

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to land development; amending s. 197.502,
8 F.S.; providing for the issuance of an escheatment tax
9 deed that is free and clear of any tax certificates,
10 accrued taxes, and liens of any nature for certain
11 properties; providing immunity for a county from
12 environmental liability for certain properties that
13 escheat to the county; providing for a written agreement
14 between a county and the Department of Environmental
15 Protection which addresses any investigative and remedial
16 acts necessary for certain properties; amending s.
17 163.3167, F.S.; requiring a local government to address
18 certain water supply sources in its comprehensive plan;
19 amending s. 163.3177, F.S.; providing that rural land
20 stewardship area designation should be specifically
21 encouraged as an overlay on the future land use map;
22 extending the deadline for certain information to be
23 included in a comprehensive plan; requiring a work plan to

24 | be updated at certain intervals; providing legislative
25 | findings regarding mixed-use, high-density urban infill
26 | and redevelopment projects; requiring the Department of
27 | Community Affairs to provide technical assistance to local
28 | governments, including a model ordinance; providing
29 | legislative findings regarding a program for the transfer
30 | of development rights and urban infill and redevelopment;
31 | requiring the Department of Community Affairs to provide
32 | technical assistance to local governments, including a
33 | model ordinance; requiring the Department of Community
34 | Affairs, the Department of Environmental Protection, water
35 | management districts, and regional planning councils to
36 | provide assistance to local governments in implementing
37 | provisions relating to rural land stewardship areas;
38 | providing for multicounty rural land stewardship areas;
39 | deleting acreage thresholds for rural land stewardship
40 | areas; providing that transferable rural land use credits
41 | may be assigned at different ratios according to the
42 | natural resource or other beneficial use characteristics
43 | of the land; amending s. 163.3187, F.S.; providing an
44 | exception to the limitation on the frequency of plan
45 | amendments; amending s. 163.3246, F.S.; conforming a cross
46 | reference; amending s. 288.107, F.S.; reducing the number
47 | of jobs that must be created for participation in the
48 | brownfield redevelopment bonus refund; amending s. 376.86,
49 | F.S.; increasing the percentage of a primary lender loan
50 | to which the limited state loan guaranty applies for
51 | redevelopment projects in brownfield areas; providing

52 legislative findings with respect to the shortage of
 53 affordable rentals in the state; providing a statement of
 54 important public purpose; providing definitions;
 55 authorizing local governments to permit accessory dwelling
 56 units in areas zoned for single-family residential use
 57 based upon certain findings; providing for certain
 58 accessory dwelling units to apply towards satisfying the
 59 affordable housing component of the housing element in a
 60 local government's comprehensive plan; requiring the
 61 Department of Community Affairs to report to the
 62 Legislature; providing an effective date.

63

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

65

66 Section 1. Subsection (8) of section 197.502, Florida
 67 Statutes, is amended to read:

68 197.502 Application for obtaining tax deed by holder of
 69 tax sale certificate; fees.--

70 (8) Taxes shall not be extended against parcels listed as
 71 lands available for taxes, but in each year the taxes that would
 72 have been due shall be treated as omitted years and added to the
 73 required minimum bid. Three years after ~~from~~ the day the land
 74 was offered for public sale, the land shall escheat to the
 75 county in which it is located, free and clear. All tax
 76 certificates, accrued taxes, and liens of any nature against the
 77 property shall be deemed canceled as a matter of law and of no
 78 further legal force and effect, and the clerk shall execute an

HB 1593

2004
CS

79 | escheatment a tax deed vesting title in the board of county
80 | commissioners of the county in which the land ~~it~~ is located.

81 | (a) When a property escheats to the county under this
82 | subsection, the county is not subject to any liability imposed
83 | by chapter 376 or chapter 403 for preexisting soil or
84 | groundwater contamination due solely to its ownership. However,
85 | this subsection does not affect the rights or liabilities of any
86 | past or future owners of the escheated property and does not
87 | affect the liability of any governmental entity for the results
88 | of its actions that create or exacerbate a pollution source.

89 | (b) The county and the Department of Environmental
90 | Protection may enter into a written agreement for the
91 | performance, funding, and reimbursement of the investigative and
92 | remedial acts necessary for a property that escheats to the
93 | county.

