



1 A bill to be entitled
2 An act relating to coastal redevelopment hazard
3 mitigation; providing a popular name; amending s.
4 163.3164, F.S.; defining the term "local hazard mitigation
5 strategy"; amending s. 163.3174, F.S.; providing local
6 planning authority for certain municipalities in certain
7 charter counties; amending s. 163.3177, F.S.; providing an
8 additional requirement in the comprehensive plan
9 concerning hazard mitigation; amending s. 163.3178, F.S.;
10 revising language with respect to coastal management;
11 authorizing a demonstration project in certain counties to
12 allow for the redevelopment of coastal areas within the
13 designated coastal high hazard area; providing conditions;
14 providing for application by a local government; providing
15 for a written agreement between the state land planning
16 agency and the local government; providing for a progress
17 report; amending ss. 186.515, 288.975, and 369.303, F.S.;
18 correcting cross references, to conform; amending s.
19 380.06, F.S.; providing presumptions with respect to
20 whether an extension of the date of a buildout or phase in
21 an areawide development plan constitutes a substantial
22 deviation; providing authority for local governments to
23 impose a residential acquisition fee by ordinance or
24 resolution; prohibiting imposition of such fee in an area
25 where a fee has been approved by another local government;
26 providing for a referendum; providing a fee schedule;
27 providing procedures for collection of fees; providing for
28 utilization of funds; requiring the county and



29 municipalities to divide funds pursuant to agreement;
 30 providing a time limit on local government authorization
 31 to impose or collect certain fees; providing an effective
 32 date.

33

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

35

36 Section 1. Popular name.--This act shall be known by the
 37 popular name the "Coastal Redevelopment Hazard Mitigation
 38 Demonstration Project Act."

39 Section 2. Section 163.3164, Florida Statutes, is amended
 40 to read:

41 163.3164 Local Government Comprehensive Planning and Land
 42 Development Regulation Act; definitions.--As used in this act:

43 (1) "Administration Commission" means the Governor and the
 44 Cabinet, and for purposes of this chapter the commission shall
 45 act on a simple majority vote, except that for purposes of
 46 imposing the sanctions provided in s. 163.3184(11), affirmative
 47 action shall require the approval of the Governor and at least
 48 three other members of the commission.

49 (2) "Area" or "area of jurisdiction" means the total area
 50 qualifying under the provisions of this act, whether this be all
 51 of the lands lying within the limits of an incorporated
 52 municipality, lands in and adjacent to incorporated
 53 municipalities, all unincorporated lands within a county, or
 54 areas comprising combinations of the lands in incorporated
 55 municipalities and unincorporated areas of counties.



56 (3) "Coastal area" means the 35 coastal counties and all
 57 coastal municipalities within their boundaries designated
 58 coastal by the state land planning agency.

59 (4) "Comprehensive plan" means a plan that meets the
 60 requirements of ss. 163.3177 and 163.3178.

61 (5) "Developer" means any person, including a governmental
 62 agency, undertaking any development as defined in this act.

63 (6) "Development" has the meaning given it in s. 380.04.

64 (7) "Development order" means any order granting, denying,
 65 or granting with conditions an application for a development
 66 permit.

67 (8) "Development permit" includes any building permit,
 68 zoning permit, subdivision approval, rezoning, certification,
 69 special exception, variance, or any other official action of
 70 local government having the effect of permitting the development
 71 of land.

72 (9) "Governing body" means the board of county
 73 commissioners of a county, the commission or council of an
 74 incorporated municipality, or any other chief governing body of
 75 a unit of local government, however designated, or the
 76 combination of such bodies where joint utilization of the
 77 provisions of this act is accomplished as provided herein.

78 (10) "Governmental agency" means:

79 (a) The United States or any department, commission,
 80 agency, or other instrumentality thereof.

81 (b) This state or any department, commission, agency, or
 82 other instrumentality thereof.



83 (c) Any local government, as defined in this section, or
 84 any department, commission, agency, or other instrumentality
 85 thereof.

86 (d) Any school board or other special district, authority,
 87 or governmental entity.

