprise community,
2 or brownfield showcase community programs or similar programs.

3 163.2517 Designation of urban infill and redevelopment
4 area.--

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

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

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

31

1 2. The neighborhood participation process must include
2 a governance structure whereby the local government shares
3 decisionmaking authority for developing and implementing the
4 urban infill and redevelopment plan with communitywide
5 representatives. For example, the local government and
6 community representatives could organize a corporation under
7 s. 501(c)(3) of the Internal Revenue Code to implement
8 specific redevelopment projects.

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

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

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

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

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

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

27 (f) Identify how the local government and
28 community-based organizations intend to implement affordable
29 housing programs, including, but not limited to, economic and
30 community development programs administered by federal and
31

1 state agencies, within the urban infill and redevelopment
2 area.

3 (g) Identify strategies for reducing crime.

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

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

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

22 1. Waiver of license and permit fees.

23 2. Waiver of local option sales taxes.

24 3. Waiver of delinquent taxes or fees to promote the
25 return of property to productive use.

26 4. Expedited permitting.

27 5. Lower transportation impact fees for development
28 which encourages more use of public transit, pedestrian, and
29 bicycle modes of transportation.

30 6. Prioritization of infrastructure spending within
31 the urban infill and redevelopment area.

1 7. Local government absorption of developers'
2 concurrency costs.

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

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

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

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

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

31

1 (5) After the preparation of an urban infill and
2 redevelopment plan or designation of an existing plan, the
3 local government shall adopt the plan by ordinance. Notice for
4 the public hearing on the ordinance must be in the form
5 established in s. 166.041(3)(c)2. for municipalities, and s.
6 125.66(4)(b)2. for counties.

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

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

24 163.2520 Economic incentives; report.--

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

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

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

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

26 163.2523 Grant program.--An Urban Infill and
27 Redevelopment Assistance Grant Program is created for local
28 governments. A local government may allocate grant money to
29 special districts, including community redevelopment agencies,
30 and nonprofit community development organizations to implement
31 projects consistent with an adopted urban infill and

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

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

1 and redevelopment areas in stimulating urban infill and
2 redevelopment and strengthening the urban core. A report of
3 the findings and recommendations of the Office of Program
4 Policy Analysis and Government Accountability shall be
5 submitted to the President of the Senate and the Speaker of
6 the House of Representatives before the 2004 Regular Session
7 of the Legislature.

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

10 163.3164 Definitions.--As used in this act:

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

20 Section 3. Paragraph (a) of subsection (6) of section
21 163.3177, Florida Statutes, 1998 Supplement, is amended to
22 read:

23 163.3177 Required and optional elements of
24 comprehensive plan; studies and surveys.--

25 (6) In addition to the requirements of subsections
26 (1)-(5), the comprehensive plan shall include the following
27 elements:

28 (a) A future land use plan element designating
29 proposed future general distribution, location, and extent of
30 the uses of land for residential uses, commercial uses,
31 industry, agriculture, recreation, conservation, education,

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

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

28 Section 4. Subsections (1), (4), (5), and (10) of
29 section 163.3180, Florida Statutes, 1998 Supplement, are
30 amended, subsections (12) and (13) are renumbered as
31

1 subsections (13) and (14), respectively, and new subsections
2 (12) and (15) are added to said section, to read:

3 163.3180 Concurrency.--

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

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

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

30 (b) The concurrency requirement as implemented in
31 local comprehensive plans does not apply to public transit

1 facilities. For the purposes of this paragraph, public
 2 transit facilities include transit stations and terminals,
 3 transit station parking, park-and-ride lots, intermodal public
 4 transit connection or transfer facilities, and fixed bus,
 5 guideway, and rail stations. As used in this paragraph, the
 6 terms "terminals" and "transit facilities" do not include
 7 airports or seaports or commercial or residential development
 8 constructed in conjunction with a public transit facility.

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

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

- 28 1. Urban infill development,
- 29 2. Urban redevelopment, ~~or~~
- 30 3. Downtown revitalization, ~~or~~
- 31 4. Urban infill and redevelopment under s. 163.2517.

1
2 Exceptions under this paragraph may be requested by an
3 affected property owner, an affected local government, or, in
4 those counties which have countywide concurrency requirements
5 for transportation facilities, by the county.

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

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

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

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

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

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

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

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

28 (d) The owner and developer of the development of
29 regional impact pays or assures payment of the
30 proportionate-share contribution; and

31

1 (e) If the regionally significant transportation
2 facility to be constructed or improved is under the
3 maintenance authority of a governmental entity, as defined by
4 s. 334.03(12), other than the local government with
5 jurisdiction over the development of regional impact, the
6 developer is required to enter into a binding and legally
7 enforceable commitment to transfer funds to the governmental
8 entity having maintenance authority or to otherwise assure
9 construction or improvement of the facility.

