

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19          incentives may be rescinded if the plan is not  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; revising requirements for establishment  
22 of level-of-service standards for certain  
23 facilities on the Florida Intrastate Highway  
24 System; providing that a multiuse development  
25 of regional impact may satisfy certain  
26 transportation concurrency requirements by  
27 payment of a proportionate-share contribution  
28 for traffic impacts under certain conditions;  
29 authorizing establishment of multimodal  
30 transportation districts in certain areas under  
31 a local comprehensive plan, providing for

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

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

1 from ad valorem taxation; amending s. 220.02,  
2 F.S.; amending the list specifying the order in  
3 which credits against the corporate income tax  
4 or the franchise tax must be applied, to  
5 conform to changes made by this act; amending  
6 s. 220.13, F.S.; amending the term "adjusted  
7 federal income," to conform to changes made by  
8 this act; creating ss. 220.185 and 420.5093,  
9 F.S.; creating the State Housing Tax Credit  
10 Program; providing legislative findings and  
11 policy; providing definitions; providing for a  
12 credit against the corporate income tax in an  
13 amount equal to a percentage of the eligible  
14 basis of certain housing projects; providing a  
15 limitation; providing for allocation of credits  
16 and administration by the Florida Housing  
17 Finance Corporation; providing for an annual  
18 plan; providing application procedures;  
19 providing that neither tax credits nor  
20 financing generated thereby shall be considered  
21 income for ad valorem tax purposes; providing  
22 for recognition of certain income by the  
23 property appraiser; amending s. 420.503, F.S.;  
24 providing that certain projects shall qualify  
25 as housing for the elderly for purposes of  
26 certain loans under the State Apartment  
27 Incentive Loan Program, and shall qualify as a  
28 project targeted for the elderly in connection  
29 with allocation of low-income housing tax  
30 credits and with the HOME program under certain  
31 conditions; amending s. 420.5087, F.S.;

1 directing the Florida Housing Finance  
2 Corporation to adopt rules for the equitable  
3 distribution of certain unallocated funds under  
4 the State Apartment Incentive Loan Program;  
5 authorizing the corporation to waive a mortgage  
6 limitation under said program for projects in  
7 certain areas; creating ss. 420.630, 420.631,  
8 420.632, 420.633, 420.634, and 420.635, F.S.,  
9 the Urban Homesteading Act; providing  
10 definitions; authorizing a local government or  
11 its designee to operate a program to make  
12 foreclosed single-family housing available for  
13 purchase by qualified buyers; providing  
14 eligibility requirements; providing application  
15 procedures; providing conditions under which  
16 such property may be deeded to a qualified  
17 buyer; requiring payment of a pro rata share of  
18 certain bonded debt under certain conditions  
19 and providing for loans to buyers who are  
20 required to make such payment; amending s.  
21 235.193, F.S.; providing that the collocation  
22 of a new educational facility with an existing  
23 educational facility or the expansion of an  
24 existing educational facility shall not be  
25 deemed inconsistent with local government  
26 comprehensive plans under certain  
27 circumstances; providing appropriations;  
28 providing an effective date for Senate Bill  
29 182, which creates the Wireless Emergency  
30 Telephone System Fund; authorizing  
31 municipalities to designate satellite

1 enterprise zones; amending s. 170.09, F.S.;

2 providing an increased period for payment of

3 special assessments; amending s. 189.4031,

4 F.S.; providing that community development

5 districts established pursuant to ch. 190,

6 F.S., shall be deemed in compliance with

7 certain charter requirements; 189.405, F.S.;

8 authorizing the Department of Community Affairs

9 to provide education programs for district

10 board members; authorizing a district board, at

11 its discretion, to pay such education costs and

12 providing for fee waiver; amending s. 189.412,

13 F.S.; authorizing the Special District

14 Information Program to provide assistance for

15 certain conferences; amending s. 189.417, F.S.;

16 authorizing water management districts to

17 provide certain notice of public meetings held

18 to evaluate responses to solicitations issued

19 by the water management district by publication

20 in certain newspapers; amending s. 190.004,

21 F.S.; specifying requirements for the charter

22 of a community development district; amending

23 s. 190.005, F.S.; providing requirements for

24 the petition to reestablish an existing special

25 district as a community development district;

26 revising language with respect to establishment

27 of such districts; amending ss. 190.006 and

28 190.011, F.S.; revising requirements relating

29 to the date of the election for the board of

30 supervisors of such districts; revising

31 requirements relating to the location of the

1 office of such a district; authorizing the  
2 holding of meetings at such office for certain  
3 districts; amending s. 190.009, F.S.; revising  
4 requirements relating to provision of the  
5 disclosure of public financing by such  
6 districts to prospective purchasers of real  
7 property; amending s. 190.012, F.S.; revising  
8 and expanding the powers of such districts;  
9 amending s. 190.021, F.S.; specifying the  
10 status of special assessments imposed by such  
11 districts; specifying that such assessments  
12 constitute a lien against the property;  
13 providing for collection thereof; amending s.  
14 190.022, F.S.; revising requirements relating  
15 to special assessments for construction,  
16 acquisition, or maintenance of district  
17 facilities; amending s. 190.033, F.S.; revising  
18 bid requirements for the purchase of goods and  
19 the construction or improvement of public works  
20 and for contracts for maintenance services;  
21 amending s. 190.046, F.S.; revising  
22 requirements relating to consent to a change in  
23 the boundaries of such districts and  
24 limitations on such boundary changes; providing  
25 that approval of a proposed merger of community  
26 development districts by an elected board of  
27 supervisors constitutes approval by the  
28 landowners of the district; amending s.  
29 190.048, F.S.; revising requirements relating  
30 to the required disclosure to purchasers of  
31 real estate within a district; creating s.



1 190.0485, F.S.; requiring such districts to  
2 record a notice of establishment; providing for  
3 application to existing districts; amending s.  
4 190.049, F.S.; providing an exception to the  
5 prohibition against special laws or general  
6 laws of local application creating an  
7 independent special district having two or more  
8 of a community development district's special  
9 powers enumerated in s. 190.012, F.S.;  
10 providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Sections 163.2511, 163.2514, 163.2517,  
15 163.2520, 163.2523, and 163.2526, Florida Statutes, are  
16 created to read:

17 163.2511 Urban infill and redevelopment.--

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

20 (2) It is declared that:

21 (a) Fiscally strong urban centers are beneficial to  
22 regional and state economies and resources, are a method for  
23 reduction of future urban sprawl, and should be promoted by  
24 state, regional, and local governments.

25 (b) The health and vibrancy of the urban cores benefit  
26 their respective regions and the state; conversely, the  
27 deterioration of those urban cores negatively impacts the  
28 surrounding area and the state.

29 (c) In recognition of the interwoven destiny between  
30 the urban center, the suburbs, the region, and the state, the  
31 respective governments need to establish a framework and work

1 in partnership with communities and the private sector to  
2 revitalize urban centers.

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

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

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

23 163.2514 Definitions.--As used in ss.

24 163.2511-163.2526:

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

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

29 (a) Public services such as water and wastewater,  
30 transportation, schools, and recreation are already available

31

1 or are scheduled to be provided in an adopted 5-year schedule  
2 of capital improvements;

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

6 (c) The area exhibits a proportion of properties that  
7 are substandard, overcrowded, dilapidated, vacant or  
8 abandoned, or functionally obsolete which is higher than the  
9 average for the local government;

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

14 (e) The area includes or is adjacent to community  
15 redevelopment areas, brownfields, enterprise zones, or Main  
16 Street programs, or has been designated by the state or  
17 Federal Government as an urban redevelopment, revitalization,  
18 or infill area under empowerment zone, enterprise community,  
19 or brownfield showcase community programs or similar programs.

20 163.2517 Designation of urban infill and redevelopment  
21 area.--

22 (1) A local government may designate a geographic area  
23 or areas within its jurisdiction as an urban infill and  
24 redevelopment area for the purpose of targeting economic  
25 development, job creation, housing, transportation, crime  
26 prevention, neighborhood revitalization and preservation, and  
27 land use incentives to encourage urban infill and  
28 redevelopment within the urban core.

29 (2)(a) As part of the preparation and implementation  
30 of an urban infill and redevelopment plan, a collaborative and  
31 holistic community participation process must be implemented

1 to include each neighborhood within the area targeted for  
2 designation as an urban infill and redevelopment area. The  
3 objective of the community participation process is to  
4 encourage communities within the proposed urban infill and  
5 redevelopment area to participate in the design and  
6 implementation of the plan, including a "visioning" of the  
7 urban core, before redevelopment.