88 (11) "Land" means the earth, water, and air, above, below,
 89 or on the surface, and includes any improvements or structures
 90 customarily regarded as land.

91 (12) "Land use" means the development that has occurred on
 92 the land, the development that is proposed by a developer on the
 93 land, or the use that is permitted or permissible on the land
 94 under an adopted comprehensive plan or element or portion
 95 thereof, land development regulations, or a land development
 96 code, as the context may indicate.

97 (13) "Local government" means any county or municipality.

98 (14) "Local hazard mitigation strategy" means a local plan
 99 required under Section 322, Mitigation Planning, of the Robert
 100 T. Stafford Disaster Relief and Emergency Assistance Act,
 101 enacted by Section 104 of the Disaster Mitigation Act of 2000,
 102 Pub. L. No. 106-390, to promote hazard mitigation and to manage
 103 disaster redevelopment.

104 (15)~~(14)~~ "Local planning agency" means the agency
 105 designated to prepare the comprehensive plan or plan amendments
 106 required by this act.

107 (16)~~(15)~~ A "newspaper of general circulation" means a
 108 newspaper published at least on a weekly basis and printed in
 109 the language most commonly spoken in the area within which it
 110 circulates, but does not include a newspaper intended primarily



111 for members of a particular professional or occupational group,
 112 a newspaper whose primary function is to carry legal notices, or
 113 a newspaper that is given away primarily to distribute
 114 advertising.

115 (17)~~(16)~~ "Parcel of land" means any quantity of land
 116 capable of being described with such definiteness that its
 117 locations and boundaries may be established, which is designated
 118 by its owner or developer as land to be used, or developed as, a
 119 unit or which has been used or developed as a unit.

120 (18)~~(17)~~ "Person" means an individual, corporation,
 121 governmental agency, business trust, estate, trust, partnership,
 122 association, two or more persons having a joint or common
 123 interest, or any other legal entity.

124 (19)~~(18)~~ "Public notice" means notice as required by s.
 125 125.66(2) for a county or by s. 166.041(3)(a) for a
 126 municipality. The public notice procedures required in this part
 127 are established as minimum public notice procedures.

128 (20)~~(19)~~ "Regional planning agency" means the agency
 129 designated by the state land planning agency to exercise
 130 responsibilities under law in a particular region of the state.

131 (21)~~(20)~~ "State land planning agency" means the Department
 132 of Community Affairs.

133 (22)~~(21)~~ "Structure" has the meaning given it by s.
 134 380.031(19).

135 (23)~~(22)~~ "Land development regulation commission" means a
 136 commission designated by a local government to develop and
 137 recommend, to the local governing body, land development
 138 regulations which implement the adopted comprehensive plan and



139 to review land development regulations, or amendments thereto,
140 for consistency with the adopted plan and report to the
141 governing body regarding its findings. The responsibilities of
142 the land development regulation commission may be performed by
143 the local planning agency.

144 (24)~~(23)~~ "Land development regulations" means ordinances
145 enacted by governing bodies for the regulation of any aspect of
146 development and includes any local government zoning, rezoning,
147 subdivision, building construction, or sign regulations or any
148 other regulations controlling the development of land, except
149 that this definition shall not apply in s. 163.3213.

150 (25)~~(24)~~ "Public facilities" means major capital
151 improvements, including, but not limited to, transportation,
152 sanitary sewer, solid waste, drainage, potable water,
153 educational, parks and recreational, and health systems and
154 facilities, and spoil disposal sites for maintenance dredging
155 located in the intracoastal waterways, except for spoil disposal
156 sites owned or used by ports listed in s. 403.021(9)(b).

157 (26)~~(25)~~ "Downtown revitalization" means the physical and
158 economic renewal of a central business district of a community
159 as designated by local government, and includes both downtown
160 development and redevelopment.

161 (27)~~(26)~~ "Urban redevelopment" means demolition and
162 reconstruction or substantial renovation of existing buildings
163 or infrastructure within urban infill areas or existing urban
164 service areas.