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

26 (15)(a) Multimodal transportation districts may be
27 established under a local government comprehensive plan in
28 areas delineated on the future land use map for which the
29 local comprehensive plan assigns secondary priority to vehicle
30 mobility and primary priority to assuring a safe, comfortable,
31 and attractive pedestrian environment, with convenient

1 interconnection to transit. Such districts must incorporate
2 community design features that will reduce the number of
3 automobile trips or vehicle miles of travel and will support
4 an integrated, multimodal transportation system.

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

17 (c) Local governments may establish multimodal
18 level-of-service standards that rely primarily on nonvehicular
19 modes of transportation within the district, when justified by
20 an analysis demonstrating that the existing and planned
21 community design will provide an adequate level of mobility
22 within the district based upon professionally accepted
23 multimodal level-of-service methodologies. The analysis must
24 take into consideration the impact on the Florida Intrastate
25 Highway System. The analysis must also demonstrate that the
26 capital improvements required to promote community design are
27 financially feasible over the development or redevelopment
28 timeframe for the district and that community design features
29 within the district provide convenient interconnection for a
30 multimodal transportation system. Local governments may issue
31 development permits in reliance upon all planned community

1 design capital improvements that are financially feasible over
2 the development or redevelopment timeframe for the district,
3 without regard to the period of time between development or
4 redevelopment and the scheduled construction of the capital
5 improvements. A determination of financial feasibility shall
6 be based upon currently available funding or funding sources
7 that could reasonably be expected to become available over the
8 planning period.

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

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

16 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

29 (b) Any local government comprehensive plan amendments
30 directly related to a proposed development of regional impact,
31 including changes which have been determined to be substantial

1 deviations and including Florida Quality Developments pursuant
2 to s. 380.061, may be initiated by a local planning agency and
3 considered by the local governing body at the same time as the
4 application for development approval using the procedures
5 provided for local plan amendment in this section and
6 applicable local ordinances, without regard to statutory or
7 local ordinance limits on the frequency of consideration of
8 amendments to the local comprehensive plan. Nothing in this
9 subsection shall be deemed to require favorable consideration
10 of a plan amendment solely because it is related to a
11 development of regional impact.

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

18 1. The proposed amendment involves a use of 10 acres
19 or fewer and:

20 a. The cumulative annual effect of the acreage for all
21 small scale development amendments adopted by the local
22 government shall not exceed:

23 (I) A maximum of 120 acres in a local government that
24 contains areas specifically designated in the local
25 comprehensive plan for urban infill, urban redevelopment, or
26 downtown revitalization as defined in s. 163.3164, urban
27 infill and redevelopment areas designated under s. 163.2517,
28 transportation concurrency exception areas approved pursuant
29 to s. 163.3180(5), or regional activity centers and urban
30 central business districts approved pursuant to s.
31 380.06(2)(e); however, amendments under this paragraph may be

1 applied to no more than 60 acres annually of property outside
2 the designated areas listed in this sub-sub-subparagraph.

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) Any comprehensive plan amendment that changes the
31 schedule in the capital improvements element, and any

1 amendments directly related to the schedule, may be made once
2 in a calendar year on a date different from the two times
3 provided in this subsection when necessary to coincide with
4 the adoption of the local government's budget and capital
5 improvements program.

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

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

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

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

21 (17) URBAN AND DOWNTOWN REVITALIZATION.--

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

30 (b) Policies.--

31

1 1. Provide incentives to encourage private sector
2 investment in the preservation and enhancement of downtown
3 areas.

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

7 3. Promote state programs and investments which
8 encourage redevelopment of downtown areas.

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

13 5. Ensure that local governments have adequate
14 flexibility to determine and address their urban priorities
15 within the state urban policy.

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

19 7. Develop concurrency requirements that do not
20 compromise public health and safety for urban areas that
21 promote redevelopment efforts.

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

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

31

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

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

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

10 Section 7. Paragraph (b) of subsection (19) of section
11 380.06, Florida Statutes, 1998 Supplement, is amended to read:

12 380.06 Developments of regional impact.--

13 (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

1 of an existing runway or a 20-percent increase in the number
2 of gates of an existing terminal is the applicable criteria.