94 | Section 2. Subsection (13) is added to section 163.3167,
95 | Florida Statutes, to read:

96 | 163.3167 Scope of act.--

97 | (13) Each local government shall address in its
98 | comprehensive plan, as enumerated in this chapter, the water
99 | supply sources necessary to meet and achieve the existing and
100 | projected water use demand for the established planning period,
101 | considering the applicable plan developed pursuant to s.
102 | 373.0361.

103 | Section 3. Paragraphs (a) and (c) of subsection (6) and
104 | subsection (11) of section 163.3177, Florida Statutes, are
105 | amended to read:

HB 1593

2004
CS

106 163.3177 Required and optional elements of comprehensive
107 plan; studies and surveys.--

108 (6) In addition to the requirements of subsections (1)-
109 (5), the comprehensive plan shall include the following
110 elements:

111 (a) A future land use plan element designating proposed
112 future general distribution, location, and extent of the uses of
113 land for residential uses, commercial uses, industry,
114 agriculture, recreation, conservation, education, public
115 buildings and grounds, other public facilities, and other
116 categories of the public and private uses of land. Counties are
117 encouraged to designate rural land stewardship areas, pursuant
118 to the provisions of paragraph (11)(f), as overlays on the
119 future land use map. Each future land use category must be
120 defined in terms of uses included, and must include standards to
121 be followed in the control and distribution of population
122 densities and building and structure intensities. The proposed
123 distribution, location, and extent of the various categories of
124 land use shall be shown on a land use map or map series which
125 shall be supplemented by goals, policies, and measurable
126 objectives. The future land use plan shall be based upon
127 surveys, studies, and data regarding the area, including the
128 amount of land required to accommodate anticipated growth; the
129 projected population of the area; the character of undeveloped
130 land; the availability of public services; the need for
131 redevelopment, including the renewal of blighted areas and the
132 elimination of nonconforming uses which are inconsistent with
133 the character of the community; and, in rural communities, the

HB 1593

2004
CS

134 need for job creation, capital investment, and economic
135 development that will strengthen and diversify the community's
136 economy. The future land use plan may designate areas for future
137 planned development use involving combinations of types of uses
138 for which special regulations may be necessary to ensure
139 development in accord with the principles and standards of the
140 comprehensive plan and this act. In addition, for rural
141 communities, the amount of land designated for future planned
142 industrial use shall be based upon surveys and studies that
143 reflect the need for job creation, capital investment, and the
144 necessity to strengthen and diversify the local economies, and
145 shall not be limited solely by the projected population of the
146 rural community. The future land use plan of a county may also
147 designate areas for possible future municipal incorporation. The
148 land use maps or map series shall generally identify and depict
149 historic district boundaries and shall designate historically
150 significant properties meriting protection. The future land use
151 element must clearly identify the land use categories in which
152 public schools are an allowable use. When delineating the land
153 use categories in which public schools are an allowable use, a
154 local government shall include in the categories sufficient land
155 proximate to residential development to meet the projected needs
156 for schools in coordination with public school boards and may
157 establish differing criteria for schools of different type or
158 size. Each local government shall include lands contiguous to
159 existing school sites, to the maximum extent possible, within
160 the land use categories in which public schools are an allowable
161 use. All comprehensive plans must comply with the school siting

HB 1593

2004
CS

162 requirements of this paragraph no later than October 1, 1999.
 163 The failure by a local government to comply with these school
 164 siting requirements by October 1, 1999, will result in the
 165 prohibition of the local government's ability to amend the local
 166 comprehensive plan, except for plan amendments described in s.
 167 163.3187(1)(b), until the school siting requirements are met.
 168 Amendments proposed by a local government for purposes of
 169 identifying the land use categories in which public schools are
 170 an allowable use or for adopting or amending the school-siting
 171 maps pursuant to s. 163.31776(3) are exempt from the limitation
 172 on the frequency of plan amendments contained in s. 163.3187.
 173 The future land use element shall include criteria that
 174 encourage the location of schools proximate to urban residential
 175 areas to the extent possible and shall require that the local
 176 government seek to collocate public facilities, such as parks,
 177 libraries, and community centers, with schools to the extent
 178 possible and to encourage the use of elementary schools as focal
 179 points for neighborhoods. For schools serving predominantly
 180 rural counties, defined as a county with a population of 100,000
 181 or fewer, an agricultural land use category shall be eligible
 182 for the location of public school facilities if the local
 183 comprehensive plan contains school siting criteria and the
 184 location is consistent with such criteria.