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

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

25 (3) A local government seeking to designate a  
26 geographic area within its jurisdiction as an urban infill and  
27 redevelopment area shall prepare a plan that describes the  
28 infill and redevelopment objectives of the local government  
29 within the proposed area. In lieu of preparing a new plan, the  
30 local government may demonstrate that an existing plan or  
31 combination of plans associated with a community redevelopment

1 area, Florida Main Street program, Front Porch Florida  
2 Community, sustainable community, enterprise zone, or  
3 neighborhood improvement district includes the factors listed  
4 in paragraphs (a)-(n), including a collaborative and holistic  
5 community participation process, or amend such existing plans  
6 to include these factors. The plan shall demonstrate the local  
7 government and community's commitment to comprehensively  
8 address the urban problems within the urban infill and  
9 redevelopment area and identify activities and programs to  
10 accomplish locally identified goals such as code enforcement;  
11 improved educational opportunities; reduction in crime;  
12 neighborhood revitalization and preservation; provision of  
13 infrastructure needs, including mass transit and multimodal  
14 linkages; and mixed-use planning to promote multifunctional  
15 redevelopment to improve both the residential and commercial  
16 quality of life in the area. The plan shall also:  
17 (a) Contain a map depicting the geographic area or  
18 areas to be included within the designation.  
19 (b) Confirm that the infill and redevelopment area is  
20 within an area designated for urban uses in the local  
21 government's comprehensive plan.  
22 (c) Identify and map existing enterprise zones,  
23 community redevelopment areas, community development  
24 corporations, brownfield areas, downtown redevelopment  
25 districts, safe neighborhood improvement districts, historic  
26 preservation districts, and empowerment zones or enterprise  
27 communities located within the area proposed for designation  
28 as an urban infill and redevelopment area and provide a  
29 framework for coordinating infill and redevelopment programs  
30 within the urban core.  
31

1           (d) Identify a memorandum of understanding between the  
2 district school board and the local government jurisdiction  
3 regarding public school facilities located within the urban  
4 infill and redevelopment area to identify how the school board  
5 will provide priority to enhancing public school facilities  
6 and programs in the designated area, including the reuse of  
7 existing buildings for schools within the area.

8           (e) Identify each neighborhood within the proposed  
9 area and state community preservation and revitalization goals  
10 and projects identified through a collaborative and holistic  
11 community participation process and how such projects will be  
12 implemented.

13           (f) Identify how the local government and  
14 community-based organizations intend to implement affordable  
15 housing programs, including, but not limited to, economic and  
16 community development programs administered by federal and  
17 state agencies, within the urban infill and redevelopment  
18 area.

19           (g) Identify strategies for reducing crime.

20           (h) If applicable, provide guidelines for the adoption  
21 of land development regulations specific to the urban infill  
22 and redevelopment area which include, for example, setbacks  
23 and parking requirements appropriate to urban development.

24           (i) Identify and map any existing transportation  
25 concurrency exception areas and any relevant public  
26 transportation corridors designated by a metropolitan planning  
27 organization in its long-range transportation plans or by the  
28 local government in its comprehensive plan for which the local  
29 government seeks designation as a transportation concurrency  
30 exception area. For those areas, describe how public  
31

1 transportation, pedestrian ways, and bikeways will be  
2 implemented as an alternative to increased automobile use.

3 (j) Identify and adopt a package of financial and  
4 local government incentives which the local government will  
5 offer for new development, expansion of existing development,  
6 and redevelopment within the urban infill and redevelopment  
7 area. Examples of such incentives include:

8 1. Waiver of license and permit fees.

9 2. Waiver of local option sales taxes.

10 3. Waiver of delinquent taxes or fees to promote the  
11 return of property to productive use.

12 4. Expedited permitting.

13 5. Lower transportation impact fees for development  
14 which encourages more use of public transit, pedestrian, and  
15 bicycle modes of transportation.

16 6. Prioritization of infrastructure spending within  
17 the urban infill and redevelopment area.

18 7. Local government absorption of developers'  
19 concurrency costs.

20 (k) Identify how activities and incentives within the  
21 urban infill and redevelopment area will be coordinated and  
22 what administrative mechanism the local government will use  
23 for the coordination.

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

26 (m) Identify the governance structure that the local  
27 government will use to involve community representatives in  
28 the implementation of the plan.

29 (n) Identify performance measures to evaluate the  
30 success of the local government in implementing the urban  
31 infill and redevelopment plan.

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

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

23           (6)(a) In order to continue to be eligible for the  
24 economic and regulatory incentives granted with respect to an  
25 urban infill and redevelopment area, the local government must  
26 demonstrate during the evaluation, assessment, and review of  
27 its comprehensive plan required pursuant to s. 163.3191, that  
28 within designated urban infill and redevelopment areas, the  
29 amount of combined annual residential, commercial, and  
30 institutional development has increased by at least 10  
31 percent.



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

9           163.2520 Economic incentives; report.--

10           (1) A local government with an adopted urban infill  
11 and redevelopment plan or plan employed in lieu thereof may  
12 issue revenue bonds under s. 163.385 and employ tax increment  
13 financing under s. 163.387 for the purpose of financing the  
14 implementation of the plan, except that in a charter county  
15 such incentives shall be employed consistent with the  
16 provisions of s. 163.410.

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

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

1 to the President of the Senate and the Speaker of the House of  
 2 Representatives by January 1, 2000, regarding statutory and  
 3 rule changes necessary to give urban infill and redevelopment  
 4 areas identified by local governments under this act an  
 5 elevated priority in infrastructure funding, loan, and grant  
 6 programs.

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

11 163.2523 Grant program.--An Urban Infill and  
 12 Redevelopment Assistance Grant Program is created for local  
 13 governments. A local government may allocate grant money to  
 14 special districts, including community redevelopment agencies,  
 15 and nonprofit community development organizations to implement  
 16 projects consistent with an adopted urban infill and  
 17 redevelopment plan or plan employed in lieu thereof. Thirty  
 18 percent of the general revenue appropriated for this program  
 19 shall be available for planning grants to be used by local  
 20 governments for the development of an urban infill and  
 21 redevelopment plan, including community participation  
 22 processes for the plan. Sixty percent of the general revenue  
 23 appropriated for this program shall be available for  
 24 fifty/fifty matching grants for implementing urban infill and  
 25 redevelopment projects that further the objectives set forth  
 26 in the local government's adopted urban infill and  
 27 redevelopment plan or plan employed in lieu thereof. The  
 28 remaining 10 percent of the revenue must be used for outright  
 29 grants for implementing projects requiring an expenditure of  
 30 under \$50,000. Projects that provide employment opportunities  
 31 to clients of the WAGES program and projects within urban

1 infill and redevelopment areas that include a community  
2 redevelopment area, Florida Main Street program, Front Porch  
3 Florida Community, sustainable community, enterprise zone,  
4 federal enterprise zone, enterprise community, or neighborhood  
5 improvement district must be given an elevated priority in the  
6 scoring of competing grant applications. The Division of  
7 Housing and Community Development of the Department of  
8 Community Affairs shall administer the grant program. The  
9 Department of Community Affairs shall adopt rules establishing  
10 grant review criteria consistent with this section.

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

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

26 163.3164 Definitions.--As used in this act:

27 (28) "Projects that promote public transportation"  
28 means projects that directly affect the provisions of public  
29 transit, including transit terminals, transit lines and  
30 routes, separate lanes for the exclusive use of public transit  
31 services, transit stops (shelters and stations), ~~and~~ office

1 buildings or projects that include fixed-rail or transit  
2 terminals as part of the building, and projects which are  
3 transit-oriented and designed to complement reasonably  
4 proximate planned or existing public facilities.

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

8 163.3177 Required and optional elements of  
9 comprehensive plan; studies and surveys.--

10 (6) In addition to the requirements of subsections  
11 (1)-(5), the comprehensive plan shall include the following  
12 elements:

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

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

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

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

18 163.3180 Concurrency.--

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

29 (b) Local governments shall use professionally  
30 accepted techniques for measuring level of service for  
31 automobiles, bicycles, pedestrians, transit, and trucks.

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

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

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

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

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

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

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

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

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



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

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

18 (12) When authorized by a local comprehensive plan, a  
19 multiuse development of regional impact may satisfy the  
20 transportation concurrency requirements of the local  
21 comprehensive plan, the local government's concurrency  
22 management system, and s. 380.06 by payment of a  
23 proportionate-share contribution for local and regionally  
24 significant traffic impacts, if:

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

31

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

4           (c) The proportionate-share contribution for local and  
5 regionally significant traffic impacts is sufficient to pay  
6 for one or more required improvements that will benefit a  
7 regionally significant transportation facility;

8           (d) The owner and developer of the development of  
9 regional impact pays or assures payment of the  
10 proportionate-share contribution; and

11           (e) If the regionally significant transportation  
12 facility to be constructed or improved is under the  
13 maintenance authority of a governmental entity, as defined by  
14 s. 334.03(12), other than the local government with  
15 jurisdiction over the development of regional impact, the  
16 developer is required to enter into a binding and legally  
17 enforceable commitment to transfer funds to the governmental  
18 entity having maintenance authority or to otherwise assure  
19 construction or improvement of the facility.

20  
21 The proportionate-share contribution may be applied to any  
22 transportation facility to satisfy the provisions of this  
23 subsection and the local comprehensive plan, but, for the  
24 purposes of this subsection, the amount of the  
25 proportionate-share contribution shall be calculated based  
26 upon the cumulative number of trips from the proposed  
27 development expected to reach roadways during the peak hour  
28 from the complete buildout of a stage or phase being approved,  
29 divided by the change in the peak hour maximum service volume  
30 of roadways resulting from construction of an improvement  
31 necessary to maintain the adopted level of service, multiplied

1 by the construction cost, at the time of developer payment, of  
2 the improvement necessary to maintain the adopted level of  
3 service. For purposes of this subsection, "construction cost"  
4 includes all associated costs of the improvement.