165 (28)~~(27)~~ "Urban infill" means the development of vacant
166 parcels in otherwise built-up areas where public facilities such



167 as sewer systems, roads, schools, and recreation areas are
168 already in place and the average residential density is at least
169 five dwelling units per acre, the average nonresidential
170 intensity is at least a floor area ratio of 1.0 and vacant,
171 developable land does not constitute more than 10 percent of the
172 area.

173 (29)~~(28)~~ "Projects that promote public transportation"
174 means projects that directly affect the provisions of public
175 transit, including transit terminals, transit lines and routes,
176 separate lanes for the exclusive use of public transit services,
177 transit stops (shelters and stations), office buildings or
178 projects that include fixed-rail or transit terminals as part of
179 the building, and projects which are transit oriented and
180 designed to complement reasonably proximate planned or existing
181 public facilities.

182 (30)~~(29)~~ "Existing urban service area" means built-up
183 areas where public facilities and services such as sewage
184 treatment systems, roads, schools, and recreation areas are
185 already in place.

186 (31)~~(30)~~ "Transportation corridor management" means the
187 coordination of the planning of designated future transportation
188 corridors with land use planning within and adjacent to the
189 corridor to promote orderly growth, to meet the concurrency
190 requirements of this chapter, and to maintain the integrity of
191 the corridor for transportation purposes.

192 (32)~~(31)~~ "Optional sector plan" means an optional process
193 authorized by s. 163.3245 in which one or more local governments
194 by agreement with the state land planning agency are allowed to



195 address development-of-regional-impact issues within certain
196 designated geographic areas identified in the local
197 comprehensive plan as a means of fostering innovative planning
198 and development strategies in s. 163.3177(11)(a) and (b),
199 furthering the purposes of this part and part I of chapter 380,
200 reducing overlapping data and analysis requirements, protecting
201 regionally significant resources and facilities, and addressing
202 extrajurisdictional impacts.

203 Section 3. Paragraph (c) is added to subsection (1) of
204 section 163.3174, Florida Statutes, to read:

205 163.3174 Local planning agency.--

206 (1) The governing body of each local government,
207 individually or in combination as provided in s. 163.3171, shall
208 designate and by ordinance establish a "local planning agency,"
209 unless the agency is otherwise established by law.

210 Notwithstanding any special act to the contrary, all local
211 planning agencies or equivalent agencies that first review
212 rezoning and comprehensive plan amendments in each municipality
213 and county shall include a representative of the school district
214 appointed by the school board as a nonvoting member of the local
215 planning agency or equivalent agency to attend those meetings at
216 which the agency considers comprehensive plan amendments and
217 rezonings that would, if approved, increase residential density
218 on the property that is the subject of the application. However,
219 this subsection does not prevent the governing body of the local
220 government from granting voting status to the school board
221 member. The governing body may designate itself as the local
222 planning agency pursuant to this subsection with the addition of



223 a nonvoting school board representative. The governing body
224 shall notify the state land planning agency of the establishment
225 of its local planning agency. All local planning agencies shall
226 provide opportunities for involvement by applicable community
227 college boards, which may be accomplished by formal
228 representation, membership on technical advisory committees, or
229 other appropriate means. The local planning agency shall prepare
230 the comprehensive plan or plan amendment after hearings to be
231 held after public notice and shall make recommendations to the
232 governing body regarding the adoption or amendment of the plan.
233 The agency may be a local planning commission, the planning
234 department of the local government, or other instrumentality,
235 including a countywide planning entity established by special
236 act or a council of local government officials created pursuant
237 to s. 163.02, provided the composition of the council is fairly
238 representative of all the governing bodies in the county or
239 planning area; however:

240 (a) If a joint planning entity is in existence on the
241 effective date of this act which authorizes the governing bodies
242 to adopt and enforce a land use plan effective throughout the
243 joint planning area, that entity shall be the agency for those
244 local governments until such time as the authority of the joint
245 planning entity is modified by law.

246 (b) In the case of chartered counties, the planning
247 responsibility between the county and the several municipalities
248 therein shall be as stipulated in the charter.