185 (c) A general sanitary sewer, solid waste, drainage,
 186 potable water, and natural groundwater aquifer recharge element
 187 correlated to principles and guidelines for future land use,
 188 indicating ways to provide for future potable water, drainage,
 189 sanitary sewer, solid waste, and aquifer recharge protection

HB 1593

2004
CS

190 requirements for the area. The element may be a detailed
 191 engineering plan including a topographic map depicting areas of
 192 prime groundwater recharge. The element shall describe the
 193 problems and needs and the general facilities that will be
 194 required for solution of the problems and needs. The element
 195 shall also include a topographic map depicting any areas adopted
 196 by a regional water management district as prime groundwater
 197 recharge areas for the Floridan or Biscayne aquifers, pursuant
 198 to s. 373.0395. These areas shall be given special consideration
 199 when the local government is engaged in zoning or considering
 200 future land use for said designated areas. For areas served by
 201 septic tanks, soil surveys shall be provided which indicate the
 202 suitability of soils for septic tanks. By December 1, 2006
 203 ~~January 1, 2005, or the Evaluation and Appraisal Report adoption~~
 204 ~~deadline established for the local government pursuant to s.~~
 205 ~~163.3191(a), whichever date occurs first,~~ the element must
 206 consider the appropriate water management district's regional
 207 water supply plan approved pursuant to s. 373.0361. The element
 208 must include a work plan, covering at least a 10-year planning
 209 period, for building water supply facilities that are identified
 210 in the element as necessary to serve existing and new
 211 development and for which the local government is responsible.
 212 The work plan shall be updated, at a minimum, every 5 years
 213 within 12 months after the approval of the revised regional
 214 water supply plan. Amendments to incorporate the whole plan do
 215 not count toward the limitations on frequency of adoption of
 216 amendments to the comprehensive plan.

HB 1593

2004
CS

217 (11)(a) The Legislature recognizes the need for innovative
218 planning and development strategies which will address the
219 anticipated demands of continued urbanization of Florida's
220 coastal and other environmentally sensitive areas, and which
221 will accommodate the development of less populated regions of
222 the state which seek economic development and which have
223 suitable land and water resources to accommodate growth in an
224 environmentally acceptable manner. The Legislature further
225 recognizes the substantial advantages of innovative approaches
226 to development which may better serve to protect environmentally
227 sensitive areas, maintain the economic viability of agricultural
228 and other predominantly rural land uses, and provide for the
229 cost-efficient delivery of public facilities and services.

230 (b) It is the intent of the Legislature that the local
231 government comprehensive plans and plan amendments adopted
232 pursuant to the provisions of this part provide for a planning
233 process which allows for land use efficiencies within existing
234 urban areas and which also allows for the conversion of rural
235 lands to other uses, where appropriate and consistent with the
236 other provisions of this part and the affected local
237 comprehensive plans, through the application of innovative and
238 flexible planning and development strategies and creative land
239 use planning techniques, which may include, but not be limited
240 to, urban villages, new towns, satellite communities, area-based
241 allocations, clustering and open space provisions, mixed-use
242 development, and sector planning.

243 (c) It is the further intent of the Legislature that local
244 government comprehensive plans and implementing land development

HB 1593

2004
CS

245 regulations shall provide strategies which maximize the use of
246 existing facilities and services through redevelopment, urban
247 infill development, and other strategies for urban
248 revitalization.

249 (d) The Legislature finds that mixed-use, high-density
250 development is appropriate for urban infill and redevelopment
251 areas. Mixed-use projects accommodate a variety of uses,
252 including residential and commercial, and usually at higher
253 densities that promote pedestrian-friendly, sustainable
254 communities. The Legislature recognizes that mixed-use, high-
255 density development improves the quality of life for residents
256 and businesses in urban areas. The Legislature finds that mixed-
257 use, high-density redevelopment and infill benefits residents by
258 creating a livable community with alternative modes of
259 transportation. Furthermore, the Legislature finds that local
260 zoning ordinances often discourage mixed-use, high-density
261 development in areas that are appropriate for urban infill and
262 redevelopment. The Legislature intends to discourage single-use
263 zoning in urban areas which often leads to lower density, land-
264 intensive development outside an urban service area. Therefore,
265 the Department of Community Affairs shall provide technical
266 assistance to local governments, including a model ordinance, to
267 encourage mixed-use, high-density urban infill and redevelopment
268 projects.

