

Bill No. CS for SB 1826

Amendment No. 2 Barcode 363990

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Finance and Taxation recommended the following amendment:

Senate Amendment (with title amendment)

On page 21, between lines 6 and 7,

insert:

Section 2. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land

Bill No. CS for SB 1826
Amendment No. 2 Barcode 363990

1 uses, and provide for the cost-efficient delivery of public
2 facilities and services.

3 (b) It is the intent of the Legislature that the local
4 government comprehensive plans and plan amendments adopted
5 pursuant to the provisions of this part provide for a planning
6 process which allows for land use efficiencies within existing
7 urban areas and which also allows for the conversion of rural
8 lands to other uses, where appropriate and consistent with the
9 other provisions of this part and the affected local
10 comprehensive plans, through the application of innovative and
11 flexible planning and development strategies and creative land
12 use planning techniques, which may include, but not be limited
13 to, urban villages, new towns, satellite communities,
14 area-based allocations, clustering and open space provisions,
15 mixed-use development, and sector planning.

16 (c) It is the further intent of the Legislature that
17 local government comprehensive plans and implementing land
18 development regulations shall provide strategies which
19 maximize the use of existing facilities and services through
20 redevelopment, urban infill development, and other strategies
21 for urban revitalization.

22 (d)1. The department, in cooperation with the
23 Department of Agriculture and Consumer Services, shall provide
24 assistance to local governments in the implementation of this
25 paragraph and s. 9J-5.006(5)(1), Florida Administrative Code.
26 Implementation of those provisions shall include a process by
27 which the department may authorize up to five local
28 governments to designate all or portions of lands classified
29 in the future land use element as predominantly agricultural,
30 rural, open, open-rural, or a substantively equivalent land
31 use, as a rural land stewardship area within which planning

Bill No. CS for SB 1826

Amendment No. 2 Barcode 363990

1 and economic incentives are applied to encourage the
2 implementation of innovative and flexible planning and
3 development strategies and creative land use planning
4 techniques pursuant to the provisions of s. 9J-5.006(5)(1),
5 Florida Administrative Code.

6 2. The department shall encourage participation by
7 local governments of different sizes and rural
8 characteristics. It is the intent of the Legislature that
9 rural land stewardship areas be used to further the following
10 broad principles of rural sustainability: restoration and
11 maintenance of the economic value of rural land; control of
12 urban sprawl; identification and protection of ecosystems,
13 habitats, and natural resources; promotion of rural economic
14 development; maintenance of the viability of Florida's
15 agricultural economy; and protection of the character of rural
16 areas of Florida.

17 3. A local government may apply to the department in
18 writing requesting consideration for authorization and shall
19 describe its reasons for applying for the authorization with
20 supporting documentation regarding its compliance with
21 criteria set forth in this section.

22 4. In selecting a local government, the department
23 shall, by written agreement:

24 a. Ensure that the local government has expressed its
25 intent to establish a rural land stewardship area pursuant to
26 the provisions of this subsection.

27 b. Ensure that the local government has the financial
28 and administrative capabilities to implement a rural land
29 stewardship area.

30 5. The written agreement shall include the basis for
31 the authorization and provide criteria for evaluating the

Bill No. CS for SB 1826Amendment No. 2 Barcode 363990

1 success of the authorization including the extent to which the
2 rural land stewardship area enhances rural land values;
3 controls urban sprawl; provides necessary open space for
4 agriculture and protection of the natural environment;
5 promotes rural economic development; and maintains rural
6 character and the economic viability of agriculture. The
7 department may terminate the agreement at any time if it
8 determines that the local government is not meeting the terms
9 of the agreement.

10 6. A rural land stewardship area shall be not less
11 than 50,000 acres and shall not exceed 400,000 acres in size
12 and shall be located outside of municipalities and established
13 urban growth boundaries. The plan amendment designating a
14 rural land stewardship area shall be subject to review by the
15 Department of Community Affairs pursuant to s. 163.3184, and
16 shall provide for the following:

17 a. Criteria for the designation of receiving areas
18 within rural land stewardship areas in which innovative
19 planning and development strategies may be applied. Criteria
20 shall at a minimum provide for the following: adequacy of
21 suitable land to accommodate development so as to avoid
22 conflict with environmentally sensitive areas, resources, and
23 habitats; compatibility between and transition from higher
24 density uses to lower intensity rural uses; the establishment
25 of receiving areas service boundaries that provide for a
26 separation between receiving areas and other land uses within
27 the rural land stewardship area through limitations on the
28 extension of services; and connection of receiving areas with
29 the rest of the rural land stewardship area using rural design
30 and rural road corridors.

31 b. Goals, objectives, and policies setting forth the

Bill No. CS for SB 1826
Amendment No. 2 Barcode 363990

1 innovative planning and development strategies to be applied
2 within rural land stewardship areas pursuant to the provisions
3 of this section.

4 c. A process for the implementation of innovative
5 planning and development strategies within the rural land
6 stewardship area, including those described in this subsection
7 and s. 9J-5.006(5)(1), Florida Administrative Code, which
8 provide for a functional mix of land uses and which are
9 applied through the adoption by the local government of zoning
10 and land development regulations developed for the rural land
11 stewardship area.