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

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

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

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

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

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

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

28 10. An increase in commercial development by 6 acres
29 of land area or by 50,000 square feet of gross floor area, or
30 of parking spaces provided for customers for 300 cars or a
31 5-percent increase of any of these, whichever is greater.

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

3 12. An increase in a recreational vehicle park area by
4 5 percent or 100 vehicle spaces, whichever is less.

5 13. A decrease in the area set aside for open space of
6 5 percent or 20 acres, whichever is less.

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

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

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

28
29 The substantial deviation numerical standards in subparagraphs
30 4., 6., 10., 14., excluding residential uses, and 15., are
31 increased by 100 percent for a project certified under s.

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

10 Section 8. Paragraph (b) of subsection (2) of section
11 163.3220, Florida Statutes, is amended to read:

12 163.3220 Short title; legislative intent.--

13 (2) The Legislature finds and declares that:

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

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

27 163.3221 Definitions.--As used in ss.

28 163.3220-163.3243:

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

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

3 163.375 Eminent domain.--

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

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

31 165.041 Incorporation; merger.--

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

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

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

16 2. The major reasons for proposing the boundary
17 change.

18 3. The following characteristics of the area:

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

21 b. A list of the current county zoning designations
22 applied to the subject area.

23 c. A general statement of present land use
24 characteristics of the area.

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

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

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

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

10 7. The names and addresses of three officers or
11 persons submitting the proposal.

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

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

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

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

27 ~~10.2.~~ Evaluation of the alternatives available to the
28 area to address its policy concerns.

29 ~~11.3.~~ Evidence that the proposed municipality meets
30 the requirements for incorporation pursuant to s. 165.061.

31

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

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

10 171.0413 Annexation procedures.--Any municipality may
11 annex contiguous, compact, unincorporated territory in the
12 following manner:

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

31

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

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

27 (b) The governing body of the annexing municipality
28 shall publish notice of the referendum on annexation at least
29 once each week for 2 consecutive weeks immediately preceding
30 the date of the referendum in a newspaper of general
31 circulation in the area in which the referendum is to be held.

1 The notice shall give the ordinance number, the time and
2 places for the referendum, and a brief, general description of
3 the area proposed to be annexed. The description shall
4 include a map clearly showing the area and a statement that
5 the complete legal description by metes and bounds and the
6 ordinance can be obtained from the office of the city clerk.

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

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

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

31

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

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

26 (5) If more than 70 percent of the land in an area
27 proposed to be annexed is owned by individuals, corporations,
28 or legal entities which are not registered electors of such
29 area, such area shall not be annexed unless the owners of more
30 than 50 percent of the land in such area consent to such
31 annexation. Such consent shall be obtained by the parties

1 proposing the annexation prior to the referendum to be held on
2 the annexation.

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

18 Section 13. Efficiency and accountability in local
19 government services.--

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

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

25 (b) Increase local government efficiency and
26 accountability.

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

29 (2) Any county or combination of counties, and the
30 municipalities therein, may use the procedures provided by
31 this section to develop and adopt a plan to improve the

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

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

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

26 (b) Describe the existing organization of such
 27 services and the means of financing the services, and create a
 28 reorganization of such services and the financing thereof that
 29 will meet the goals of this section.

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

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

7 (e) Provide means to reduce the cost of providing
8 local services and enhance the accountability of service
9 providers.

10 (f) Include a multiyear capital outlay plan for
11 infrastructure.

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

18 (h) Provide specific procedures for modification or
19 termination of the plan.

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

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

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

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

31

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

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

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

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

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

30 170.201 Special assessments.--
31

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

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

22 196.1978 Low-income housing property
 23 exemption.--Property used to provide housing pursuant to any
 24 state housing program authorized under chapter 420 to
 25 low-income or very-low-income persons as defined by s.
 26 420.0004, which property is owned entirely by a nonprofit
 27 corporation which is qualified as charitable under s.
 28 501(c)(3) of the Internal Revenue Code and which complies with
 29 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered
 30 property owned by an exempt entity and used for a charitable
 31 purpose, and such property shall be exempt from ad valorem

1 taxation. All property identified in this section shall comply
2 with the criteria for determination of exempt status to be
3 applied by property appraisers on an annual basis as defined
4 in s. 196.195.

5 Section 16. Section 220.185, Florida Statutes, is
6 created to read:

7 220.185 State housing tax credit.--

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

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

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

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

31

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

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

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

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

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

25 (b) "Eligible basis" means the adjusted basis of the
26 housing portion of a qualified project as of the close of the
27 first taxable year of the credit period.