249 (c) The Legislature recognizes that many larger
250 municipalities within charter counties have the technical



251 planning staff to effectively implement and enforce a
 252 comprehensive plan and develop and achieve a community vision
 253 within their boundaries. Notwithstanding paragraph (b) or any
 254 other provision of law to the contrary, each municipality with a
 255 population greater than 10,000, located in a charter county not
 256 operating under a home rule charter adopted pursuant to ss. 10,
 257 11, and 24, Art. VIII of the Constitution of 1885, as preserved
 258 by s. 6(e), Art. VIII of the Constitution of 1968 with a
 259 population greater than 1,500,000 and more than 25
 260 municipalities, shall have exclusive planning authority,
 261 including, but not limited to, development order approval and
 262 zoning and comprehensive planning for the area under its
 263 municipal jurisdiction. However, a municipality located in such
 264 a county may delegate planning authority for the area under its
 265 municipal jurisdiction to the county if the governing body of
 266 the municipality adopts a resolution approving the delegation to
 267 the county. A charter county, as described in this paragraph,
 268 may provide written comments on a proposed land use change
 269 within a municipality's jurisdiction and provide planning
 270 assistance if requested by the municipality.

271 Section 4. Paragraphs (a) and (g) of subsection (6) of
 272 section 163.3177, Florida Statutes, are amended to read:

273 163.3177 Required and optional elements of comprehensive
 274 plan; studies and surveys.--

275 (6) In addition to the requirements of subsections (1)-
 276 (5), the comprehensive plan shall include the following
 277 elements:



278 (a) A future land use plan element designating proposed
279 future general distribution, location, and extent of the uses of
280 land for residential uses, commercial uses, industry,
281 agriculture, recreation, conservation, education, public
282 buildings and grounds, other public facilities, and other
283 categories of the public and private uses of land. Each future
284 land use category must be defined in terms of uses included, and
285 must include standards to be followed in the control and
286 distribution of population densities and building and structure
287 intensities. The proposed distribution, location, and extent of
288 the various categories of land use shall be shown on a land use
289 map or map series which shall be supplemented by goals,
290 policies, and measurable objectives. The future land use plan
291 shall be based upon surveys, studies, and data regarding the
292 area, including the amount of land required to accommodate
293 anticipated growth; the projected population of the area; the
294 character of undeveloped land; the availability of public
295 services; the vulnerability to natural hazards and hazard
296 mitigation; the need for redevelopment, including the renewal of
297 blighted areas and the elimination of nonconforming uses which
298 are inconsistent with the character of the community; and, in
299 rural communities, the need for job creation, capital
300 investment, and economic development that will strengthen and
301 diversify the community's economy. The future land use plan may
302 designate areas for future planned development use involving
303 combinations of types of uses for which special regulations may
304 be necessary to ensure development in accord with the principles
305 and standards of the comprehensive plan and this act. In



306 addition, for rural communities, the amount of land designated
307 for future planned industrial use shall be based upon surveys
308 and studies that reflect the need for job creation, capital
309 investment, and the necessity to strengthen and diversify the
310 local economies, and shall not be limited solely by the
311 projected population of the rural community. The future land use
312 plan of a county may also designate areas for possible future
313 municipal incorporation. The land use maps or map series shall
314 generally identify and depict historic district boundaries and
315 shall designate historically significant properties meriting
316 protection. The future land use element must clearly identify
317 the land use categories in which public schools are an allowable
318 use. When delineating the land use categories in which public
319 schools are an allowable use, a local government shall include
320 in the categories sufficient land proximate to residential
321 development to meet the projected needs for schools in
322 coordination with public school boards and may establish
323 differing criteria for schools of different type or size. Each
324 local government shall include lands contiguous to existing
325 school sites, to the maximum extent possible, within the land
326 use categories in which public schools are an allowable use. All
327 comprehensive plans must comply with the school siting
328 requirements of this paragraph no later than October 1, 1999.
329 The failure by a local government to comply with these school
330 siting requirements by October 1, 1999, will result in the
331 prohibition of the local government's ability to amend the local
332 comprehensive plan, except for plan amendments described in s.
333 163.3187(1)(b), until the school siting requirements are met.