5 (15)(a) Multimodal transportation districts may be  
6 established under a local government comprehensive plan in  
7 areas delineated on the future land use map for which the  
8 local comprehensive plan assigns secondary priority to vehicle  
9 mobility and primary priority to assuring a safe, comfortable,  
10 and attractive pedestrian environment, with convenient  
11 interconnection to transit. Such districts must incorporate  
12 community design features that will reduce the number of  
13 automobile trips or vehicle miles of travel and will support  
14 an integrated, multimodal transportation system.

15 (b) Community design elements of such a district  
16 include: a complementary mix and range of land uses,  
17 including educational, recreational, and cultural uses;  
18 interconnected networks of streets designed to encourage  
19 walking and bicycling, with traffic-calming where desirable;  
20 appropriate densities and intensities of use within walking  
21 distance of transit stops; daily activities within walking  
22 distance of residences, allowing independence to persons who  
23 do not drive; public uses, streets, and squares that are safe,  
24 comfortable, and attractive for the pedestrian, with adjoining  
25 buildings open to the street and with parking not interfering  
26 with pedestrian, transit, automobile, and truck travel modes.

27 (c) Local governments may establish multimodal  
28 level-of-service standards that rely primarily on nonvehicular  
29 modes of transportation within the district, when justified by  
30 an analysis demonstrating that the existing and planned  
31 community design will provide an adequate level of mobility

1 within the district based upon professionally accepted  
2 multimodal level-of-service methodologies. The analysis must  
3 take into consideration the impact on the Florida Intrastate  
4 Highway System. The analysis must also demonstrate that the  
5 capital improvements required to promote community design are  
6 financially feasible over the development or redevelopment  
7 timeframe for the district and that community design features  
8 within the district provide convenient interconnection for a  
9 multimodal transportation system. Local governments may issue  
10 development permits in reliance upon all planned community  
11 design capital improvements that are financially feasible over  
12 the development or redevelopment timeframe for the district,  
13 without regard to the period of time between development or  
14 redevelopment and the scheduled construction of the capital  
15 improvements. A determination of financial feasibility shall  
16 be based upon currently available funding or funding sources  
17 that could reasonably be expected to become available over the  
18 planning period.

19 (d) Local governments may reduce impact fees or local  
20 access fees for development within multimodal transportation  
21 districts based on the reduction of vehicle trips per  
22 household or vehicle miles of travel expected from the  
23 development pattern planned for the district.

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

26 163.3187 Amendment of adopted comprehensive plan.--

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

30 (a) In the case of an emergency, comprehensive plan  
31 amendments may be made more often than twice during the

1 calendar year if the additional plan amendment receives the  
2 approval of all of the members of the governing body.

3 "Emergency" means any occurrence or threat thereof whether  
4 accidental or natural, caused by humankind, in war or peace,  
5 which results or may result in substantial injury or harm to  
6 the population or substantial damage to or loss of property or  
7 public funds.

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

22 (c) Any local government comprehensive plan amendments  
23 directly related to proposed small scale development  
24 activities may be approved without regard to statutory limits  
25 on the frequency of consideration of amendments to the local  
26 comprehensive plan. A small scale development amendment may  
27 be adopted only under the following conditions:

28 1. The proposed amendment involves a use of 10 acres  
29 or fewer and:  
30  
31

1 a. The cumulative annual effect of the acreage for all  
2 small scale development amendments adopted by the local  
3 government shall not exceed:

4 (I) A maximum of 120 acres in a local government that  
5 contains areas specifically designated in the local  
6 comprehensive plan for urban infill, urban redevelopment, or  
7 downtown revitalization as defined in s. 163.3164, urban  
8 infill and redevelopment areas designated under s. 163.2517,  
9 transportation concurrency exception areas approved pursuant  
10 to s. 163.3180(5), or regional activity centers and urban  
11 central business districts approved pursuant to s.  
12 380.06(2)(e); however, amendments under this paragraph may be  
13 applied to no more than 60 acres annually of property outside  
14 the designated areas listed in this sub-sub-subparagraph.

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

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

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

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

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

30  
31

1 e. The property that is the subject of the proposed  
2 amendment is not located within an area of critical state  
3 concern.

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

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

23 b. The local government shall send copies of the  
24 notice and amendment to the state land planning agency, the  
25 regional planning council, and any other person or entity  
26 requesting a copy. This information shall also include a  
27 statement identifying any property subject to the amendment  
28 that is located within a coastal high hazard area as  
29 identified in the local comprehensive plan.

30 3. Small scale development amendments adopted pursuant  
31 to this paragraph require only one public hearing before the

1 governing board, which shall be an adoption hearing as  
2 described in s. 163.3184(7), and are not subject to the  
3 requirements of s. 163.3184(3)-(6) unless the local government  
4 elects to have them subject to those requirements.

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

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

13 (f) Any comprehensive plan amendment that changes the  
14 schedule in the capital improvements element, and any  
15 amendments directly related to the schedule, may be made once  
16 in a calendar year on a date different from the two times  
17 provided in this subsection when necessary to coincide with  
18 the adoption of the local government's budget and capital  
19 improvements program.

20 (g) Any local government comprehensive plan amendments  
21 directly related to proposed redevelopment of brownfield areas  
22 designated under s. 376.80 may be approved without regard to  
23 statutory limits on the frequency of consideration of  
24 amendments to the local comprehensive plan.

25 (h) A comprehensive plan amendment for the purpose of  
26 designating an urban infill and redevelopment area under s.  
27 163.2517 may be approved without regard to the statutory  
28 limits on the frequency of amendments to the comprehensive  
29 plan.

30 (i) Any comprehensive plan amendment to establish  
31 public school concurrency pursuant to s. 163.3180(12),



1 including, but not limited to, adoption of a public school  
2 facilities element and adoption of amendments to the capital  
3 improvements element and intergovernmental coordination  
4 element. In order to ensure the consistency of local  
5 government public school facilities elements within a county,  
6 such elements shall be prepared and adopted on a similar time  
7 schedule.

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

10 187.201 State Comprehensive Plan adopted.--The  
11 Legislature hereby adopts as the State Comprehensive Plan the  
12 following specific goals and policies:

13 (17) URBAN AND DOWNTOWN REVITALIZATION.--

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

22 (b) Policies.--

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

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

29 3. Promote state programs and investments which  
30 encourage redevelopment of downtown areas.

31

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

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

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

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

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

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

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

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

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

1           Section 7. Paragraph (b) of subsection (19) of section  
2 380.06, Florida Statutes, 1998 Supplement, is amended to read:

3           380.06 Developments of regional impact.--

4           (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

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

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

29           5. An increase in the average annual acreage mined by  
30 5 percent or 10 acres, whichever is greater, or an increase in  
31 the average daily water consumption by a mining operation by 5

1 percent or 300,000 gallons, whichever is greater. An increase  
2 in the size of the mine by 5 percent or 750 acres, whichever  
3 is less.

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

8 7. An increase in the storage capacity for chemical or  
9 petroleum storage facilities by 5 percent, 20,000 barrels, or  
10 7 million pounds, whichever is greater.

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

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

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

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

25 12. An increase in a recreational vehicle park area by  
26 5 percent or 100 vehicle spaces, whichever is less.

27 13. A decrease in the area set aside for open space of  
28 5 percent or 20 acres, whichever is less.

29 14. A proposed increase to an approved multiuse  
30 development of regional impact where the sum of the increases  
31 of each land use as a percentage of the applicable substantial

1 deviation criteria is equal to or exceeds 100 percent. The  
 2 percentage of any decrease in the amount of open space shall  
 3 be treated as an increase for purposes of determining when 100  
 4 percent has been reached or exceeded.

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

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

19  
 20 The substantial deviation numerical standards in subparagraphs  
 21 4., 6., 10., 14., excluding residential uses, and 15., are  
 22 increased by 100 percent for a project certified under s.  
 23 403.973 which creates jobs and meets criteria established by  
 24 the Office of Tourism, Trade, and Economic Development as to  
 25 its impact on an area's economy, employment, and prevailing  
 26 wage and skill levels. The substantial deviation numerical  
 27 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
 28 increased by 50 percent for a project located wholly within an  
 29 urban infill and redevelopment area designated on the  
 30 applicable adopted local comprehensive plan future land use  
 31 map and not located within the coastal high hazard area.

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

3           163.3220 Short title; legislative intent.--

4           (2) The Legislature finds and declares that:

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

14           Section 9. Subsections (1) through (13) of section  
15 163.3221, Florida Statutes, are renumbered as subsections (2)  
16 through (14), respectively, and a new subsection (1) is added  
17 to said section to read:

18           163.3221 Definitions.--As used in ss.  
19 163.3220-163.3243:

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

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

25           163.375 Eminent domain.--

26           (1) Any county or municipality, or any community  
27 redevelopment agency pursuant to specific approval of the  
28 governing body of the county or municipality which established  
29 the agency, as provided by any county or municipal ordinance  
30 has the right to acquire by condemnation any interest in real  
31 property, including a fee simple title thereto, which it deems

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

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

22 165.041 Incorporation; merger.--

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

28 (b) To inform the Legislature on the feasibility of a  
29 proposed incorporation of a municipality, a feasibility study  
30 shall be completed and submitted to the Legislature 90 days  
31 before the first day of the regular session of the Legislature

1 during which in conjunction with a proposed special act for  
2 the enactment of the municipal charter would be enacted. The  
3 Such feasibility study shall contain the following:

4 1. The general location of territory subject to  
5 boundary change and a map of the area which identifies the  
6 proposed change.