269 (e) The Legislature finds that a program for the transfer
270 of development rights is a useful tool to preserve historic
271 buildings and create public open spaces in urban areas. A
272 program for the transfer of development rights allows the

HB 1593

2004
CS

273 | transfer of density credits from historic properties and public
 274 | open spaces to areas designated for high-density development.
 275 | The Legislature recognizes that high-density development is
 276 | integral to the success of many urban infill and redevelopment
 277 | projects. The Legislature intends to encourage high-density
 278 | urban infill and redevelopment while preserving historic
 279 | structures and open spaces. Therefore, the Department of
 280 | Community Affairs shall provide technical assistance to local
 281 | governments, including a model ordinance, in order to promote
 282 | the transfer of development rights within urban areas for high-
 283 | density infill and redevelopment projects.

284 | (f)~~(d)~~1. The department, in cooperation with the
 285 | Department of Agriculture and Consumer Services, the Department
 286 | of Environmental Protection, water management districts, and
 287 | regional planning councils, shall provide assistance to local
 288 | governments in the implementation of this paragraph and rule 9J-
 289 | 5.006(5)(1), Florida Administrative Code. Implementation of
 290 | those provisions shall include a process by which the department
 291 | may authorize ~~up to five~~ local governments to designate all or
 292 | portions of lands classified in the future land use element as
 293 | predominantly agricultural, rural, open, open-rural, or a
 294 | substantively equivalent land use, as a rural land stewardship
 295 | area within which planning and economic incentives are applied
 296 | to encourage the implementation of innovative and flexible
 297 | planning and development strategies and creative land use
 298 | planning techniques, including those contained herein and in
 299 | rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may
 300 | include, but is not limited to:

301 a. Assistance from the Department of Environmental
 302 Protection and water management districts in creating the
 303 geographic information systems land cover database and aerial
 304 photogrammetry needed to prepare for a rural land stewardship
 305 area.

306 b. Allocation of funds earmarked for conservation easement
 307 and land acquisition programs that could be leveraged to protect
 308 greater acreages using the rural land stewardship area approach.

309 c. Expansion of the role of the Department of Community
 310 Affairs as a resource agency and the provision of grants to
 311 facilitate establishment of rural land stewardship areas in
 312 smaller rural counties that do not have the staff or planning
 313 budgets to create a rural land stewardship area.

314 2. The department shall encourage participation by local
 315 governments of different sizes and rural characteristics in
 316 establishing and implementing rural land stewardship areas. It
 317 is the intent of the Legislature that rural land stewardship
 318 areas be used to further the following broad principles of rural
 319 sustainability: restoration and maintenance of the economic
 320 value of rural land; control of urban sprawl; identification and
 321 protection of ecosystems, habitats, and natural resources;
 322 promotion of rural economic activity; maintenance of the
 323 viability of Florida's agricultural economy; and protection of
 324 the character of rural areas of Florida. Rural land stewardship
 325 areas may be multicounty in order to encourage coordinated
 326 regional stewardship planning.

327 3. A local government, in conjunction with a regional
 328 planning council, a stakeholder organization of private land

HB 1593

2004
CS

329 owners, or another local government, may apply to the department
 330 in writing requesting consideration for authorization to
 331 designate a rural land stewardship area and shall describe its
 332 reasons for applying for the authorization with supporting
 333 documentation regarding its compliance with criteria set forth
 334 in this section.

335 4. In selecting a local government, the department shall,
 336 by written agreement:

337 a. Ensure that the local government has expressed its
 338 intent to designate a rural land stewardship area pursuant to
 339 the provisions of this subsection and clarify that the rural
 340 land stewardship area is intended.

341 b. Ensure that the local government has the financial and
 342 administrative capabilities to implement a rural land
 343 stewardship area.

344 5. The written agreement shall include the basis for the
 345 authorization and provide criteria for evaluating the success of
 346 the authorization including the extent the rural land
 347 stewardship area enhances rural land values; control urban
 348 sprawl; provides necessary open space for agriculture and
 349 protection of the natural environment; promotes rural economic
 350 activity; and maintains rural character and the economic
 351 viability of agriculture. The department may terminate the
 352 agreement at any time if it determines that the local government
 353 is not meeting the terms of the agreement.