334 Amendments proposed by a local government for purposes of
335 identifying the land use categories in which public schools are
336 an allowable use or for adopting or amending the school-siting
337 maps pursuant to s. 163.31776(3) are exempt from the limitation
338 on the frequency of plan amendments contained in s. 163.3187.
339 The future land use element shall include criteria that
340 encourage the location of schools proximate to urban residential
341 areas to the extent possible and shall require that the local
342 government seek to collocate public facilities, such as parks,
343 libraries, and community centers, with schools to the extent
344 possible and to encourage the use of elementary schools as focal
345 points for neighborhoods. For schools serving predominantly
346 rural counties, defined as a county with a population of 100,000
347 or fewer, an agricultural land use category shall be eligible
348 for the location of public school facilities if the local
349 comprehensive plan contains school siting criteria and the
350 location is consistent with such criteria.

351 (g) For those units of local government identified in s.
352 380.24, a coastal management element, appropriately related to
353 the particular requirements of paragraphs (d) and (e) and
354 meeting the requirements of s. 163.3178(2) and (3). The coastal
355 management element shall set forth the policies that shall guide
356 the local government's decisions and program implementation with
357 respect to the following objectives:

358 1. Maintenance, restoration, and enhancement of the
359 overall quality of the coastal zone environment, including, but
360 not limited to, its amenities and aesthetic values.



- 361 2. Continued existence of viable populations of all
 362 species of wildlife and marine life.
- 363 3. The orderly and balanced utilization and preservation,
 364 consistent with sound conservation principles, of all living and
 365 nonliving coastal zone resources.
- 366 4. Avoidance of irreversible and irretrievable loss of
 367 coastal zone resources.
- 368 5. Ecological planning principles and assumptions to be
 369 used in the determination of suitability and extent of permitted
 370 development.
- 371 6. Proposed management and regulatory techniques.
- 372 7. Limitation of public expenditures that subsidize
 373 development in high-hazard coastal areas.
- 374 8. Protection of human life against the effects of natural
 375 disasters and implementation of hazard mitigation strategies.
- 376 9. The orderly development, maintenance, and use of ports
 377 identified in s. 403.021(9) to facilitate deepwater commercial
 378 navigation and other related activities.
- 379 10. Preservation, including sensitive adaptive use of
 380 historic and archaeological resources.
- 381 Section 5. Paragraphs (d) and (f) of subsection (2) of
 382 section 163.3178, Florida Statutes, are amended, and subsection
 383 (9) is added to said section, to read:
- 384 163.3178 Coastal management.--
- 385 (2) Each coastal management element required by s.
 386 163.3177(6)(g) shall be based on studies, surveys, and data; be
 387 consistent with coastal resource plans prepared and adopted
 388 pursuant to general or special law; and contain:



389 (d) A component which outlines principles for hazard
390 mitigation and protection of human life and property against the
391 effects of natural disaster, including population evacuation and
392 local hazard mitigation strategies, which take into
393 consideration the capability to safely evacuate the density of
394 coastal population proposed in the future land use plan element
395 in the event of an impending natural disaster.

396 (f) A redevelopment component which outlines the
397 principles which shall be used to eliminate inappropriate and
398 unsafe development in the coastal areas when opportunities
399 arise. In recognition of the need to balance redevelopment, the
400 protection of human life and property, and public investment in
401 infrastructure, as a demonstration project up to five local
402 governments or a combination of local governments may amend
403 their comprehensive plans to allow for the redevelopment of
404 coastal areas within the designated coastal high hazard area.
405 The application must include the participation of the county
406 emergency management agency, as provided in s. 252.38, in which
407 the local government or local governments are located.

408 1. To be eligible for the coastal redevelopment
409 demonstration project, the following conditions must be met: the
410 area is part of a comprehensive redevelopment strategy that will
411 be incorporated into the comprehensive plan; the area is
412 consistent with the definition of "urban infill" or "urban
413 redevelopment"; the area is not within a designated area of
414 critical state concern; the comprehensive plan delineates the
415 coastal high hazard area consistent with this part; and the



416 county emergency management agency affirms in writing its intent
417 to participate in the demonstration project.