7 2. The major reasons for proposing the boundary  
8 change.

9 3. The following characteristics of the area:

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

12 b. A list of the current county zoning designations  
13 applied to the subject area.

14 c. A general statement of present land use  
15 characteristics of the area.

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

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

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

29 6. A list of proposed services to be provided within  
30 the proposed incorporation area, and the estimated cost of  
31 such proposed services.



1           7. The names and addresses of three officers or  
2 persons submitting the proposal.

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

6           a. Existing tax bases, including ad valorem taxable  
7 value, utility taxes, sales and use taxes, franchise taxes,  
8 license and permit fees, charges for services, fines and  
9 forfeitures, and other revenue sources, as appropriate.

10           b. A 5-year operational plan that, at a minimum,  
11 includes proposed staffing, building acquisition and  
12 construction, debt issuance, and budgets.

13           ~~9.1.~~ Data and analysis to support the conclusions that  
14 incorporation is necessary and financially feasible, including  
15 population projections and population density calculations,  
16 and an explanation concerning methodologies used for such  
17 analysis.

18           ~~10.2.~~ Evaluation of the alternatives available to the  
19 area to address its policy concerns.

20           ~~11.3.~~ Evidence that the proposed municipality meets  
21 the requirements for incorporation pursuant to s. 165.061.

22           (c) In counties that have adopted a municipal overlay  
23 for municipal incorporation pursuant to s. 163.3217, such  
24 information shall be submitted to the Legislature in  
25 conjunction with any proposed municipal incorporation in the  
26 county. This information should be used to evaluate the  
27 feasibility of a proposed municipal incorporation in the  
28 geographic area.

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

31

1           171.0413 Annexation procedures.--Any municipality may  
2 annex contiguous, compact, unincorporated territory in the  
3 following manner:

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

22           (2) Following the final adoption of the ordinance of  
23 annexation by the governing body of the annexing municipality,  
24 the ordinance shall be submitted to a vote of the registered  
25 electors of the area proposed to be annexed. The governing  
26 body of the annexing municipality may also choose to submit  
27 the ordinance of annexation to a separate vote of the  
28 registered electors of the annexing municipality. ~~if the~~  
29 ~~proposed ordinance would cause the total area annexed by a~~  
30 ~~municipality pursuant to this section during any one calendar~~  
31 ~~year period cumulatively to exceed more than 5 percent of the~~

1 ~~total land area of the municipality or cumulatively to exceed~~  
2 ~~more than 5 percent of the municipal population, the ordinance~~  
3 ~~shall be submitted to a separate vote of the registered~~  
4 ~~electors of the annexing municipality and of the area proposed~~  
5 ~~to be annexed.~~The referendum on annexation shall be called  
6 and conducted and the expense thereof paid by the governing  
7 body of the annexing municipality.

8 (a) The referendum on annexation shall be held at the  
9 next regularly scheduled election following the final adoption  
10 of the ordinance of annexation by the governing body of the  
11 annexing municipality or at a special election called for the  
12 purpose of holding the referendum. However, the referendum,  
13 whether held at a regularly scheduled election or at a special  
14 election, shall not be held sooner than 30 days following the  
15 final adoption of the ordinance by the governing body of the  
16 annexing municipality.

17 (b) The governing body of the annexing municipality  
18 shall publish notice of the referendum on annexation at least  
19 once each week for 2 consecutive weeks immediately preceding  
20 the date of the referendum in a newspaper of general  
21 circulation in the area in which the referendum is to be held.  
22 The notice shall give the ordinance number, the time and  
23 places for the referendum, and a brief, general description of  
24 the area proposed to be annexed. The description shall  
25 include a map clearly showing the area and a statement that  
26 the complete legal description by metes and bounds and the  
27 ordinance can be obtained from the office of the city clerk.

28 (c) On the day of the referendum on annexation there  
29 shall be prominently displayed at each polling place a copy of  
30 the ordinance of annexation and a description of the property  
31

1 proposed to be annexed. The description shall be by metes and  
2 bounds and shall include a map clearly showing such area.

3 (d) Ballots or mechanical voting devices used in the  
4 referendum on annexation shall offer the choice "For  
5 annexation of property described in ordinance number .... of  
6 the City of ...." and "Against annexation of property  
7 described in ordinance number .... of the City of ...." in  
8 that order.

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

22 (3) Any parcel of land which is owned by one  
23 individual, corporation, or legal entity, or owned  
24 collectively by one or more individuals, corporations, or  
25 legal entities, proposed to be annexed under the provisions of  
26 this act shall not be severed, separated, divided, or  
27 partitioned by the provisions of said ordinance, but shall, if  
28 intended to be annexed, or if annexed, under the provisions of  
29 this act, be annexed in its entirety and as a whole. However,  
30 nothing herein contained shall be construed as affecting the  
31 validity or enforceability of any ordinance declaring an

1 intention to annex land under the existing law that has been  
2 enacted by a municipality prior to July 1, 1975. The owner of  
3 such property may waive the requirements of this subsection if  
4 such owner does not desire all of the tract or parcel included  
5 in said annexation.

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

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

24 (6) Notwithstanding subsections (1) and (2), if the  
25 area proposed to be annexed does not have any registered  
26 electors on the date the ordinance is finally adopted, a vote  
27 of electors of the area proposed to be annexed is not  
28 required. In addition to the requirements of subsection (5),  
29 the area may not be annexed unless the owners of more than 50  
30 percent of the parcels of land in the area proposed to be  
31 annexed consent to the annexation. If the governing body does

1 not choose to hold a referendum of the annexing municipality  
2 ~~is not required as well~~ pursuant to subsection (2), then the  
3 property owner consents required pursuant to subsection (5)  
4 shall be obtained by the parties proposing the annexation  
5 prior to the final adoption of the ordinance, and the  
6 annexation ordinance shall be effective upon becoming a law or  
7 as otherwise provided in the ordinance.

8 Section 13. Efficiency and accountability in local  
9 government services.--

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

12 (a) Allow municipalities and counties to resolve  
13 conflicts among local jurisdictions regarding the delivery and  
14 financing of local services.

15 (b) Increase local government efficiency and  
16 accountability.

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

19 (2) Any county or combination of counties, and the  
20 municipalities therein, may use the procedures provided by  
21 this section to develop and adopt a plan to improve the  
22 efficiency, accountability, and coordination of the delivery  
23 of local government services. The development of such a plan  
24 may be initiated by a resolution adopted by a majority vote of  
25 the governing body of each of the counties involved, by  
26 resolutions adopted by a majority vote of the governing bodies  
27 of a majority of the municipalities within each county, or by  
28 resolutions adopted by a majority vote of the governing bodies  
29 of the municipality or combination of municipalities  
30 representing a majority of the municipal population of each  
31 county. The resolution shall create a commission which will be

1 responsible for developing the plan. The resolution shall  
2 specify the composition of the commission, which shall include  
3 representatives of county and municipal governments, of any  
4 affected special districts, and of any other relevant local  
5 government entities or agencies. The resolution must include  
6 a proposed timetable for development of the plan and must  
7 specify the local government support and personnel services  
8 that will be made available to the representatives developing  
9 the plan.

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

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

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

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

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

28 (e) Provide means to reduce the cost of providing  
29 local services and enhance the accountability of service  
30 providers.

31

1           (f) Include a multiyear capital outlay plan for  
2 infrastructure.

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

9           (h) Provide specific procedures for modification or  
10 termination of the plan.

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

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

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

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

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

29           (b) After approval by the county and municipal  
30 governing bodies as required by paragraph (a), the plan shall  
31 be submitted for referendum approval in a countywide election



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

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

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

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

20 170.201 Special assessments.--

21 (2) Property owned or occupied by a religious  
22 institution and used as a place of worship or education; by a  
23 public or private elementary, middle, or high school; or by a  
24 governmentally financed, insured, or subsidized housing  
25 facility that is used primarily for persons who are elderly or  
26 disabled shall be exempt from any special assessment levied by  
27 a municipality to fund any service ~~emergency medical services~~  
28 if the municipality so desires. As used in this subsection,  
29 the term "religious institution" means any church, synagogue,  
30 or other established physical place for worship at which  
31 nonprofit religious services and activities are regularly

1 conducted and carried on and the term "governmentally  
2 financed, insured, or subsidized housing facility" means a  
3 facility that is financed by a mortgage loan made or insured  
4 by the United States Department of Housing and Urban  
5 Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232,  
6 or s. 236 of the National Housing Act and is owned or operated  
7 by an entity that qualifies as an exempt charitable  
8 organization under s. 501(c)(3) of the Internal Revenue Code.

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

11 196.1978 Low-income housing property  
12 exemption.--Property used to provide housing pursuant to any  
13 state housing program authorized under chapter 420 to  
14 low-income or very-low-income persons as defined by s.  
15 420.0004, which property is owned entirely by a nonprofit  
16 corporation which is qualified as charitable under s.  
17 501(c)(3) of the Internal Revenue Code and which complies with  
18 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered  
19 property owned by an exempt entity and used for a charitable  
20 purpose, and such property shall be exempt from ad valorem  
21 taxation to the extent authorized in s. 196.196. All property  
22 identified in this section shall comply with the criteria for  
23 determination of exempt status to be applied by property  
24 appraisers on an annual basis as defined in s. 196.195.