354 6. A rural land stewardship area shall ~~be not less than~~
 355 ~~50,000 acres and shall not exceed 250,000 acres in size, shall~~
 356 be located outside of municipalities and established urban

HB 1593

2004
CS

357 growth boundaries, and shall be designated by plan amendment.
 358 The plan amendment designating a rural land stewardship area
 359 shall be subject to review by the Department of Community
 360 Affairs pursuant to s. 163.3184 and shall provide for the
 361 following:

362 a. Criteria for the designation of receiving areas within
 363 rural land stewardship areas in which innovative planning and
 364 development strategies may be applied. Criteria shall at a
 365 minimum provide for the following: adequacy of suitable land to
 366 accommodate development so as to avoid conflict with
 367 environmentally sensitive areas, resources, and habitats;
 368 compatibility between and transition from higher density uses to
 369 lower intensity rural uses; the establishment of receiving area
 370 service boundaries which provide for a separation between
 371 receiving areas and other land uses within the rural land
 372 stewardship area through limitations on the extension of
 373 services; and connection of receiving areas with the rest of the
 374 rural land stewardship area using rural design and rural road
 375 corridors.

376 b. Goals, objectives, and policies setting forth the
 377 innovative planning and development strategies to be applied
 378 within rural land stewardship areas pursuant to the provisions
 379 of this section.

380 c. A process for the implementation of innovative planning
 381 and development strategies within the rural land stewardship
 382 area, including those described in this subsection and rule 9J-
 383 5.006(5)(1), Florida Administrative Code, which provide for a
 384 functional mix of land uses and which are applied through the

HB 1593

2004
CS

385 adoption by the local government of zoning and land development
386 regulations applicable to the rural land stewardship area.

387 d. A process which encourages visioning pursuant to s.
388 163.3167(11) to ensure that innovative planning and development
389 strategies comply with the provisions of this section.

390 e. The control of sprawl through the use of innovative
391 strategies and creative land use techniques consistent with the
392 provisions of this subsection and rule 9J-5.006(5)(1), Florida
393 Administrative Code.

394 7. A receiving area shall be designated by the adoption of
395 a land development regulation. Prior to the designation of a
396 receiving area, the local government shall provide the
397 Department of Community Affairs a period of 30 days in which to
398 review a proposed receiving area for consistency with the rural
399 land stewardship area plan amendment and to provide comments to
400 the local government.

401 8. Upon the adoption of a plan amendment creating a rural
402 land stewardship area, the local government shall, by ordinance,
403 assign to the area a certain number of credits, to be known as
404 "transferable rural land use credits," which shall not
405 constitute a right to develop land, nor increase density of
406 land, except as provided by this section. The total amount of
407 transferable rural land use credits assigned to the rural land
408 stewardship area must correspond to the 25-year or greater
409 projected population of the rural land stewardship area.
410 Transferable rural land use credits are subject to the following
411 limitations:

412 a. Transferable rural land use credits may only exist
413 within a rural land stewardship area.

414 b. Transferable rural land use credits may only be used on
415 lands designated as receiving areas and then solely for the
416 purpose of implementing innovative planning and development
417 strategies and creative land use planning techniques adopted by
418 the local government pursuant to this section.

419 c. Transferable rural land use credits assigned to a
420 parcel of land within a rural land stewardship area shall cease
421 to exist if the parcel of land is removed from the rural land
422 stewardship area by plan amendment.

423 d. Neither the creation of the rural land stewardship area
424 by plan amendment nor the assignment of transferable rural land
425 use credits by the local government shall operate to displace
426 the underlying density of land uses assigned to a parcel of land
427 within the rural land stewardship area; however, if transferable
428 rural land use credits are transferred from a parcel for use
429 within a designated receiving area, the underlying density
430 assigned to the parcel of land shall cease to exist.

431 e. The underlying density on each parcel of land located
432 within a rural land stewardship area shall not be increased or
433 decreased by the local government, except as a result of the
434 conveyance or use of transferable rural land use credits, as
435 long as the parcel remains within the rural land stewardship
436 area.

437 f. Transferable rural land use credits shall cease to
438 exist on a parcel of land where the underlying density assigned
439 to the parcel of land is utilized.

440 g. An increase in the density of use on a parcel of land
 441 located within a designated receiving area may occur only
 442 through the assignment or use of transferable rural land use
 443 credits and shall not require a plan amendment.