418 2. In order to allow for redevelopment within the coastal
419 high hazard area beyond that provided for in the existing
420 approved comprehensive plan, the local government or combination
421 of local governments, authorized by agreement pursuant to
422 paragraph (9)(b) to pursue the demonstration project, shall
423 adopt into the comprehensive plan a redevelopment strategy
424 consistent with the requirements of paragraph (6)(a), and local
425 hazard mitigation strategies that include, at a minimum, the
426 following components:

427 a. Measures to reduce, replace, or eliminate unsafe
428 structures and properties subject to repetitive damage from
429 coastal storms and floods.

430 b. Measures to reduce exposure of infrastructure to
431 hazards, including relocation and structural modification of
432 threatened coastal infrastructure.

433 c. Operational and capacity improvements to ensure that
434 the redevelopment strategy maintains or reduces, throughout the
435 planning timeframe, the county hurricane evacuation clearance
436 times as established in the most recent hurricane evacuation
437 study or transportation analysis.

438 d. Where the county hurricane evacuation clearance times
439 exceed 16 hours for a Category 3 storm event, measures to ensure
440 that the redevelopment strategy reduces the county shelter
441 deficit and hurricane clearance times to adequate levels below
442 16 hours within the planning timeframe.



443 e. Measures that provide for county evacuation shelter
444 space to ensure that development authorized within the
445 redevelopment area provides mitigation proportional to its
446 impact to offset the increased demand on evacuation clearance
447 times and public shelter space.

448 f. Measures to ensure that public expenditures which
449 subsidize development in the most vulnerable areas of the
450 coastal high hazard area are limited, except for that needed to
451 provide for public access to the beach and shoreline, restore
452 beaches and dunes and other natural systems, correct existing
453 hurricane evacuation deficiencies or that needed to make
454 facilities more disaster resistant.

455 g. Measures which commit to planning and regulatory
456 standards which exceed minimum National Flood Insurance
457 Standards, including participation in the Community Rating
458 System of the National Flood Insurance Program.

459 h. Measures to ensure that the redevelopment strategy does
460 not allow increases in development, including residential and
461 transient residential development such as hotels, motels,
462 timeshares, and vacation rentals, within the most vulnerable
463 areas of the coastal high hazard area, including the Flood
464 Insurance Rate Map (FIRM) velocity zones and areas subject to
465 coastal erosion, including lands seaward of the coastal
466 construction control line.

467 i. Measures to ensure protection of coastal resources,
468 including beach and dune systems, and to provide for public
469 access to the beach and shoreline consistent with estimated
470 public needs.



471 j. Data and analysis, including the potential costs of
472 damage to structures, property, and infrastructure that would be
473 less than that expected without the redevelopment strategy.

474 k. Data and analysis forecasting the impacts on clearance
475 times based on the population anticipated by the redevelopment
476 strategy.

477 l. The execution of an interlocal agreement, as supporting
478 data and analysis, between the local government or a combination
479 of local governments participating in the demonstration project
480 together with their respective county emergency management
481 agency, and any affected municipalities as needed, to implement
482 mitigation strategies to reduce hurricane evacuation clearance
483 times and public shelter deficit.

484
485 The redevelopment strategy shall establish the preferred
486 character of the community and how that will be achieved.