25 Section 16. Subsection (10) of section 220.02, Florida  
26 Statutes, 1998 Supplement, is amended to read:

27 220.02 Legislative intent.--

28 (10) It is the intent of the Legislature that credits  
29 against either the corporate income tax or the franchise tax  
30 be applied in the following order: those enumerated in s.  
31 220.68, those enumerated in s. 220.18, those enumerated in s.

1 631.828, those enumerated in s. 220.191, those enumerated in  
2 s. 220.181, those enumerated in s. 220.183, those enumerated  
3 in s. 220.182, those enumerated in s. 220.1895, those  
4 enumerated in s. 221.02, those enumerated in s. 220.184, those  
5 enumerated in s. 220.186, those enumerated in s. 220.188,  
6 those enumerated in s. 220.1845, ~~and~~ those enumerated in s.  
7 220.19, and those enumerated in s. 220.185.

8 Section 17. Effective July 1, 2000, subsection (10) of  
9 section 220.02, Florida Statutes, 1998 Supplement, as amended  
10 by chapter 98-132, Laws of Florida, is amended to read:

11 220.02 Legislative intent.--

12 (10) It is the intent of the Legislature that credits  
13 against either the corporate income tax or the franchise tax  
14 be applied in the following order: those enumerated in s.  
15 220.18, those enumerated in s. 631.828, those enumerated in s.  
16 220.191, those enumerated in s. 220.181, those enumerated in  
17 s. 220.183, those enumerated in s. 220.182, those enumerated  
18 in s. 220.1895, those enumerated in s. 221.02, those  
19 enumerated in s. 220.184, those enumerated in s. 220.186,  
20 those enumerated in s. 220.188, those enumerated in s.  
21 220.1845, ~~and~~ those enumerated in s. 220.19, and those  
22 enumerated in s. 220.185.

23 Section 18. Paragraph (a) of subsection (1) of section  
24 220.13, Florida Statutes, 1998 Supplement, is amended to read:

25 220.13 "Adjusted federal income" defined.--

26 (1) The term "adjusted federal income" means an amount  
27 equal to the taxpayer's taxable income as defined in  
28 subsection (2), or such taxable income of more than one  
29 taxpayer as provided in s. 220.131, for the taxable year,  
30 adjusted as follows:

31

1 (a) Additions.--There shall be added to such taxable  
2 income:

3 1. The amount of any tax upon or measured by income,  
4 excluding taxes based on gross receipts or revenues, paid or  
5 accrued as a liability to the District of Columbia or any  
6 state of the United States which is deductible from gross  
7 income in the computation of taxable income for the taxable  
8 year.

9 2. The amount of interest which is excluded from  
10 taxable income under s. 103(a) of the Internal Revenue Code or  
11 any other federal law, less the associated expenses disallowed  
12 in the computation of taxable income under s. 265 of the  
13 Internal Revenue Code or any other law, excluding 60 percent  
14 of any amounts included in alternative minimum taxable income,  
15 as defined in s. 55(b)(2) of the Internal Revenue Code, if the  
16 taxpayer pays tax under s. 220.11(3).

17 3. In the case of a regulated investment company or  
18 real estate investment trust, an amount equal to the excess of  
19 the net long-term capital gain for the taxable year over the  
20 amount of the capital gain dividends attributable to the  
21 taxable year.

22 4. That portion of the wages or salaries paid or  
23 incurred for the taxable year which is equal to the amount of  
24 the credit allowable for the taxable year under s. 220.181.  
25 The provisions of this subparagraph shall expire and be void  
26 on June 30, 2005.

27 5. That portion of the ad valorem school taxes paid or  
28 incurred for the taxable year which is equal to the amount of  
29 the credit allowable for the taxable year under s. 220.182.  
30 The provisions of this subparagraph shall expire and be void  
31 on June 30, 2005.

1           6. The amount of emergency excise tax paid or accrued  
2 as a liability to this state under chapter 221 which tax is  
3 deductible from gross income in the computation of taxable  
4 income for the taxable year.

5           7. That portion of assessments to fund a guaranty  
6 association incurred for the taxable year which is equal to  
7 the amount of the credit allowable for the taxable year.

8           8. In the case of a nonprofit corporation which holds  
9 a pari-mutuel permit and which is exempt from federal income  
10 tax as a farmers' cooperative, an amount equal to the excess  
11 of the gross income attributable to the pari-mutuel operations  
12 over the attributable expenses for the taxable year.

13           9. The amount taken as a credit for the taxable year  
14 under s. 220.1895.

15           10. Up to nine percent of the eligible basis of any  
16 designated project which is equal to the credit allowable for  
17 the taxable year under s. 220.185.

18           Section 19. Section 220.185, Florida Statutes, is  
19 created to read:

20           220.185 State housing tax credit.--

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

22           (a) There exist within the urban areas of the state  
23 conditions of blight evidenced by extensive deterioration of  
24 public and private facilities, abandonment of sound  
25 structures, and high unemployment, and these conditions impede  
26 the conservation and development of healthy, safe, and  
27 economically viable communities.

28           (b) Deterioration of housing and industrial,  
29 commercial, and public facilities contributes to the decline  
30 of neighborhoods and communities and leads to the loss of  
31 their historic character and the sense of community which this

1 inspires; reduces the value of property comprising the tax  
2 base of local communities; discourages private investment; and  
3 requires a disproportionate expenditure of public funds for  
4 the social services, unemployment benefits, and police  
5 protection required to combat the social and economic problems  
6 found in urban communities.

7 (c) In order to ultimately restore social and economic  
8 viability to urban areas, it is necessary to renovate or  
9 construct new infrastructure and housing, including housing  
10 specifically targeted for the elderly, and to specifically  
11 provide mechanisms to attract and encourage private economic  
12 activity.

13 (d) The various local governments and other  
14 redevelopment organizations now undertaking physical  
15 revitalization projects and new housing developments in urban  
16 areas are limited by tightly constrained budgets and  
17 inadequate resources.

18 (e) In order to significantly improve revitalization  
19 efforts by local governments and community development  
20 organizations and to retain as much of the historic character  
21 of our communities as possible, it is necessary to provide  
22 additional resources, and the participation of private  
23 enterprise in revitalization efforts is an effective means for  
24 accomplishing that goal.

25 (2) POLICY AND PURPOSE.--It is the policy of this  
26 state to encourage the participation of private corporations  
27 in revitalization projects within urban areas. The purpose of  
28 this section is to provide an incentive for such participation  
29 by granting state corporate income tax credits to qualified  
30 low-income housing projects, including housing specifically  
31 designed for the elderly, and associated mixed-use projects.

1 The Legislature thus declares this a public purpose for which  
2 public money may be borrowed, expended, loaned, and granted.

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

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

6 (b) "Eligible basis" means a project's adjusted basis  
7 of the housing portion of the qualified project as of the  
8 close of the first taxable year of the credit period.

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

15 (d) "Designated project" means a qualified project  
16 designated pursuant to s. 420.5093 to receive the tax credit  
17 under this section.

18 (e) "Qualified project" means a project located in an  
19 urban infill area, at least 50 percent of which, on a cost  
20 basis, consists of a qualified low-income project within the  
21 meaning of s. 42(g) of the Internal Revenue Code, including  
22 such projects designed specifically for the elderly but  
23 excluding any income restrictions imposed pursuant to s. 42(g)  
24 of the Internal Revenue Code upon residents of the project  
25 unless such restrictions are otherwise established by the  
26 Florida Housing Finance Corporation pursuant to s. 420.5093,  
27 and the remainder of which constitutes commercial or  
28 single-family residential development consistent with and  
29 serving to complement the qualified low-income project.

30 (f) "Urban infill area" means an area designated for  
31 urban infill as defined by s. 163.3164 or as defined through a

1 statewide urban infill study solicited and approved by the  
2 Board of Directors of the Florida Housing Finance Corporation.

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

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

10 (b) The total amount of tax credits allocated for all  
11 projects shall not exceed the amount appropriated for the  
12 State Housing Tax Credit Program in the General Appropriations  
13 Act. The total tax credits allocated is defined as the total  
14 credits pledged over a 5-year period for all projects.

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

18 (d) Each designated project must comply with the  
19 applicable provisions of s. 42 of the Internal Revenue Code  
20 with respect to the multifamily residential rental housing  
21 element of the project, including specifically the provisions  
22 of s. 42(h)(6).

23 (e) A tax credit shall be allocated to a designated  
24 project and shall not be subject to transfer by the recipient  
25 unless the transferee is also an owner of the designated  
26 project.

27 Section 20. Section 420.5093, Florida Statutes, is  
28 created to read:

29 420.5093 State Housing Tax Credit Program.--

30 (1) There is created the State Housing Tax Credit  
31 Program for the purposes of stimulating creative private



1 sector initiatives to increase the supply of affordable  
2 housing in urban areas, including specifically housing for the  
3 elderly, and to provide associated commercial facilities  
4 associated with such housing facilities.

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

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

30 (4)(a) A taxpayer who wishes to participate in the  
31 State Housing Tax Credit Program must submit an application

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

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

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

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

26 Section 21. Subsection (19) of section 420.503,  
27 Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

22 Section 22. Subsections (1) and (5) of section  
 23 420.5087, Florida Statutes, 1998 Supplement, are amended to  
 24 read:

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

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

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

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

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

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

27           (5) The amount of the mortgage provided under this  
28 program combined with any other mortgage in a superior  
29 position shall be less than the value of the project without  
30 the housing set-aside required by subsection (2). However, the  
31 corporation may waive this requirement for projects in rural

1 areas or urban infill areas which have market rate rents that  
2 are less than the allowable rents pursuant to applicable state  
3 and federal guidelines. In no event shall the mortgage  
4 provided under this program combined with any other mortgage  
5 in a superior position exceed total project cost.