12 d. A process which encourages visioning pursuant to s.
13 163.3167(11) and ensures that innovative planning and
14 development strategies and plan amendments adopted to
15 implement this section comply with applicable state, regional,
16 and local plans, rules, and development regulations.

17 e. The control of sprawl through the use of innovative
18 strategies and creative land use techniques consistent with
19 the provisions of this subsection and Rule 9J-5.006(5)(1),
20 Florida Administrative Code.

21 7. Upon the adoption of a plan amendment creating a
22 rural land stewardship area, the local government shall, by
23 ordinance, assign to the area a certain number of credits, to
24 be known as "transferable rural land use credits", which do
25 not constitute a right to develop land, nor increase density
26 of land, except as provided by this section. The total amount
27 of transferable rural land use credits assigned to the rural
28 land stewardship area must correspond to the 25-year or
29 greater projected population of the rural land stewardship
30 area. Transferable rural land use credits are subject to the
31 following limitations:

Bill No. CS for SB 1826

Amendment No. 2 Barcode 363990

1 a. Transferable rural land use credits may only exist
2 within a rural land stewardship area.

3 b. Transferable rural land use credits may only be
4 used on lands designated as receiving areas and then solely
5 for the purpose of implementing innovative planning and
6 development strategies and creative land use planning
7 techniques adopted by the local government pursuant to this
8 section.

9 c. Transferable rural land use credits assigned to a
10 parcel of land within a rural land stewardship area shall
11 cease to exist if the parcel of land is removed from the rural
12 land stewardship area by plan amendment.

13 d. Neither the creation of the rural land stewardship
14 area by plan amendment nor the assignment of transferable
15 rural land use credits by the local government shall operate
16 to displace the underlying density of land uses assigned to a
17 parcel of land within the rural land stewardship area;
18 however, if transferable rural land use credits are
19 transferred from a parcel of land for use within a designated
20 receiving area, the underlying density assigned to the parcel
21 of land shall cease to exist.

22 e. The underlying density on each parcel of land
23 located within a rural land stewardship area shall not be
24 increased or decreased by the local government, except as a
25 result of the conveyance or use of transferable rural land use
26 credits, as long as the parcel remains within the rural land
27 stewardship area.

28 f. Transferable rural land use credits cease to exist
29 on a parcel of land where the underlying density assigned to
30 the parcel of land is utilized.

31 g. An increase in the density of use on a parcel of

Bill No. CS for SB 1826Amendment No. 2 Barcode 363990

1 land located within a designated receiving area may occur only
2 through the assignment or use of transferable rural land use
3 credits and shall not require a plan amendment.

4 h. A change in the density of land use on a parcel of
5 land located within a receiving area shall be specified in a
6 development order which reflects the total number of
7 transferable rural land use credits assigned to the parcel of
8 land and the infrastructure, other land uses, and support
9 services necessary to provide for a functional mix of land
10 uses corresponding to the plan of development for the
11 receiving area.

12 i. Land within a rural land stewardship area may be
13 removed from the rural land stewardship area through a plan
14 amendment.

15 j. Transferable rural land use credits may be assigned
16 at different ratios of credits per acre according to the land
17 use remaining following the transfer of credits, with the
18 highest number of credits per acre assigned to preserve
19 environmentally valuable land and a lesser number of credits
20 to be assigned to open space and agricultural land.

21 k. The use or conveyance of transferable rural land
22 use credits must be recorded in the public records of the
23 county in which the property is located as a covenant or
24 restrictive easement running with the land in favor of the
25 county and either the Department of Environmental Protection,
26 Department of Agriculture and Consumer Services, a water
27 management district, or a recognized statewide land trust.

28 8. Owners of land within rural land stewardship areas
29 should be provided incentives to enter into rural land
30 stewardship agreements with state agencies, water management
31 districts, and local governments to achieve mutually agreed

Bill No. CS for SB 1826

Amendment No. 2 Barcode 363990

1 upon conservation objectives. Such incentives may include,
2 but not be limited to, the following:
3 a. Opportunity to accumulate transferable mitigation
4 credits.
5 b. Long-term permits for the consumptive use of water.
6 c. Opportunities for recreational leases and
7 ecotourism.
8 d. Payment for specified land management services.
9 e. Option agreements for sale to government, in either
10 fee or easement, upon achievement of conservation objectives.
11 9. The department shall report to the Legislature on
12 an annual basis on the results of implementation of rural land
13 stewardship areas authorized by the department, including
14 successes and failures in achieving the intent of the
15 Legislature as expressed in this paragraph. It is further the
16 intent of the Legislature that the success of authorized rural
17 land stewardship areas be substantiated before implementation
18 occurs on a statewide basis.
19 (e)(d) The implementation of this subsection shall be
20 subject to the provisions of this chapter, chapters 186 and
21 187, and applicable agency rules.
22 (f)(e) The department may adopt rules to shall
23 implement the provisions of this subsection by rule.
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25 (Redesignate subsequent sections.)
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28 ===== T I T L E A M E N D M E N T =====
29 And the title is amended as follows:
30 On page 1, between lines 28 and 29,
31

Bill No. CS for SB 1826

Amendment No. 2 Barcode 363990

1 insert:
2 amending s. 163.3177; F.S.; authorizing the
3 designation of up to five rural land
4 stewardship areas; providing criteria; creating
5 transferable rural land use credits;
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