28 (c) "Adjusted basis" means the owner's adjusted basis
29 in the project, calculated in a manner consistent with the
30 calculation of basis under the Internal Revenue Code, taking
31 into account the adjusted basis of property of a character

1 subject to the allowance for depreciation used in common areas
2 or provided as comparable amenities to the entire project.

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

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

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

20 (4) AUTHORIZATION TO GRANT STATE HOUSING TAX CREDITS;
21 LIMITATION.--

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

26 (b) The total amount of tax credits allocated for all
27 projects shall not exceed the amount appropriated for the
28 State Housing Tax Credit Program in the General Appropriations
29 Act. The total tax credits allocated is defined as the total
30 credits pledged over a 5-year period for all projects.

31

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

4 (d) Each designated project must comply with the
5 applicable provisions of s. 42 of the Internal Revenue Code
6 with respect to the multifamily residential rental housing
7 element of the project, including specifically the provisions
8 of s. 42(h)(6).

9 (e) A tax credit shall be allocated to a designated
10 project and shall not be subject to transfer by the recipient
11 unless the transferee is also an owner of the designated
12 project.

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

15 420.5093 State Housing Tax Credit Program.--

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

22 (2) The Florida Housing Finance Corporation shall
23 determine those qualified projects which shall be considered
24 designated projects under s. 220.185 and eligible for the
25 corporate tax credit under that section. The corporation shall
26 establish procedures necessary for proper allocation and
27 distribution of state housing tax credits, including the
28 establishment of criteria for any single-family or commercial
29 component of a project, and may exercise all powers necessary
30 to administer the allocation of such credits. The board of
31 directors of the corporation shall administer the allocation

1 procedures and determine allocations on behalf of the
2 corporation. The corporation shall prepare an annual plan,
3 which must be approved by the Governor, containing general
4 guidelines for the allocation and distribution of credits to
5 designated projects.

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

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

25 (b) The corporation's approval of an applicant as a
26 designated project shall be in writing and shall include a
27 statement of the maximum credit allowable to the applicant. A
28 copy of this approval shall be transmitted to the executive
29 director of the Department of Revenue, who shall apply the tax
30 credit to the tax liability of the applicant.

31

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

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

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

15 420.503 Definitions.--As used in this part, the term:

16 (19) "Housing for the elderly" means, for purposes of
17 s. 420.5087(3)(c)2., any nonprofit housing community that is
18 financed by a mortgage loan made or insured by the United
19 States Department of Housing and Urban Development under s.
20 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
21 236 of the National Housing Act, as amended, and that is
22 subject to income limitations established by the United States
23 Department of Housing and Urban Development, or any program
24 funded by the Rural Development Agency of the United States
25 Department of Agriculture and subject to income limitations
26 established by the United States Department of Agriculture. A
27 project which qualifies for an exemption under the Fair
28 Housing Act as housing for older persons as defined by s.
29 760.29(4) shall qualify as housing for the elderly for
30 purposes of s. 420.5087(3)(c)2. In addition, if the
31 corporation adopts a qualified allocation plan pursuant to s.

1 42(m)(1)(B) of the Internal Revenue Code or any other rules
2 that prioritize projects targeting the elderly for purposes of
3 allocating tax credits pursuant to s. 420.5099 or for purposes
4 of the HOME program under s. 420.5089, a project which
5 qualifies for an exemption under the Fair Housing Act as
6 housing for older persons as defined by s. 760.29(4) shall
7 qualify as a project targeted for the elderly, if the project
8 satisfies the other requirements set forth in this part.

9 Section 19. Subsections (1) and (5) of section
10 420.5087, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 420.5087 State Apartment Incentive Loan
13 Program.--There is hereby created the State Apartment
14 Incentive Loan Program for the purpose of providing first,
15 second, or other subordinated mortgage loans or loan
16 guarantees to sponsors, including for-profit, nonprofit, and
17 public entities, to provide housing affordable to
18 very-low-income persons.

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

29 (a) Counties that have a population of more than
30 500,000 people;

31

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

3 (c) Counties that have a population of 100,000 or
4 less.

5
6 Any increase in funding required to reach the 10-percent
7 minimum shall be taken from the county category that has the
8 largest allocation. The corporation shall adopt rules which
9 establish an equitable process for distributing any portion of
10 the 10 percent of program funds allocated to the county
11 categories specified in this subsection which remains
12 unallocated at the end of a 3-year period. Counties that have
13 a population of 100,000 or less shall be given preference
14 under these rules.