6 Section 23. Sections 420.630, 420.631, 420.632,  
7 420.633, 420.634, and 420.635, Florida Statutes, are created  
8 to read:

9 420.630 Short title.--Sections 420.630-420.635 may be  
10 cited as the "Urban Homesteading Act."

11 420.631 Definitions.--As used in ss. 420.630-420.635:

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

14 (2) "Department" means the Department of Community  
15 Affairs.

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

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

22 (5) "Designee" means a housing authority appointed by  
23 a local government, or a nonprofit community organization  
24 appointed by a local government, to administer the urban  
25 homesteading program for single-family housing under ss.  
26 420.630-420.635.

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

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

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

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

8           420.632 Authority to operate.--By resolution, subject  
9 to federal and state law, and in consultation with the Office  
10 of Urban Opportunity, a local government or its designee may  
11 operate a program that makes foreclosed single-family housing  
12 properties available to qualified buyers to purchase. This  
13 urban homesteading program is intended to be one component of  
14 a comprehensive urban-core redevelopment initiative known as  
15 Front Porch Florida, implemented by the Office of Urban  
16 Opportunity.

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

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

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

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

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

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

3 420.634 Application process; deed to qualified  
4 buyer.--

5 (1) A qualified buyer may apply to a local government  
6 or its designee to acquire single-family housing property. The  
7 application must be in a form and in a manner provided by the  
8 local government or its designee. If the application is  
9 approved, the qualified buyer and the local government or its  
10 designee shall enter into a homestead agreement for the  
11 single-family housing property. The local government or its  
12 designee may add additional terms and conditions to the  
13 homestead agreement.

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

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

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

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

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

25  
26 However, if the local government or its designee has received  
27 federal funds for which bonds or notes were issued and those  
28 bonds or notes are outstanding for the housing project where  
29 the single-family housing property is located, the local  
30 government or its designee shall deed the property to the  
31 qualified buyer only upon payment of the pro rata share of the

1 bonded debt on that specific property by the qualified buyer.

2 The local government or its designee shall obtain the

3 appropriate releases from the holders of the bonds or notes.

4 420.635 Loans to qualified buyers.--Contingent upon an

5 appropriation, the department, in consultation with the Office

6 of Urban Opportunity, shall provide loans to qualified buyers

7 who are required to pay the pro rata portion of the bonded

8 debt on single-family housing pursuant to s. 420.634. Loans

9 provided under this section shall be made at a rate of

10 interest which does not exceed the qualified loan rate. A

11 buyer must maintain the qualifications specified in s. 420.633

12 for the full term of the loan. The loan agreement may contain

13 additional terms and conditions as determined by the

14 department.

15 Section 24. Subsection (8) of section 235.193, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17 235.193 Coordination of planning with local governing  
18 bodies.--

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



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

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

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

14 Section 25. Section 2 of Senate Bill 182, enacted in  
15 the 1999 Regular Session of the Legislature, is amended to  
16 read:

17 Section 2. This act shall take effect July 1, 1999 ~~on~~  
18 ~~the effective date of Senate Bill 178, relating to wireless~~  
19 ~~emergency 911 telephone service, but it shall not take effect~~  
20 ~~unless it is enacted by at least a three fifths vote of the~~  
21 ~~membership of each house of the Legislature.~~

22 Section 26. The sum of \$2.5 million is appropriated  
23 from the General Revenue Fund to the Department of Community  
24 Affairs for the purpose of funding the state housing tax  
25 credit as provided in section 220.185, Florida Statutes.

26 Section 27. The sum of \$2.5 million is appropriated  
27 from nonrecurring general revenue to the Department of  
28 Community Affairs for the purpose of funding the Urban Infill  
29 and Redevelopment Grant Program under section 163.2523,  
30 Florida Statutes.

31

1           Section 28. Before December 31, 1999, any municipality  
2 an area of which has previously received designation as an  
3 Enterprise Zone in the population category described in  
4 section 290.0065(3)(a)3., Florida Statutes, may create a  
5 satellite enterprise zone not exceeding 1.5 square miles in  
6 area outside of and, notwithstanding anything contained in  
7 section 290.0055(4), Florida Statutes, or any other law, in  
8 addition to the previously designated enterprise zone  
9 boundaries. The Office of Tourism, Trade, and Economic  
10 Development shall amend the boundaries of the areas previously  
11 designated by any such municipality as enterprise zones upon  
12 receipt of a resolution adopted by the municipality describing  
13 the satellite enterprise zone areas, as long as the additional  
14 areas are consistent with the categories, criteria, and  
15 limitations imposed by section 290.0055, Florida Statutes.  
16 However, the requirements imposed by section 290.0055(4)(d),  
17 Florida Statutes, do not apply to such satellite enterprise  
18 zone areas.

19           Section 29. Section 170.09, Florida Statutes, is  
20 amended to read:

21           170.09 Priority of lien; interest; and method of  
22 payment.--The special assessments shall be payable at the time  
23 and in the manner stipulated in the resolution providing for  
24 the improvement; shall remain liens, coequal with the lien of  
25 all state, county, district, and municipal taxes, superior in  
26 dignity to all other liens, titles, and claims, until paid;  
27 shall bear interest, at a rate not to exceed 8 percent per  
28 year, or, if bonds are issued pursuant to this chapter, at a  
29 rate not to exceed 1 percent above the rate of interest at  
30 which the improvement bonds authorized pursuant to this  
31 chapter and used for the improvement are sold, from the date

1 of the acceptance of the improvement; and may, by the  
2 resolution aforesaid and only for capital outlay projects, be  
3 made payable in equal installments over a period not to exceed  
4 30 ~~20~~ years notwithstanding any special act to the contrary,  
5 to which, if not paid when due, there shall be added a penalty  
6 at the rate of 1 percent per month, until paid. However, the  
7 assessments may be paid without interest at any time within 30  
8 days after the improvement is completed and a resolution  
9 accepting the same has been adopted by the governing  
10 authority.

11 Section 30. Subsection (2) of section 189.4031,  
12 Florida Statutes, is amended to read:

13 189.4031 Special districts; creation, dissolution, and  
14 reporting requirements; charter requirements.--

15 (2) Notwithstanding any general law, special act, or  
16 ordinance of a local government to the contrary, any  
17 independent special district charter enacted after the  
18 effective date of this section shall contain the information  
19 required by s. 189.404(3). Recognizing that the exclusive  
20 charter for a community development district is the statutory  
21 charter contained in ss. 190.006 through 190.041, community  
22 development districts established after July 1, 1980, pursuant  
23 to the provisions of chapter 190 shall be deemed in compliance  
24 with this requirement.

25 Section 31. Subsections (5) and (6) of section  
26 189.405, Florida Statutes, 1998 Supplement, are renumbered as  
27 subsections (6) and (7), respectively, and a new subsection  
28 (5) is added to said section to read:

29 189.405 Elections; general requirements and  
30 procedures.--

31

1           (5)(a) The department may provide, contract for, or  
2 assist in conducting education programs, as its budget  
3 permits, for all newly elected or appointed members of  
4 district boards. The education programs shall include, but are  
5 not limited to, courses on the code of ethics for public  
6 officers and employees, public meetings and public records  
7 requirements, public finance, and parliamentary procedure.  
8 Course content may be offered by means of the following:  
9 videotapes, live seminars, workshops, conferences,  
10 teleconferences, computer-based training, multimedia  
11 presentations, or other available instructional methods.

12           (b) An individual district board, at its discretion,  
13 may bear the costs associated with educating its members.  
14 Board members of districts which have qualified for a zero  
15 annual fee for the most recent invoicing period pursuant to s.  
16 189.427 shall not be required to pay a fee for any education  
17 program the department provides, contracts for, or assists in  
18 conducting.

19           Section 32. Subsection (7) of section 189.412, Florida  
20 Statutes, is amended to read:

21           189.412 Special District Information Program; duties  
22 and responsibilities.--The Special District Information  
23 Program of the Department of Community Affairs is created and  
24 has the following special duties:

25           (7) The provision of assistance related to and  
26 appropriate in the performance of requirements specified in  
27 this chapter, including assisting with an annual conference  
28 sponsored by the Florida Association of Special Districts or  
29 its successor.