487 (9)(a) A local government seeking to implement the coastal
488 redevelopment demonstration project pursuant to paragraph (2)(f)
489 must first submit an application to the state land planning
490 agency demonstrating that the project meets the conditions of
491 subparagraph (2)(f)1. The application shall include copies of
492 the local government comprehensive plan and other relevant
493 information supporting the proposed demonstration project. The
494 state land planning agency may adopt procedural rules governing
495 the submission and review of applications, and may establish a
496 phased schedule for review of applications. The state land
497 planning agency shall provide the Federal Emergency Management



498 Agency and the Division of Emergency Management an opportunity
499 to comment on the application.

500 (b) If the local government meets the conditions of
501 subparagraph (2)(f)1., the state land planning agency and the
502 local government shall execute a written agreement that shall be
503 considered final agency action subject to challenge under s.
504 120.569. The written agreement shall identify the area subject
505 to the increase in development potential, including residential
506 and transient residential development, state the amount of such
507 increase; the most vulnerable areas not subject to increases in
508 development; and describe how the conditions of subparagraph
509 (2)(f)2. are to be met. The state land planning agency shall
510 coordinate the review of hazard mitigation strategies with the
511 Federal Emergency Management Agency and the Division of
512 Emergency Management and include in the written agreement
513 conditions necessary to be addressed in the comprehensive plan
514 to meet the requirements of hurricane evacuation, shelter, and
515 hazard mitigation. The agreement shall specify procedures for
516 public participation and intergovernmental coordination with the
517 county emergency management agency and any affected
518 municipalities regarding hurricane evacuation and shelter
519 requirements. The local governments shall provide an opportunity
520 for public comment at a public hearing before execution of the
521 agreement. Upon execution of the written agreement, the local
522 government may propose plan amendments that are authorized by
523 the agreement; provided that no such plan amendment may be
524 adopted until the completion of any challenges to an agreement
525 under s. 120.569.



526 (c) The state land planning agency shall provide a
 527 progress report on this demonstration project to the Governor,
 528 the President of the Senate, and the Speaker of the House of
 529 Representatives by February 1, 2005.

530 Section 6. Section 186.515, Florida Statutes, is amended
 531 to read:

532 186.515 Creation of regional planning councils under
 533 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
 534 186.515 is intended to repeal or limit the provisions of chapter
 535 163; however, the local general-purpose governments serving as
 536 voting members of the governing body of a regional planning
 537 council created pursuant to ss. 186.501-186.507, 186.513, and
 538 186.515 are not authorized to create a regional planning council
 539 pursuant to chapter 163 unless an agency, other than a regional
 540 planning council created pursuant to ss. 186.501-186.507,
 541 186.513, and 186.515, is designated to exercise the powers and
 542 duties in any one or more of ss. 163.3164(20)~~(19)~~ and
 543 380.031(15); in which case, such a regional planning council is
 544 also without authority to exercise the powers and duties in s.
 545 163.3164(20)~~(19)~~ or s. 380.031(15).

546 Section 7. Paragraph (a) of subsection (2) of section
 547 288.975, Florida Statutes, is amended to read:

548 288.975 Military base reuse plans.--

549 (2) As used in this section, the term:

550 (a) "Affected local government" means a local government
 551 adjoining the host local government and any other unit of local
 552 government that is not a host local government but that is
 553 identified in a proposed military base reuse plan as providing,



554 operating, or maintaining one or more public facilities as
 555 defined in s. 163.3164~~(25)~~~~(24)~~ on lands within or serving a
 556 military base designated for closure by the Federal Government.

557 Section 8. Subsection (5) of section 369.303, Florida
 558 Statutes, is amended to read:

559 369.303 Definitions.--As used in this part:

560 (5) "Land development regulation" means a regulation
 561 covered by the definition in s. 163.3164~~(24)~~~~(23)~~ and any of the
 562 types of regulations described in s. 163.3202.

563 Section 9. Paragraph (n) of subsection (25) of section
 564 380.06, Florida Statutes, is amended to read:

565 380.06 Developments of regional impact.--

566 (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.--

567 (n) After a development order approving an areawide
 568 development plan is received, changes shall be subject to the
 569 provisions of subsection (19), except that the percentages and
 570 numerical criteria shall be double those listed in paragraph
 571 (19)(b) and the extension of the date of buildout of a
 572 development, or any phase thereof, by 5 years or more but less
 573 than 10 years shall be presumed not to create a substantial
 574 deviation where the areawide DRI remains consistent with the
 575 local comprehensive planning except for transportation
 576 concurrency provisions. However, the areawide DRI must remain in
 577 compliance with the transportation mitigation plan of the local
 578 government development order.