15 (5) The amount of the mortgage provided under this
16 program combined with any other mortgage in a superior
17 position shall be less than the value of the project without
18 the housing set-aside required by subsection (2). However, the
19 corporation may waive this requirement for projects in rural
20 areas or urban infill areas which have market rate rents that
21 are less than the allowable rents pursuant to applicable state
22 and federal guidelines. In no event shall the mortgage
23 provided under this program combined with any other mortgage
24 in a superior position exceed total project cost.

25 Section 20. Sections 420.630, 420.631, 420.632,
26 420.633, 420.634, and 420.635, Florida Statutes, are created
27 to read:

28 420.630 Short title.--Sections 420.630-420.635 may be
29 cited as the "Urban Homesteading Act."

30 420.631 Definitions.--As used in ss. 420.630-420.635:
31

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

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

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

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

11 (5) "Designee" means a housing authority appointed by
12 a local government, or a nonprofit community organization
13 appointed by a local government, to administer the urban
14 homesteading program for single-family housing under ss.
15 420.630-420.635.

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

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

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

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

28 420.632 Authority to operate.--By resolution, subject
29 to federal and state law, and in consultation with the Office
30 of Urban Opportunity, a local government or its designee may
31 operate a program that makes foreclosed single-family housing

1 properties available to qualified buyers to purchase. This
2 urban homesteading program is intended to be one component of
3 a comprehensive urban-core redevelopment initiative known as
4 Front Porch Florida, implemented by the Office of Urban
5 Opportunity.

6 420.633 Eligibility.--An applicant is eligible to
7 enter into a homestead agreement to acquire single-family
8 housing property as a qualified buyer under ss.

9 420.630-420.635 if:

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

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

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

18 (4) The applicant and his or her spouse have incomes
19 below the median for the state, as determined by the United
20 States Department of Housing and Urban Development, for
21 families with the same number of family members as the
22 applicant and his or her spouse.

23 420.634 Application process; deed to qualified
24 buyer.--

25 (1) A qualified buyer may apply to a local government
26 or its designee to acquire single-family housing property. The
27 application must be in a form and in a manner provided by the
28 local government or its designee. If the application is
29 approved, the qualified buyer and the local government or its
30 designee shall enter into a homestead agreement for the
31 single-family housing property. The local government or its

1 designee may add additional terms and conditions to the
2 homestead agreement.

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

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

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

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

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

14
15 However, if the local government or its designee has received
16 federal funds for which bonds or notes were issued and those
17 bonds or notes are outstanding for the housing project where
18 the single-family housing property is located, the local
19 government or its designee shall deed the property to the
20 qualified buyer only upon payment of the pro rata share of the
21 bonded debt on that specific property by the qualified buyer.

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

24 420.635 Loans to qualified buyers.--Contingent upon an
25 appropriation, the department, in consultation with the Office
26 of Urban Opportunity, shall provide loans to qualified buyers
27 who are required to pay the pro rata portion of the bonded
28 debt on single-family housing pursuant to s. 420.634. Loans
29 provided under this section shall be made at a rate of
30 interest which does not exceed the qualified loan rate. A
31 buyer must maintain the qualifications specified in s. 420.633

1 for the full term of the loan. The loan agreement may contain
2 additional terms and conditions as determined by the
3 department.

4 Section 21. Subsection (8) of section 235.193, Florida
5 Statutes, 1998 Supplement, is amended to read:

6 235.193 Coordination of planning with local governing
7 bodies.--

8 (8) Existing schools shall be considered consistent
9 with the applicable local government comprehensive plan
10 adopted under part II of chapter 163. The collocation of a new
11 proposed public educational facility with an existing public
12 educational facility, or the expansion of an existing public
13 educational facility is not inconsistent with the local
14 comprehensive plan, if the site is consistent with the
15 comprehensive plan's future land use policies and categories
16 in which public schools are identified as allowable uses, and
17 levels of service adopted by the local government for any
18 facilities affected by the proposed location for the new
19 facility are maintained. If a board submits an application to
20 expand an existing school site, the local governing body may
21 impose reasonable development standards and conditions on the
22 expansion only, and in a manner consistent with s.235.34(1).
23 Standards and conditions may not be imposed which conflict
24 with those established in this chapter or the State Uniform
25 Building Code, unless mutually agreed. Local government review
26 or approval is not required for:

27 (a) The placement of temporary or portable classroom
28 facilities; or

29 (b) Proposed renovation or construction on existing
30 school sites, with the exception of construction that changes
31 the primary use of a facility, includes stadiums, or results

1 in a greater than 5 percent increase in student capacity , or
2 as mutually agreed.

3 Section 22. This act shall take effect July 1, 1999.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31