30           Section 33. Subsection (1) of section 189.417, Florida  
31 Statutes, is amended to read:

1 189.417 Meetings; notice; required reports.--

2 (1) The governing body of each special district shall  
3 file quarterly, semiannually, or annually a schedule of its  
4 regular meetings with the local governing authority or  
5 authorities. The schedule shall include the date, time, and  
6 location of each scheduled meeting. The schedule shall be  
7 published quarterly, semiannually, or annually in a newspaper  
8 of general paid circulation in the manner required in this  
9 subsection. The governing body of an independent special  
10 district shall advertise the day, time, place, and purpose of  
11 any meeting other than a regular meeting or any recessed and  
12 reconvened meeting of the governing body, at least 7 days  
13 prior to such meeting, in a newspaper of general paid  
14 circulation in the county or counties in which the special  
15 district is located, unless a bona fide emergency situation  
16 exists, in which case a meeting to deal with the emergency may  
17 be held as necessary, with reasonable notice, so long as it is  
18 subsequently ratified by the board. No approval of the annual  
19 budget shall be granted at an emergency meeting. The  
20 advertisement shall be placed in that portion of the newspaper  
21 where legal notices and classified advertisements appear. The  
22 advertisement shall appear in a newspaper that is published at  
23 least 5 days a week, unless the only newspaper in the county  
24 is published fewer than 5 days a week. The newspaper selected  
25 must be one of general interest and readership in the  
26 community and not one of limited subject matter, pursuant to  
27 chapter 50. Any other provision of law to the contrary  
28 notwithstanding, and except in the case of emergency meetings,  
29 water management districts may provide reasonable notice of  
30 public meetings held to evaluate responses to solicitations  
31 issued by the water management district, by publication in a

1 newspaper of general paid circulation in the county where the  
2 principal office of the water management district is located,  
3 or in the county or counties where the public work will be  
4 performed, no less than 7 days before such meeting.

5 (2) All meetings of the governing body of the special  
6 district shall be open to the public and governed by the  
7 provisions of chapter 286.

8 (3) Meetings of the governing body of the special  
9 district shall be held in a public building when available  
10 within the district, in a county courthouse of a county in  
11 which the district is located, or in a building in the county  
12 accessible to the public.

13 Section 34. Subsection (3) of section 190.004, Florida  
14 Statutes, is amended, and subsection (4) is added to said  
15 section, to read:

16 190.004 Preemption; sole authority.--

17 (3) The establishment ~~creation~~ of an independent  
18 community development district as provided in this act is not  
19 a development order within the meaning of chapter 380. All  
20 governmental planning, environmental, and land development  
21 laws, regulations, and ordinances apply to all development of  
22 the land within a community development district. Community  
23 development districts do not have the power of a local  
24 government to adopt a comprehensive plan, building code, or  
25 land development code, as those terms are defined in the Local  
26 Government Comprehensive Planning and Land Development  
27 Regulation Act. A district shall take no action which is  
28 inconsistent with applicable comprehensive plans, ordinances,  
29 or regulations of the applicable local general-purpose  
30 government.

31

1           (4) The exclusive charter for a community development  
2 district shall be the uniform community development district  
3 charter as set forth in ss. 190.006 through 190.041, including  
4 the special powers provided by s. 190.012.

5           Section 35. Paragraph (e) of subsection (1) and  
6 subsection (3) of section 190.005, Florida Statutes, 1998  
7 Supplement, are amended to read:

8           190.005 Establishment of district.--

9           (1) The exclusive and uniform method for the  
10 establishment of a community development district with a size  
11 of 1,000 acres or more shall be pursuant to a rule, adopted  
12 under chapter 120 by the Florida Land and Water Adjudicatory  
13 Commission, granting a petition for the establishment of a  
14 community development district.

15           (e) The Florida Land and Water Adjudicatory Commission  
16 shall consider the entire record of the local hearing, the  
17 transcript of the hearing, resolutions adopted by local  
18 general-purpose governments as provided in paragraph (c), and  
19 the following factors and make a determination to grant or  
20 deny a petition for the establishment of a community  
21 development district:

22           1. Whether all statements contained within the  
23 petition have been found to be true and correct.

24           2. Whether the establishment ~~creation~~ of the district  
25 is inconsistent with any applicable element or portion of the  
26 state comprehensive plan or of the effective local government  
27 comprehensive plan.

28           3. Whether the area of land within the proposed  
29 district is of sufficient size, is sufficiently compact, and  
30 is sufficiently contiguous to be developable as one functional  
31 interrelated community.

1           4. Whether the district is the best alternative  
2 available for delivering community development services and  
3 facilities to the area that will be served by the district.

4           5. Whether the community development services and  
5 facilities of the district will be incompatible with the  
6 capacity and uses of existing local and regional community  
7 development services and facilities.

8           6. Whether the area that will be served by the  
9 district is amenable to separate special-district government.

10           (3) The governing body of any existing special  
11 district, created to provide one or more of the public  
12 improvements and community facilities authorized by this act,  
13 may petition, ~~pursuant to this act,~~ for reestablishment of the  
14 existing district as a community development district pursuant  
15 to this act. The petition shall contain the information  
16 specified in subparagraphs (1)(a)1., 3., 4., 5., 6., and 7.  
17 and shall not require payment of a fee pursuant to paragraph  
18 (1)(b). In such case, the new district so formed shall assume  
19 the existing obligations, indebtedness, and guarantees of  
20 indebtedness of the district so subsumed, and the existing  
21 district shall be terminated.

22           Section 36. Paragraph (b) of subsection (2) and  
23 subsection (7) of section 190.006, Florida Statutes, are  
24 amended to read:

25           190.006 Board of supervisors; members and meetings.--

26           (2)(a) Within 90 days following the effective date of  
27 the rule or ordinance establishing the district, there shall  
28 be held a meeting of the landowners of the district for the  
29 purpose of electing five supervisors for the district. Notice  
30 of the landowners' meeting shall be published once a week for  
31 2 consecutive weeks in a newspaper which is in general



1 circulation in the area of the district, the last day of such  
2 publication to be not fewer than 14 days or more than 28 days  
3 before the date of the election. The landowners, when  
4 assembled at such meeting, shall organize by electing a chair  
5 who shall conduct the meeting.

6 (b) At such meeting, each landowner shall be entitled  
7 to cast one vote per acre of land owned by him or her and  
8 located within the district for each person to be elected. A  
9 landowner may vote in person or by proxy in writing. A  
10 fraction of an acre shall be treated as 1 acre, entitling the  
11 landowner to one vote with respect thereto. The two  
12 candidates receiving the highest number of votes shall be  
13 elected for a period of 4 years, and the three candidates  
14 receiving the next largest number of votes shall be elected  
15 for a period of 2 years. The members of the first board  
16 elected by landowners shall serve their respective 4-year or  
17 2-year terms; however, the next election by landowners shall  
18 be held on the first Tuesday in November. Thereafter, there  
19 shall be an election of supervisors for the district every 2  
20 years ~~on the first Tuesday~~ in November on a date established  
21 by the board and noticed pursuant to paragraph (a). The two  
22 candidates receiving the highest number of votes shall be  
23 elected to serve for a 4-year period, and the remaining  
24 candidate elected shall serve for a 2-year period.

25 (7) The board shall keep a permanent record book  
26 entitled "Record of Proceedings of ...(name of district)...  
27 Community Development District," in which shall be recorded  
28 minutes of all meetings, resolutions, proceedings,  
29 certificates, bonds given by all employees, and any and all  
30 corporate acts. The record book shall at reasonable times be  
31 opened to inspection in the same manner as state, county, and

1 municipal records pursuant to chapter 119. The record book  
2 shall be kept at the office or other regular place of business  
3 maintained by the board in the county or municipality in which  
4 the district is located or within the boundaries of a  
5 development of regional impact or Florida Quality Development,  
6 or combination of a development of regional impact and Florida  
7 Quality Development, which includes the district.

8 Section 37. Subsection (1) of section 190.009, Florida  
9 Statutes, is amended to read:

10 190.009 Disclosure of public financing.--

11 (1) The district shall take affirmative steps to  
12 provide for the full disclosure of information relating to the  
13 public financing and maintenance of improvements to real  
14 property undertaken by the district. Such information shall be  
15 made available to all existing residents, and to all  
16 prospective residents, of the district. The district shall  
17 furnish each developer of a residential development within the  
18 district with sufficient copies of that information to provide  
19 each prospective initial purchaser of property in that  
20 development with a copy, and any developer of a residential  
21 development within the district, when required by law to  
22 provide a public offering statement, shall include a copy of  
23 such information relating to the public financing and  
24 maintenance of improvements in the public offering statement.

25 Section 38. Subsection (6) of section 190.011, Florida  
26 Statutes, is amended to read:

27 190.011 General powers.--The district shall have, and  
28 the board may exercise, the following powers:

29 (6) To maintain an office at such place or places as  
30 it may designate within a county in which the district is  
31 located or within the boundaries of a development of regional

1 impact or a Florida Quality Development, or a combination of a  
2 development of regional impact and a Florida Quality  
3 Development, which includes the district, which office must be  
4 reasonably accessible to the landowners. Meetings pursuant to  
5 s. 189.417(3) of a district within the boundaries of a  
6 development of regional impact or Florida Quality Development,  
7 or a combination of a development of regional impact and a  
8 Florida Quality Development, may be held at such office.

9 Section 39. Subsection (1) of section 190.012, Florida  
10 Statutes, is amended to read:

11 190.012 Special powers; public improvements and  
12 community facilities.--The district shall have, and the board  
13 may exercise, subject to the regulatory jurisdiction and  
14 permitting authority of all applicable governmental bodies,  
15 agencies, and special districts having authority with respect  
16 to any area included therein, any or all of the following  
17 special powers relating to public improvements and community  
18 facilities authorized by this act:

19 (1) To finance, fund, plan, establish, acquire,  
20 construct or reconstruct, enlarge or extend, equip, operate,  
21 and maintain systems, ~~and~~ facilities, and basic  
22 infrastructures for the following ~~basic infrastructures~~:

23 (a) Water management and control for the lands within  
24 the district and to connect some or any of such facilities  
25 with roads and bridges.