579 Section 10. Authority to adopt ordinance or resolution;
 580 amount of fee; referendum; disbursement.--



581 (1) Any local government that contains an area or part of
582 an area designated as an area of critical state concern under s.
583 380.05, Florida Statutes, may adopt a resolution or ordinance
584 for imposition and collection of a residential acquisition fee
585 in the area of critical state concern. A local government may
586 not adopt an ordinance or resolution to collect a residential
587 acquisition fee in any area where another local government has
588 already passed an ordinance or resolution imposing the fee
589 unless the fee has expired or has failed to be approved by the
590 electorate. The fee shall be assessed in accordance with the
591 schedule set forth in subsection (2) of section 9. The
592 authorization provided in this section shall be construed to be
593 general law authorization pursuant to s. 1, Art. VII of the
594 State Constitution.

595 (2) Such ordinance or resolution must be approved by a
596 majority of the qualified electors in the affected area of
597 critical state concern. The ordinance or resolution for fee
598 adoption must establish the date, time, and place of the
599 referendum and provide appropriate ballot language, including,
600 but not limited to, the fee schedule set forth in subsection (2)
601 of section 9.

602 (3) Any fees imposed and collected pursuant to this act
603 shall be deposited into a residential acquisition fund to be
604 established by ordinance or resolution of the governing body of
605 the local government imposing the fee. The fund shall be
606 maintained and administered by the clerk of the court. Six
607 months after the initial collection, and quarterly thereafter,
608 the clerk shall remit the proceeds accrued in the residential



609 acquisition fund, less reasonable administrative costs of the
 610 clerk amounting to no more than \$5 per transaction, to the local
 611 government imposing the fee.

612 Section 11. Applicability of fee; fee schedule.--

613 (1) The residential acquisition fee shall be imposed at
 614 closing or upon the sale of a single-family residential or
 615 multifamily residential property on a sliding scale based on
 616 purchase price of the property. Commercial, governmental, and
 617 unimproved properties are not subject to the provisions of this
 618 act. Refinancing of residential loans is not subject to the
 619 provisions of this act.

620 (2) The fee is based on the following schedule:

621
 622 SCHEDULE OF FEES

<u>PURCHASE PRICE OF PROPERTY</u>	<u>PERCENTAGE OF FEE</u>
<u>Properties purchased at \$249,999 or less.....</u>	<u>0%</u>
<u>Properties purchased at \$250,000 to \$499,999.....</u>	<u>1.00%</u>
<u>Properties purchased at \$500,000 to \$999,999.....</u>	<u>1.50%</u>
<u>Properties purchased at \$1,000,000 to \$1,999,999...</u>	<u>1.75%</u>
<u>Properties purchased at \$2,000,000 or more.....</u>	<u>2.00%</u>

631 Section 12. Collection of fee.--At the time of closing or
 632 upon the sale of a single-family residential or a multifamily
 633 residential property, the closing agent, the representative of
 634 the closing agent, or the seller must collect and remit the fee
 635 to the clerk. The closing agent, the representative of the
 636 closing agent, or the seller must provide a space on the buyer



637 and seller disbursement statement or an addendum accompanying
638 the buyer and seller disbursement statement identifying the fee
639 and must disclose the amount of the fee to the prospective
640 buyer.

641 Section 13. Utilization of funds.--Funds received by the
642 local government pursuant to this act shall be used for the
643 creation of or improvements to wastewater or stormwater
644 facilities. Division of funds between the county and
645 municipalities in areas of critical state concern shall be in
646 accordance with any existing agreement between the county and
647 municipalities addressing priorities for uses established in
648 this act. Funds collected under this act may be used to complete
649 projects currently underway or projects undertaken pursuant to
650 this act.

651 Section 14. A local government's authorization to impose
652 or collect the fee authorized under this act shall expire 10
653 years after the termination of the designation of the area of
654 critical state concern pursuant to s. 380.05, Florida Statutes,
655 in which the local government is located.

656 Section 15. This act shall take effect upon becoming a
657 law.
658