444 h. A change in the density of land use on parcels located
 445 within receiving areas shall be specified in a development order
 446 which reflects the total number of transferable rural land use
 447 credits assigned to the parcel of land and the infrastructure
 448 and support services necessary to provide for a functional mix
 449 of land uses corresponding to the plan of development.

450 i. Land within a rural land stewardship area may be
 451 removed from the rural land stewardship area through a plan
 452 amendment.

453 j. Transferable rural land use credits may be assigned at
 454 different ratios of credits per acre according to the natural
 455 resource or other beneficial use characteristics of the land and
 456 according to the land use remaining following the transfer of
 457 credits, with the highest number of credits per acre assigned to
 458 the most ~~preserve~~ environmentally valuable land and a lesser
 459 number of credits to be assigned to open space and agricultural
 460 land.

461 k. The use or conveyance of transferable rural land use
 462 credits must be recorded in the public records of the county in
 463 which the property is located as a covenant or restrictive
 464 easement running with the land in favor of the county and either
 465 the Department of Environmental Protection, Department of
 466 Agriculture and Consumer Services, a water management district,
 467 or a recognized statewide land trust.

HB 1593

2004
CS

468 9. Owners of land within rural land stewardship areas
 469 should be provided incentives to enter into rural land
 470 stewardship agreements, pursuant to existing law and rules
 471 adopted thereto, with state agencies, water management
 472 districts, and local governments to achieve mutually agreed upon
 473 conservation objectives. Such incentives may include, but not be
 474 limited to, the following:

475 a. Opportunity to accumulate transferable mitigation
 476 credits.

477 b. Extended permit agreements.

478 c. Opportunities for recreational leases and ecotourism.

479 d. Payment for specified land management services on
 480 publicly owned land, or property under covenant or restricted
 481 easement in favor of a public entity.

482 e. Option agreements for sale to public entities or
 483 private land conservation entities ~~government~~, in either fee or
 484 easement, upon achievement of conservation objectives.

485 10. The department shall report to the Legislature on an
 486 annual basis on the results of implementation of rural land
 487 stewardship areas authorized by the department, including
 488 successes and failures in achieving the intent of the
 489 Legislature as expressed in this paragraph. ~~It is further the~~
 490 ~~intent of the Legislature that the success of authorized rural~~
 491 ~~land stewardship areas be substantiated before implementation~~
 492 ~~occurs on a statewide basis.~~

493 (g)(e) The implementation of this subsection shall be
 494 subject to the provisions of this chapter, chapters 186 and 187,
 495 and applicable agency rules.

HB 1593

2004
CS

496 (h)~~(f)~~ The department may adopt rules necessary to
497 implement the provisions of this subsection.

498 Section 4. Paragraph (m) is added to subsection (1) of
499 section 163.3187, Florida Statutes, to read:

500 163.3187 Amendment of adopted comprehensive plan.--

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

504 (m) Any local government comprehensive plan amendment
505 establishing or implementing a rural land stewardship area
506 pursuant to s. 163.3177(11)(f).

507 Section 5. Paragraph (b) of subsection (9) of section
508 163.3246, Florida Statutes, is amended to read:

509 163.3246 Local government comprehensive planning
510 certification program.--

511 (9)

512 (b) Plan amendments that change the boundaries of the
513 certification area; propose a rural land stewardship area
514 pursuant to s. 163.3177(11)(f)~~(d)~~; propose an optional sector
515 plan pursuant to s. 163.3245; propose a school facilities
516 element; update a comprehensive plan based on an evaluation and
517 appraisal report; impact lands outside the certification
518 boundary; implement new statutory requirements that require
519 specific comprehensive plan amendments; or increase hurricane
520 evacuation times or the need for shelter capacity on lands
521 within the coastal high hazard area shall be reviewed pursuant
522 to ss. 163.3184 and 163.3187.

HB 1593

2004
CS

523 Section 6. Subsection (3) of section 288.107, Florida
524 Statutes, is amended to read:

525 288.107 Brownfield redevelopment bonus refunds.--

526 (3) CRITERIA.--The minimum criteria for participation in
527 the brownfield redevelopment bonus refund are:

528 (a) The creation of at least 5 ~~10~~ new full-time permanent
529 jobs. Such jobs shall not include construction or site
530 rehabilitation jobs associated with the implementation of a
531 brownfield site agreement as described in s. 376.80(5).