26 (b) Water supply, sewer, and wastewater management,  
27 reclamation, and reuse or any combination thereof, and to  
28 construct and operate connecting intercepting or outlet sewers  
29 and sewer mains and pipes and water mains, conduits, or  
30 pipelines in, along, and under any street, alley, highway, or

31

1 other public place or ways, and to dispose of any effluent,  
2 residue, or other byproducts of such system or sewer system.

3 (c) Bridges or culverts that may be needed across any  
4 drain, ditch, canal, floodway, holding basin, excavation,  
5 public highway, tract, grade, fill, or cut and roadways over  
6 levees and embankments, and to construct any and all of such  
7 works and improvements across, through, or over any public  
8 right-of-way, highway, grade, fill, or cut.

9 (d)1. District roads equal to or exceeding the  
10 specifications of the county in which such district roads are  
11 located, and street lights.

12 2. Buses, trolleys, transit shelters, ridesharing  
13 facilities and services, parking improvements, and related  
14 signage.

15 (e) Conservation areas, mitigation areas, and wildlife  
16 habitat, including the maintenance of any plant or animal  
17 species, and any related interest in real or personal  
18 property.

19 (f)~~(e)~~ Any other project within or without the  
20 boundaries of a district when a local government issued a  
21 development order pursuant to s. 380.06 or s. 380.061  
22 approving or expressly requiring the construction or funding  
23 of the project by the district, or when the project is the  
24 subject of an agreement between the district and a  
25 governmental entity and is consistent with the local  
26 government comprehensive plan of the local government within  
27 which the project is to be located.

28 Section 40. Subsections (8) and (9) are added to  
29 section 190.021, Florida Statutes, to read:

30 190.021 Taxes; non-ad valorem assessments.--

31

1           (8) STATUS OF ASSESSMENTS.--Benefit special  
2 assessments, maintenance special assessments, and special  
3 assessments are non-ad valorem assessments as defined by s.  
4 197.3632.

5           (9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit  
6 special assessments and maintenance special assessments  
7 authorized by this section, and special assessments authorized  
8 by s. 190.022, shall constitute a lien on the property against  
9 which assessed from the date of imposition thereof until paid,  
10 co-equal with the lien of state, county, municipal, and school  
11 board taxes. These non-ad valorem assessments may be  
12 collected, at the district's discretion, by the tax collector  
13 pursuant to the provisions of s. 197.363 or s. 197.3632, or in  
14 accordance with other collection measures provided by law.

15           Section 41. Section 190.022, Florida Statutes, is  
16 amended to read:

17           190.022 Special assessments.--

18           (1) The board may levy special assessments for the  
19 construction, reconstruction, acquisition, or maintenance of  
20 district facilities authorized under this chapter using the  
21 procedures for levy and collection provided in chapter 170 or  
22 chapter 197.

23           (2) Notwithstanding the provisions of s. 170.09,  
24 district assessments may be made payable in no more than 30 ~~20~~  
25 yearly installments.

26           Section 42. Subsections (1) and (3) of section  
27 190.033, Florida Statutes, are amended to read:

28           190.033 Bids required.--

29           (1) No contract shall be let by the board for ~~the~~  
30 ~~construction of any project authorized by this act, nor shall~~  
31 any goods, supplies, or materials to be purchased, when the

1 amount thereof to be paid by the district shall exceed the  
2 amount provided in s. 287.017 for category four~~\$10,000,~~  
3 unless notice of bids shall be advertised once in a newspaper  
4 in general circulation in the county and in the district. Any  
5 board seeking to construct or improve a public building,  
6 structure, or other public works shall comply with the bidding  
7 procedures of s. 255.20 and other applicable general law.In  
8 each case, the bid of the lowest responsive and responsible  
9 bidder shall be accepted unless all bids are rejected because  
10 the bids are too high, or the board determines it is in the  
11 best interests of the district to reject all bids. The board  
12 may require the bidders to furnish bond with a responsible  
13 surety to be approved by the board. Nothing in this section  
14 shall prevent the board from undertaking and performing the  
15 construction, operation, and maintenance of any project or  
16 facility authorized by this act by the employment of labor,  
17 material, and machinery.

18 (3) Contracts for maintenance services for any  
19 district facility or project shall be subject to competitive  
20 bidding requirements when the amount thereof to be paid by the  
21 district exceeds the amount provided in s. 287.017~~(1) and (2)~~  
22 for category four ~~two~~. The district shall adopt rules,  
23 policies, or procedures establishing competitive bidding  
24 procedures for maintenance services. Contracts for other  
25 services shall not be subject to competitive bidding unless  
26 the district adopts a rule, policy, or procedure applying  
27 competitive bidding procedures to said contracts.

28 Section 43. Paragraphs (e) and (f) of subsection (1)  
29 and subsection (3) of section 190.046, Florida Statutes, are  
30 amended to read:

31

1           190.046 Termination, contraction, or expansion of  
2 district.--

3           (1) The board may petition to contract or expand the  
4 boundaries of a community development district in the  
5 following manner:

6           (e) In all cases, written consent of all the  
7 landowners whose land is to be added to or deleted from the  
8 district shall be required. The filing of the petition for  
9 expansion or contraction by the district board of supervisors  
10 shall constitute consent of the landowners within the district  
11 other than of landowners whose land is proposed to be added to  
12 or removed from the district.

13           (f)1. During the existence of a ~~the~~ district initially  
14 established by administrative rule, petitions to amend the  
15 boundaries of the district pursuant to paragraphs (a)-(e)  
16 shall be limited to a cumulative total of no more than 10  
17 percent of the land in the initial district, and in no event  
18 shall all such petitions to amend the boundaries ever  
19 encompass more than a total of 250 acres.

20           2. For districts initially established by county or  
21 municipal ordinance, the limitation provided by this paragraph  
22 shall be a cumulative total of no more than 50 percent of the  
23 land in the initial district, and in no event shall all such  
24 petitions to amend the boundaries ever encompass more than a  
25 total of 500 acres.

26           3. Boundary expansions for districts initially  
27 established by county or municipal ordinance shall follow the  
28 procedure set forth in paragraph (b) or paragraph (c).

29           (3) The district may merge with other community  
30 development districts upon filing a petition for establishment  
31 of a community development district pursuant to s. 190.005 or

1 may merge with any other special districts upon filing a  
 2 petition for establishment of a community development district  
 3 pursuant to s. 190.005. The government formed by a merger  
 4 involving a community development district pursuant to this  
 5 section shall assume all indebtedness of, and receive title  
 6 to, all property owned by the preexisting special districts.  
 7 Prior to filing said petition, the districts desiring to merge  
 8 shall enter into a merger agreement and shall provide for the  
 9 proper allocation of the indebtedness so assumed and the  
 10 manner in which said debt shall be retired. The approval of  
 11 the merger agreement by the board of supervisors elected by  
 12 the electors of the district shall constitute consent of the  
 13 landowners within the district.

14 Section 44. Section 190.048, Florida Statutes, is  
 15 amended to read:

16 190.048 Sale of real estate within a district;  
 17 required disclosure to purchaser.--Subsequent to the  
 18 establishment ~~creation~~ of a district under this chapter, each  
 19 contract for the initial sale of a parcel of real property and  
 20 each contract for the initial sale of a residential unit  
 21 ~~estate~~ within the district shall include, immediately prior to  
 22 the space reserved in the contract for the signature of the  
 23 purchaser, the following disclosure statement in boldfaced and  
 24 conspicuous type which is larger than the type in the  
 25 remaining text of the contract: "THE ...(Name of  
 26 District)...COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY  
 27 ~~IMPOSES~~ TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS,  
 28 ON THIS PROPERTY ~~THROUGH A SPECIAL TAXING DISTRICT~~. THESE  
 29 TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND  
 30 MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF  
 31 THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF



1 THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO  
2 COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND  
3 ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

4 Section 45. Section 190.0485, Florida Statutes, is  
5 created to read:

6 190.0485 Notice of establishment.--Within 30 days  
7 after the effective date of a rule or ordinance establishing a  
8 community development district under this act, the district  
9 shall cause to be recorded in the property records in the  
10 county in which it is located a "Notice of Establishment of  
11 the \_\_\_\_ Community Development District." The notice shall,  
12 at a minimum, include the legal description of the district  
13 and a copy of the disclosure statement specified in s.  
14 190.048.

15 Section 46. Each community development district in  
16 existence on the effective date of this act shall record a  
17 notice of establishment as specified in s. 190.0485, Florida  
18 Statutes, as created by this act, within 90 days after that  
19 date, unless the district has previously recorded a notice  
20 that meets the requirements set forth in that section.

21 Section 47. (1) Section 190.049, Florida Statutes, is  
22 amended to read:

23 190.049 Special acts prohibited.--Pursuant to s.  
24 11(a)(21), Art. III of the State Constitution, there shall be  
25 no special law or general law of local application creating an  
26 independent special district which has the powers enumerated  
27 in two or more of the paragraphs contained in s. 190.012,  
28 unless such district is created pursuant to the provisions of  
29 s. 189.404.

1           (2) This section shall take effect upon this act  
2 becoming a law, if passed by a three-fifths vote of the  
3 membership of each house.

4           Section 48. This act shall take effect July 1, 1999.  
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