532 (b) The completion of a fixed capital investment of at
533 least \$2 million in mixed-use business activities, including
534 multiunit housing, commercial, retail, and industrial in
535 brownfield areas, by an eligible business applying for a refund
536 under paragraph (2)(b) which provides benefits to its employees.

537 (c) That the designation as a brownfield will diversify
538 and strengthen the economy of the area surrounding the site.

539 (d) That the designation as a brownfield will promote
540 capital investment in the area beyond that contemplated for the
541 rehabilitation of the site.

542 Section 7. Subsection (1) of section 376.86, Florida
543 Statutes, is amended to read:

544 376.86 Brownfield Areas Loan Guarantee Program.--

545 (1) The Brownfield Areas Loan Guarantee Council is created
546 to review and approve or deny by a majority vote of its
547 membership, the situations and circumstances for participation
548 in partnerships by agreements with local governments, financial
549 institutions, and others associated with the redevelopment of
550 brownfield areas pursuant to the Brownfields Redevelopment Act

HB 1593

2004
CS

551 for a limited state guaranty of up to 5 years of loan guarantees
 552 or loan loss reserves issued pursuant to law. The limited state
 553 loan guaranty applies only to 50 ~~40~~ percent of the primary
 554 lenders loans for redevelopment projects in brownfield areas. A
 555 limited state guaranty of private loans or a loan loss reserve
 556 is authorized for lenders licensed to operate in the state upon
 557 a determination by the council that such an arrangement would be
 558 in the public interest and the likelihood of the success of the
 559 loan is great.

560 Section 8. Accessory dwelling units.--

561 (1) The Legislature finds that the median price of homes
 562 in this state has increased steadily over the last decade and at
 563 a greater rate of increase than the median income in many urban
 564 areas in other states. The Legislature finds that the cost of
 565 rental housing has also increased steadily and the cost often
 566 exceeds an amount that is affordable to very-low-income, low-
 567 income, or moderate-income persons and has resulted in a
 568 critical shortage of affordable rentals in many urban areas in
 569 the state. This shortage of affordable rentals constitutes a
 570 threat to the health, safety, and welfare of the residents of
 571 the state. Therefore, the Legislature finds that it serves an
 572 important public purpose to encourage the permitting of
 573 accessory dwelling units in single-family residential areas in
 574 order to increase the availability of affordable rentals for
 575 very-low-income, low-income, or moderate-income persons.

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

577 (a) "Accessory dwelling unit" means an ancillary or
 578 secondary living unit that has a separate kitchen, bathroom, and

579 sleeping area, existing either within the same structure, or on
 580 the same lot, as the primary dwelling unit.

581 (b) "Affordable rental" means that monthly rent and
 582 utilities do not exceed 30 percent of that amount which
 583 represents the percentage of the median adjusted gross annual
 584 income for very-low-income, low-income, or moderate-income
 585 persons.

586 (c) "Local government" means a county or municipality.

587 (d) "Low-income persons" has the same meaning as in s.
 588 420.0004(9), Florida Statutes.

589 (e) "Moderate-income persons" has the same meaning as in
 590 s. 420.0004(10), Florida Statutes.

591 (f) "Very-low-income persons" has the same meaning as in
 592 s. 420.0004(14), Florida Statutes.

593 (3) Upon a finding by a local government that there is a
 594 shortage of affordable rentals within its jurisdiction, the
 595 local government may adopt an ordinance to allow accessory
 596 dwelling units in any area zoned for single-family residential
 597 use.

598 (4) If the local government adopts an ordinance under this
 599 section, an application for a building permit to construct an
 600 accessory dwelling unit must include an affidavit from the
 601 applicant which attests that the unit will be rented at an
 602 affordable rate to a very-low-income, low-income, or moderate-
 603 income person or persons.

604 (5) Each accessory dwelling unit allowed by an ordinance
 605 adopted under this section shall apply towards satisfying the
 606 affordable housing component of the housing element in the local

HB 1593

2004
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607 government's comprehensive plan under s. 163.3177(6)(f), Florida
608 Statutes.

609 (6) The Department of Community Affairs shall evaluate the
610 effectiveness of using accessory dwelling units to address a
611 local government's shortage of affordable housing and report to
612 the Legislature by January 1, 2007. The report must specify the
613 number of ordinances adopted by a local government under this
614 section and the number of accessory dwelling units that were
615 created under these ordinances.

616 Section 9. This act shall take effect July 1, 2004.